

Salisbury, North Carolina
November 1, 2011

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller and Paul B. Woodson, Jr.; Interim City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

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 Kluttz at 4:00 p.m. The invocation was given by Councilman Woodson.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz welcomed all visitors present.

RECOGNITION OF PUBLIC SERVICES SOLID WASTE EMPLOYEES

Solid Waste Division Manager Brian Moore and Risk Management Director Richard Kelly addressed Council regarding the safe driving record of the Public Services Solid Waste Division.

Mr. Kelly stated staff obtained accident data from the North Carolina League of Municipalities for seven cities with comparable populations to Salisbury's, and he noted Salisbury did extremely well when compared to the seven cities. He commended Mr. Moore for the exceptional job he does managing and motivating his staff.

Mr. Kelly stated in 2010 City employees drove 1,593,000 miles and had 533 pieces of equipment on the road. He noted some of the City's largest equipment is operated by the Solid Waste Division. He noted over the last three years Solid Waste Employees have been involved in one vehicular accident with a cost to the City of \$2,841. He noted the comparable cities averaged five vehicular accidents per year, at an average cost of \$46,294. He commended the Solid Waste Employees who have driven 316,500 miles over the last three years with only one vehicular accident.

Mr. Kelly noted Solid Waste employees have incurred four personal injury accidents in the last three years. He indicated the state-wide, three year average for personal injuries is 10 accidents. He stated the average cost to the City was \$1,956 per accident. He pointed out the average cost of personal injury for the comparable cities was \$5,216 per injury. Mr. Kelly indicated the Solid Waste Employees do an exceptional job in terms of safety. He stated the upkeep of the equipment and the payment of injuries has been significantly reduced as a result of Mr. Moore and the Solid Waste Employees efforts.

Mr. Kelly stated the National Safety Council rated municipal jobs in terms of hazards associated with the job and the top three were:

- Fire Department
- Police Department
- Solid Waste or Sanitation

Mr. Kelly explained the Solid Waste Division encounters hazards each day that can result in personal injury, and maneuvering the oversized vehicles on the streets of Salisbury can create added risk for vehicular accidents.

Mr. Moore described tailgate safety training which consists of short, informal discussions and safety meetings conducted at the crew level on a periodic and as-needed basis. He indicated the training serves to remind employees of their responsibility for individual safety.

Mr. Moore noted each year the Department recognizes employees who have dedicated themselves to safe driving and the reduction of personal injuries with a certificate and a plaque that is updated yearly. Mr. Moore introduced the Solid Waste Employees and noted their safety accomplishments:

- Mr. George Ellis-Equipment Operator: Began employment at the Solid Waste Division on July 25, 2011 and has safely driven 2,912 miles
- Mr. Brandon Wilhelm-Equipment Operator: Began employment at the Solid Waste Division on July 11, 2011 and has safely driven 3,088 miles
- Mr. Ricardo Arcia-Equipment Operator: Began employment at the Solid Waste Division on September 6, 2010 and has safely driven 11,033 miles
- Mr. James Watkins-Equipment Operator: Began employment at the Solid Waste Division on August 5, 2010 and has safely driven 12,352 miles
- Mr. Tony Dito-Equipment Operator: Began employment at the Solid Waste Division on October 28, 1998 and has safely driven 147,472 miles

Mayor Kluttz stated the Solid Waste Division is an exceptional department, and she thanked Mr. Moore for his leadership. She explained Council is constantly receiving compliments on the employees and the exceptional job they do each day. She thanked the Solid Waste Division for its wonderful customer service to the citizens of Salisbury.

Mayor Pro Tem Blackwell explained that when she worked as a free lance writer for the Salisbury Post, she noticed the Solid Waste Employees were the best ambassadors for the City because they touch every household on a regular basis.

PROCLAMATIONS

Mayor to proclaim the following observance:

NATIONAL GIS DAY

November 16, 2011

CONSENT AGENDA

(a) **Approval of Minutes**

Approve Minutes of the Regular Meeting of October 18, 2011, and the Special Meetings of October 18, 2011, October 20, 2011 and October 25, 2011.

Thereupon, Mr. Woodson made a **motion** to adopt the Consent Agenda as presented. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

OPPOSITION TO CONSOLIDATION OF JUDICIAL AND PROSECUTORIAL DISTRICTS

Mayor Kluttz moved item 12, Council to consider adopting a Resolution of Opposition to Consolidation of Judicial and Prosecutorial Districts, up on the Agenda. She recognized District Court Chief Judge Charlie Brown to discuss the Resolution with Council.

Judge Brown explained the issue was conceived in the last session of the Legislature. He noted a bill was established to create a committee that will ultimately recommend a plan for consolidation of judicial and prosecutorial districts in an effort to improve efficiencies and the quality of justice.

Judge Brown explained any consolidation recommendation made by the committee should have identical judicial and prosecutorial districts at the trial level of Superior and District Court. He noted the current districts for Rowan County are identical, but in other parts of the State multiple counties make up a single judicial district. He added some judicial districts may have multiple prosecutorial districts within one judicial district.

Judge Brown noted Rowan County has the oldest and largest Criminal Superior Court backlog in the State. He added nationally crime indexes are declining, while Rowan County had a nine percent increase. He explained according to State workload formulas Rowan County needs more judges, prosecutors, magistrates and victim/witness legal assistants. He stated consolidation would hinder the effort to reduce the backlog in Rowan County Superior Court. He urged Council to join the Rowan County Board of Commissioners and adopt a Resolution of Opposition to Consolidation. He noted the Resolution will aid the Legislative Delegation in their communication to the General Assembly.

Judge Brown stated the Court System was unified in 1970. He noted there were 30 original districts and Rowan County was part of District 19. He explained District 19 consisted of Rowan, Cabarrus, Randolph and Montgomery Counties. Councilman Woodson asked if there was one District Attorney for four counties. Judge Brown replied in 1970 there was one District Attorney for four counties before the four county district split.

Judge Brown stated all residents of Rowan County, including the City of Salisbury, need to send a unified message to the North Carolina General Assembly. He added the committee's guiding principles are to increase efficiency, improve quality of justice, and make districts identical, but he did not feel consolidation would be in the best interest of Rowan County.

Interim City Manager Doug Paris stated for the last four years the City of Salisbury has united with the North Carolina League of Municipalities and the North Carolina Metropolitan Mayors Coalition in an effort to adequately fund and staff the justice system of North Carolina, especially Rowan County. He stated in his opinion consolidation would be a huge step backwards to the efforts of the last four years.

Judge Brown read a list of individuals, along with himself, who endorse the effort:

- Mr. David Allen, Chief of Police, Cleveland Police Department
- Mr. Kevin Auten, Sheriff, Rowan County
- Mr. Jeffery Barger, Clerk of Court, Rowan County
- Mr. Hugh Boss, Chief of Police, Rockwell Police Department
- Mr. Woody Chavis, Chief of Police, Kannapolis Police Department
- Mr. Rory Collins, Chief of Police, Salisbury Police Department
- Ms. Kathryn Combs, Judicial District Manager of Probation and Parole
- Ms. Brandy Cook, District Attorney
- Mr. Mark Cook, Chief of Police, Granite Quarry Faith Police Department
- Mr. Michael James, Chief of Police, Spencer Police Department
- Mr. Darren Jordan, Rowan County North Carolina State Bar Counselor
- Mr. Eddie Kluttz, Chief of Police, China Grove Police Department
- Mr. Michael Phillips, President Rowan County Bar Association
- Ms. Anna Mills Wagoner, Senior Resident Superior Court Judge
- Mr. Darren Westmoreland, Chief of Police, East Spencer Police Department
- Mr. Bob Wood, Acting Chief of Police, Landis Police Department
- Mr. Todd Wyrick, Chief Magistrate

Mayor Kluttz commented she thinks the City needs to join the effort.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Opposition to Consolidation of Judicial and Prosecutorial Districts. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

RESOLUTION OF OPPOSITION TO CONSOLIDATION OF JUDICIAL AND PROSECUTORIAL DISTRICTS.

(The above Resolution is recorded in full in Resolution Book No. 23 at Page No. 27, and is known as Ordinance 2011-27.)

Mayor Kluttz thanked Judge Brown for taking the time to discuss the Resolution with Council.

SPEED LIMIT ON EAST FISHER STREET, EAST BANK STREET, EAST HORAH STREET, SOUTH SHAVER STREET, AND SOUTH CLAY STREET

Traffic Engineer Wendy Brindle addressed Council regarding a request to establish a 25 miles per hour (mph) speed limit on portions of East Fisher Street, East Bank Street, East Horah Street, South Shaver Street, and South Clay Street. She noted East Monroe Street was initially included in the petition but was removed because it is maintained by the North Carolina Department of Transportation (NCDOT).

Ms. Brindle stated in 2008 staff reviewed the procedures for establishing speed limits within the City limits and reported to Council. She noted one of staff's recommendations was to evaluate petitions for speed limit reductions on interconnected local streets on a case-by-case basis. She explained the Engineering Division received a petition from the South Square Neighborhood with multiple requests including reducing the speed limit to 25 mph, four-way stops, crosswalks, and other requests. She noted staff has met with the petitioner concerning these issues.

Ms. Brindle explained speed limits should be uniform over a specified length of street. She noted the petitions were not considered on a block by block basis, but were examined as a neighborhood. She indicated this may result in a block with less than 50 percent support while the neighborhood as a whole had approximately 60 percent support. She stated the speed limit change is consistent with established policies, and she noted the streets are primarily residential and extend through a historic district. She stated staff recommends Council adopt the Ordinance amending Section 13-336 of the City Code relating to speed limits.

Councilman Kennedy stated the neighborhood has been very passionate about making the area safe for the neighbors and citizens who walk through the neighborhood. He asked the neighbors in the audience who were in support of the speed limit change to stand and be recognized. Approximately nine residents were in attendance. Mayor Kluttz thanked the

neighbors for attending the Council meeting.

Mayor Pro Tem Blackwell asked Ms. Brindle if staff had an estimated time-frame to process the remaining requests. Ms. Brindle stated Community Planning Services Director Joe Morris has met with a resident concerning items handled by the Planning Department. She indicated the traffic issues will take several weeks to address in order to collect and compile data. She noted the remaining issues are similar to issues for a small area plan.

Mr. Kennedy stated the items on the petition should be addressed in segments with the speed limits first and the other items later. Ms. Brindle stated the next item the Traffic Division will address is the request for four-way-stops.

Mayor Pro Tem Blackwell asked if staff had an estimated time-frame for the planning component. Mr. Morris stated there was not an estimate at this time.

Interim City Manager Doug Paris stated he was very impressed with the neighborhood representatives and their preparation, insight, and the strategic way the residents put the information together for Council. He noted the residents have a very broad vision for their neighborhood. He explained some of the requests can be started immediately, but others will have to wait for staff to compile the data. He noted staff will work on the planning related items as it moves forward. He noted the speed limit change is a great start.

Mayor Kluttz stated the City has received concerns from the neighborhood regarding cut-through traffic using this neighborhood to avoid Innes Street.

Mayor Pro Tem Blackwell stated she observed the cut-through traffic first hand during the BlockWork program.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of the City of Salisbury, Relating to Speed Limits-Generally. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS-GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 78, and is known as Ordinance 2011-35.)

Mr. Kennedy thanked the neighbors for attending the meeting and noted Council will continue to work on the remaining items. Mayor Kluttz added Council will receive an update on the BlockWork program at its next meeting.

DECORATIVE STREET LIGHTING ON CRENSHAW COURT

Street Lighting Technician Vickie Eddleman addressed Council regarding a request to install decorative street lighting on Crenshaw Court. She explained Mr. and Ms. Graham have requested a portion of Crenshaw Court be removed from the public street lighting system, to be replaced with a private street lighting system that they will maintain. She noted the portion of Crenshaw Court affected is surrounded entirely by the parcel owned by the Grahams.

Ms. Eddleman explained the fixture currently being used by the City is a Cobra cut-off 250 Watt high pressure sodium vehicular scale fixture, and the Grahams are proposing a semi cut-off 250 Watt high pressure sodium pedestrian-scale fixture. She noted the Grahams hired a lighting engineer who has provided project drawings of the fixtures, verification of the illumination values, and a sealed plan noting where the lights will be placed. She displayed a map showing the locations of the lights, and explained more lights are proposed in order to meet lighting standards. She pointed out it takes more pedestrian-scale fixtures to meet the lighting standards since their height decreases the size of the lighting pattern.

Ms. Eddleman noted the City has one existing private lighting system installed in a public right-of way at Rowan Regional Medical Center.

Ms. Eddleman stated staff has investigated the request and certifies the following conditions are met in accordance with City Code Section 22-18:

- The encroachments do not hinder, obstruct, or delay or in any way endanger the free and safe use of the public right of way
- The encroachment shall be constructed entirely of noncombustible materials
- The encroachment shall not obstruct the view of motorists using any street, private driveway or approach to any street intersection
- The encroachment shall not be placed closer than two feet from the curb
- The encroachment shall not obstruct the public sidewalk

Ms. Eddleman noted if the request is granted the Grahams will comply with Section 22-19 of the City Code:

- Permission for encroachment shall be subject to revocation by Council at will
- The property owner will be responsible for the installation, energizing, continued powering of, maintenance and any fees associated with the private street lighting system
- The private street lighting system shall be maintained by the property owner to function in substantial conformance with City standards. If maintenance is not provided within 30 days written notice, the City may hire an electrician to make repairs and bill the property owner
- If the property owner ever elects to eliminate the private lighting system, they shall give the City six months written notice and be responsible for any additional fees associated with the reinstallation of a public street lighting system
- The petitioner shall assume, in writing, responsibility for any injury or death of

- persons or damage sustained as a result of the presence of such encroachments
- The petitioner shall maintain public liability, property damage, and vehicle liability insurance in an amount not less than \$250,000 for injuries, including accidental death, to any one person and subject to the same limit for each person in an amount not less than \$500,000 on account of the accident, and property damage insurance in an amount of not less than \$1,000,000. The City shall be listed as a party to be notified by the insurance carrier if the policy is ever canceled

Ms. Eddleman stated staff recommends the City approve the request, pending fulfillment of City Code Section 22-19.

Thereupon, Mr. Woodson made a **motion** to authorize the City Engineer to issue a permit in accordance with Section 22-19 of the City Code subject to conditions for private decorative street lighting on Crenshaw Court. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Klutz voted AYE. (5-0)

STREET LIGHTING

Street Lighting Technician Vickie Eddleman updated Council on street lighting throughout the City. She stated there has been a decline in street light malfunctions reported by citizens since 2008. She reviewed the street light repairs:

- 2008: Citizens reported 25 lights per month
- 2009: Citizens reported 21 lights per month
- 2010: Citizens reported 19 lights per month

Ms. Eddleman noted some neighborhoods are more active in reporting street light malfunctions than others. She explained the City has an online reporting system and information on Access 16 to inform citizens how to make reports when they see malfunctioning street lights.

Ms. Eddleman indicated staff previously performed nighttime patrols twice each year for thoroughfares, and she explained the results of the nighttime patrols:

- 2008 Patrols: 146 malfunctioning lights
- 2009 Patrols: 183 malfunctioning lights
- 2010 Patrols: 177 malfunctioning lights
- 2011 Patrols: 102 malfunctioning lights

Ms. Eddleman stated at Council's request the patrols were conducted twice each year and included residential areas. She noted during the first patrol Duke Energy assisted City Staff to target hot spots determined by the Salisbury Police Department. She noted staff and the Salisbury Fire Department completed the remaining patrols. She indicated the 2010 patrols resulted in 177 malfunctioning lights and the data indicated two patrols per year did not provide the expected results for the efforts expended. She explained Council approved reducing the frequency of the expanded patrols to once per year. She stated the Fire Department completed the patrols for 2011 and found 102 malfunctions.

Mayor Pro Tem Blackwell asked how many street lights are in the City. Ms. Eddleman noted the City has approximately 4,200 street lights maintained by Duke Energy. She explained in addition to the street lights maintained by Duke Energy, there are also City-owned street lights, but she was unsure of the number.

Councilman Miller asked Ms. Eddleman to review the process to request street light installations and changes. Ms. Eddleman stated citizens who feel the street lighting on their street is inadequate can call the City's Street Light Division at (704) 638-5213 or email vtrou@salisburync.gov. She explained the area needs to be a one block range or longer, and the City will investigate to determine if the area qualifies for improved street lighting. She indicated if the area qualifies, the City will create a petition for the caller, and have the caller obtain the needed signatures in agreement with the improvements. She stated the request is then put into a queue for design, and then the necessary additions or changes are made pending funding.

Councilman Miller stated the funding has not been available in the last few budget cycles. He noted street light improvements are currently in the queue waiting for funding. Ms. Eddleman stated in the current Fiscal Year there was no funding for additional street lights.

Councilman Woodson stated following the process citizens could have to wait a year or two for funding of additional street lights. Ms. Eddleman stated that is correct.

Mayor Kluttz stated the funding for additional street lights will not be available until it is included in the City's budget. She noted the funding was cut from the current year's budget.

Councilman Miller stated items cut from the budget often frustrate citizens but Council has to balance tax rates and provide the services needed throughout the City. He stated the City is not ignoring the situation and has a process in place pending funding. He noted citizens should contact Ms. Eddleman to get the procedure started, and he thanked Ms. Eddleman for her assistance.

Mayor Kluttz thanked Ms. Eddleman for both reports to Council.

KLUMAC ROAD GRADE SEPARATION AND SIDEWALK CONSTRUCTION

City Engineer Dan Mikkelsen addressed Council regarding the Klumac Road Grade Separation Project, and indicated he wanted to make Council aware that a \$9 million highway construction project will be taking place within the City limits.

Mr. Mikkelsen explained the City identified the need for the project in one of the State's first comprehensive railroad corridor safety studies in 1994. He stated as a result of the study, the City closed nine at-grade railroad crossings. He explained the Horah Street railroad crossing will be the tenth closing and will take place later this month. He pointed out the study revealed at-grade crossings that could be closed to improve safety, if the City made improvements to the street system. He explained as a result of the study the North Carolina Department of

Transportation (NCDOT), the Railroad, and the City of Salisbury invested approximately \$1.5 million in street improvements which resulted in an increase of traffic crossing Klumac Road. He indicated the study recommended the City install a grade separation for the Klumac Road crossing. He explained the project will receive approximately \$9 million in Federal American Recovery and Reinvestment Act (ARRA) funds and is scheduled for construction in 2014.

Mr. Mikkelson noted the City and NCDOT had an excellent project ready for implementation when the ARRA funds became available. He indicated in 2003, NCDOT reviewed different alignments, and he noted there was concern about how the project would affect Johnson Concrete Company. He explained NCDOT agreed to a fourth alignment that would minimize the effect on Johnson Concrete, and this alignment was endorsed by Council.

Mr. Mikkelson explained NCDOT will work on the design, and acquire property for the project in the coming year. He noted the project will be under construction for the entire year of 2014. He stated the project will qualify for sidewalks on both sides of the road if the City agrees to fund 30 percent of the cost. He noted if Council agrees to participate, an agreement from NCDOT will be presented in the near future.

Mr. Mikkelson explained the City will also receive an agreement regarding maintenance of the roadways when the new alignment of Klumac Road is complete. He noted the old alignment of Klumac Road will remain as a public street, but will not cross the railroad. He stated the asphalt will be removed at the approach to the railroad crossing, and the City will be asked to take over maintenance of the old section of the roadway. He explained this is appropriate because the road will no longer carry through or State traffic.

Mr. Mikkelson explained as a separate but related project, NCDOT received funding and plans to replace the bridge on Klumac Road over Town Creek in 2014. He noted upon completion of the project, the City will be asked to accept both the new and old alignments into the City's street system in accordance with the Street System Responsibilities Agreement signed in 1997. He noted the new alignment will have accommodations for bicycles and will have the opportunity for sidewalks if the City chooses to participate.

Councilman Kennedy thanked Mr. Mikkelson for the update.

Mayor Pro Tem Blackwell asked if the realignment will go under the railroad. Mr. Mikkelson stated that was correct. He displayed an aerial map and described the new alignment.

Mayor Kluttz thanked Mr. Mikkelson for the update.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

No appointments were made to Boards and Commissions.

INTERIM CITY MANAGER'S COMMENTS

(a) First Quarter Goals Review

Interim City Manager Doug Paris presented Council the first quarter Outcomes and Goals update. He explained in February 2011 Council updated its Goals at its annual Future Directions and Goal Setting Retreat. He noted the changes to the Goals include: Better Housing and Neighborhood Stabilization, Historic Preservation Master Plan, and Lee Street and Downtown sidewalk plans and improvements. He noted the significant progress made on the long-term goal of local permitting. He pointed out the goals highlighted in yellow are on track with moderate progress achieved, and cited the Commercial Property Maintenance Code is currently being reviewed by Downtown Salisbury Inc. (DSI). He noted the City is waiting for direction to move forward on this goal. He stated staff looks forward to the retreat in February when the goals will be reviewed.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury Greenway Phase 2

Mayor Kluttz announced the Salisbury Greenway Phase 2, between the Crescent on Hogan's Valley Way and Forestdale Drive in Meadowbrook, is now open for pedestrians and bicycles.

(b) La Fiesta de Rowan

Mayor Kluttz announced La Fiesta de Rowan 2011 will be held Saturday, November 5, 2011 from 11:00 a.m. until 4:00 p.m. at Knox Middle School, 1625 West Park Road. She stated she will be welcoming citizens at 1:00 p.m. and invited Council to join her.

(c) Salisbury Fire Department Open House

Mayor Kluttz announced the Salisbury Fire Department will host an Open House Sunday, November 13, 2011 from 2:00 p.m. until 4:00 p.m. at Fire Station 3, 1604 West Innes Street. The Open House will include equipment displays, fire safety lessons and a "housing" of one of the City's newest fire trucks. The public is invited to attend.

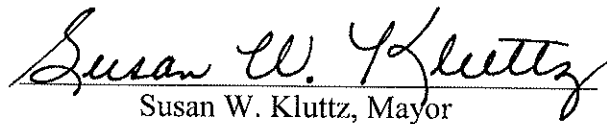
(d) Test of National Emergency System

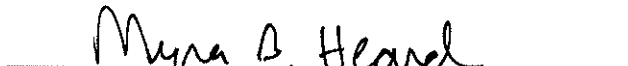
Mayor Kluttz announced the Federal Emergency Management Agency, Integrated Public Alert and Warning System, will be conducting the first ever nation-wide test of the emergency alert system on Wednesday, November 9, 2011 at 2:00 p.m. This national level emergency alert system is a public alert and warning system that enables the President of the United States to address the American public during extreme emergencies. Similar to local emergency alert system tests that are conducted frequently, the nation-wide emergency alert system test will involve broadcast radio and television stations, cable television, satellite radio, and television

services and wire line providers across all states and territories. Please share this information regarding the upcoming test date with others to assist in preventing any public concern or misunderstanding. This event also serves as a reminder that everyone should establish an emergency preparedness kit and emergency plan for themselves, their families, communities, and businesses.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:00 p.m.


Susan W. Kluttz, Mayor


Myra B. Heard, City Clerk