

Salisbury, North Carolina
February 19, 2008

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Paul B. Woodson; Councilmen William (Bill) Burgin, William (Pete) Kennedy, and Mark N. Lewis; City Manager David W. Treme; City Attorney F. Rivers Lawther, Jr.; and City Clerk Myra Heard.

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Woodson.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

FUTURE HISPANIC LEADERS “LIDERES DEL FUTURO”

Ms. Elia Gegorek addressed Council regarding a Future Hispanic Leaders “Lideres del Futuro” group formed by students from all area high schools. She explained that the club was formed last April to involve young Hispanics and promote graduation rates. Mr. Luis Andrabe, who is a student at Salisbury High School and President of the

club, explained his concerns regarding increased drop-out rates and efforts to keep more students in school.

Mayor Kluttz indicated that she was invited to address the Future Hispanic Leaders club and she was very impressed by the students who will be the leaders of tomorrow. She stated that she is proud of their efforts to encourage students to stay in school and recognized all members who were in attendance.

RECOGNITION OF FINANCE DEPARTMENT AWARDS

Ms. Terra Greene, representative of the National Finance Officers Association (NFOA), presented two (2) awards to City staff. She noted that Salisbury has been awarded the Distinguished Budget Presentation award for the fourteenth (14) consecutive year. She presented the award to Budget and Performance Management Manager Teresa Harris and staff. Ms. Greene stated that Salisbury has also received the Certificate of Achievement for Excellence in financial reporting, which is the highest recognition in governmental accounting and financial reporting. She noted that only four (4) percent of governments nationwide receive the award and this is the eighteenth (18) consecutive year that the City has received it. She then presented the award to Finance Manager Wade Furches and staff.

Mayor Kluttz congratulated staff for their outstanding achievements.

CONSENT AGENDA

(a) Approval of Minutes

Approve the Minutes of the Regular meeting of February 5, 2008 and the Special meeting of January 31, 2008.

(b) Budget Ordinance Amendment – PEG Grant

Adopt a budget Ordinance amendment to the FY2007-2008 budget in the amount of \$23,700 to appropriate a grant from the Rural Economic Development Center for capital improvements to enhance Public, Educational, Government (PEG) channel programming.

AN ORDINANCE AMENDING THE 2007-2008 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PEG CHANNEL GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 14, and is known as Ordinance No. 2008-06.)

(c) Group Development Site Plan G-21-07 Gerry Wood Kia

Approve group development site plan G-21-07 Gerry Wood Kia, 529 Jake Alexander Boulevard, South.

Councilman Burgin indicated he needed to be excused from item 7(c) due to a conflict of interest.

Thereupon, Mr. Woodson made a **motion** to excuse Councilman Burgin from 7(c). Mr. Kennedy seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda, (c). Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (4-0)

ANNEXATION REPORTS – MOORESVILLE HIGHWAY AREA

Mr. Joe Morris, Planning and Community Development Manager, indicated that the Annexation Reports being presented to Council today will be made available to the public once adopted. He added that a copy will also be presented to the Clerk to the Board of County Commissioners.

Mr. Morris stated that Council re-adopted a Resolution of Consideration at its January 15, 2008 meeting and then adopted a Resolution of Intent identifying the Mooresville Highway Area at its February 5, 2008 meeting. He reviewed the proposed Annexation Schedule:

Resolution of Consideration Re-Adoption	January 15, 2008
Council considers Resolution of Intent	February 5, 2008
Council considers Annexation Report	February 19, 2008
City holds a Public Information Meeting Salisbury Civic Center 7:00 p.m. 315 Martin Luther King, Jr. Avenue South	March 27, 2008
Council holds a Public Hearing	April 8, 2008
Council considers Adoption of Annexation Ordinance	April 21, 2008
Effective date of proposed Annexation	June 30, 2008

Mr. Bill Duston and Mr. Greg Francis, Centralina Council of Governments, distributed to Council an Annexation Report for the area under consideration for annexation known as the Mooresville Highway Area. Mr. Duston reviewed the estimated

revenues and costs to provide services. The effective date of annexation is proposed to be June 30, 2008 with all water and sewer construction to be completed by June 30, 2010.

Mr. Francis noted an addendum to the report. He indicated the report states the annexation area includes twenty-one (21) mobile homes and three (3) duplexes. He clarified that there are a total of six (6) units in three (3) duplexes. He explained that the total number of units is shown as seven hundred sixty-five (765) but the correct number is seven hundred fifty-nine (759).

Councilman Lewis clarified that if the Annexation Report is adopted it becomes the official document of study. Mr. Duston responded that this is correct. He added that once the Annexation Report is adopted it sets the annexation area and in the future Council may decide to amend the Report and reduce the size of the area, but the area cannot be expanded. Mr. Lewis stated that adopting the Annexation Report allows Council and the public to review the information presented on this particular area but does not formally annex the area. Mr. Duston responded that the very earliest an Annexation Ordinance could be adopted is April 2008.

Thereupon, Mr. Lewis made a **motion** to adopt the Annexation Report for the Mooresville Road area as amended and presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(THE MOORESVILLE HIGHWAY AREA ANNEXATION REPORT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

GROUP DEVELOPMENT SITE PLAN G-05-79 WESTLAND SHOPPING CENTER

(a) Ms. Wendy Spry, Permit Coordinator, indicated that group development site plan G-05-79 is for Biscuitville to be located at 515 Jake Alexander Boulevard, West. She reviewed photographs of the site and surrounding properties. She noted that the site plan was reviewed under the City's old Code and was zoned B-7 Limited Business, which automatically generated the group development review. Ms. Spry commented that in the new Code the zoning is HB Highway Business. She stated that the proposed construction is for a three thousand four hundred seventy-nine (3,479) square foot restaurant with a drive-through.

Ms. Spry indicated that the site is part of a larger parcel and not an outparcel, and the parking for the site was increased to three hundred forty-seven (347) spaces. She added that a Type A landscape plan with an eight (8) foot yard is required.

Ms. Spry informed Council that the Technical Review Committee (TRC) made three (3) recommendations for the site plan. The first recommendation is that the plan be consistent with Vision 2020 by adding a driveway connection to Salisbury Village to allow for interconnectivity. The second recommendation was that a five (5) foot

sidewalk be extended along Jake Alexander Boulevard to the driveway entrance. She noted that the developer has provided for the sidewalk along with a walkway to the building. The third recommendation was that an eight (8) foot street yard with a minimum eight (8) foot planting strip be added on private property to the driveway on Jake Alexander Boulevard. She noted that the developer has provided for the street yard and the Planning Board felt this was sufficient.

Ms. Spry noted that the existing driveway on Jake Alexander Boulevard is right-in, right-out only and must be re-permitted by the North Carolina Department of Transportation (NCDOT). She stated that NCDOT is requiring the developer to build a concrete island to connect the two (2) existing islands which will prevent left turns into the site. She noted that a property owner expressed concern about prohibiting left turns into the site during the Planning Board meeting.

Ms. Spry informed Council that the Planning Board recommends approval of the site plan with the condition that the existing driveway connection on Jake Alexander Boulevard acquire a permit from NCDOT.

(b) Mayor Kluttz opened the floor to receive public comment regarding group development site plan G-05-79.

Mr. Glenn Ketner, 121 East Kerr Street, stated he represents the property owner. Mr. Gene Muston, Engineer with Wade Borem and Associates, and Ms. Deborah Cook, Real Estate Director for Biscuitville, were also with Mr. Ketner. Mr. Ketner complimented staff for their assistance and indicated he feels his client has responded in a meaningful way to the requirements and recommendations. He stated that they would like to get this project moving adding that the driveway permit process is underway. He requested that Council approve the site plan subject to receipt of the driveway permit.

Mayor Pro Tem Woodson asked if left turns will be stopped and if Biscuitville is pleased with this change. Ms. Cook responded that they are not. Mr. Muston stated that the developer is currently working with NCDOT to rectify the situation regarding the turns.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve group development plan G-05-79 for the construction of a three thousand four hundred seventy-nine (3,479) square foot restaurant to be located at 515 Jake Alexander Boulevard, West subject to the following conditions: 1. A driveway permit from NCDOT with any significant revisions to be shown on the site plan and reviewed by the Planning Board and City Council. Mr. Burgin seconded the motion. Mr. Burgin asked to clarify that Council will be satisfied with NCDOT's decision regarding the driveway. Mr. Lewis stated that it is, unless the change significantly alters the site plan. Mr. Burgin stated that he feels this is a good plan

and the developer has made an effort to meet the goals of the City. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

MUNICIPAL AGREEMENT WITH NCDOT – LANDSCAPE IMPROVEMENTS I-85 AND INNES STREET

Ms. Lynn Raker, Urban Design Planner, indicated that Planning and Community Development Manager Joe Morris made a presentation to Council October 6, 2007 regarding landscaping for the I-85 interchange at East Innes Street. She noted that at that time preliminary plans had been received from the North Carolina Department of Transportation (NCDOT). The plans call for a Level IV “Color Canopy” which is NCDOT’s most enhanced level of landscaping. Ms. Raker noted that NCDOT indicated the City would need to sign a Municipal Agreement to assume long-term maintenance responsibility of the landscaping after the initial three (3) year period following installation. Ms. Raker stated that maintenance is estimated to cost \$20,000 - \$25,000 per year and a recommendation was made that the City contract with a private service for maintenance.

Ms. Raker indicated that a copy of a draft Municipal Agreement has been received and staff recommended a change to include a clause regarding the three (3) year maintenance contract with the installation contractor. She stated that she has received a revised copy from NCDOT that includes the suggested text.

Ms. Raker reviewed the installation schedule:

- Originally scheduled for Fall 2007 installation
- Rescheduled to Spring 2008 installation due to statewide drought conditions (per Pat Ivey, NCDOT District Engineer, email 10/15/07)

Ms. Raker stated that a letter was forwarded to NCDOT requesting that NCDOT consider opportunities to expedite the project. She noted that NCDOT responded that because of the Governor’s request to reduce water consumption by half, new planting projects will be deferred until further notice. She added that planting projects will be scheduled once the drought situation across the region improves.

Councilman Kennedy commented that once this is completed it will make an attractive entrance into the City.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the Mayor and City Clerk to execute a Municipal Agreement with the North Carolina Department of Transportation regarding landscape improvements at I-85 and Innes Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF SALISBURY,
NORTH CAROLINA.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 20, and is known as Resolution No. 2008-08.)

**ESTABLISH PERMANENT ALL-WAY STOPS AT CHURCH AND FISHER
STREETS AND CHURCH AND BANK STREETS**

Ms. Wendy Brindle, Traffic Engineer, indicated that in 2007 Council approved the installation of all-way stops along Church Street at Fisher Street and Bank Street. She stated that the all-way stops were installed in November 2007 and the traffic signals were covered and a ninety (90) day evaluation period began. Ms. Brindle indicated that the evaluation has shown that motorists are obeying the stop conditions and accident records indicate there have been no accidents during the evaluation period.

Ms. Brindle stated that when the stop signs were installed, larger than normal signs were installed and they have worked well. She noted that staff recommends changing the plaque underneath the stop sign to read “all-way” stop. She commented that staff has received telephone calls and emails in support of the stops and staff recommends that the all-way stops become permanent.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-326, Article X, Chapter 13 of the Code of the City of Salisbury, relating to traffic-control signal lights. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-326, ARTICLE X, CHAPTER 13 OF
THE CODE OF THE CITY OF SALISBURY, RELATING TO TRAFFIC-CONTROL
SIGNAL LIGHTS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 15, and is known as Ordinance No. 2008-07.)

Thereupon, Mr. Kennedy 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. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 16, and is known as Ordinance No. 2008-08.)

REPORT FROM STAFF – TRAFFIC SIGNAL AT COUNCIL AND DEPOT STREETS

Ms. Wendy Brindle, Traffic Engineer, stated that due to the success of signal elimination in the downtown area and the installation of all-way stop conditions, requests have been received for evaluation of other areas. She noted that one intersection that has been requested for evaluation is Council Street and Depot Street. She stated that there are approximately one thousand five hundred (1,500) vehicles per day on each street and the volumes do not meet the Manual Uniform Traffic Control Devices (MUTCD) warrants for traffic signals. She asked for Council's consideration to conduct a ninety (90) day evaluation of an all-way stop at this intersection.

By consensus, Council agreed for the ninety (90) day evaluation.

MUNICIPAL AGREEMENTS FOR SIGNS, MARKINGS & MARKERS AND TRAFFIC SIGNALS

Ms. Wendy Brindle, Traffic Engineer, indicated that under North Carolina General Statutes the North Carolina Department of Transportation (NCDOT) is charged with maintaining roads in the State Highway System. She noted that the statutes also allow NCDOT to delegate maintenance of the roads to municipalities that are qualified to perform the work. She stated that in order for the City to perform the work an agreement is needed between the City and NCDOT. Ms. Brindle added that the City submits request for reimbursement for maintenance on a quarterly basis and this is done through three (3) schedules: Schedule A – Signs; Schedule B – Markings and Markers; and Schedule C – Traffic Signals.

Ms. Brindle noted that NCDOT recently made changes to the agreements in regards to Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) requirements. NCDOT has requested the City sign new agreements in order to continue receiving its reimbursements. Ms. Brindle noted that as long as the City performs the work, it does not have a goal to meet the MBE and WBE requirements.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the City Manager and City Clerk to execute an agreement with the North Carolina Department of Transportation concerning maintenance of Traffic Control Signals, Schedule A – Signs. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING MAINTENANCE OF TRAFFIC CONTROL DEVICES, SCHEDULE A – SIGNS.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 21, and is known as Resolution No. 2008-09.)

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the City Manager and City Clerk to execute an agreement with the North Carolina Department of Transportation concerning maintenance of Traffic Control Devices, Schedule B – Markings and Markers. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING MAINTENANCE OF TRAFFIC CONTROL DEVICES, SCHEDULE B – MARKINGS AND MARKERS.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 22, and is known as Resolution No. 2008-10.)

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the City Manager and City Clerk to execute an agreement with the North Carolina Department of Transportation concerning maintenance of Traffic Control Devices, Schedule C – Traffic Signals. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING MAINTENANCE OF TRAFFIC CONTROL DEVICES, SCHEDULE C – TRAFFIC SIGNALS.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 23, and is known as Resolution No. 2008-11.)

AWARD CONTRACT FOR AUDITING SERVICES FISCAL YEAR 2008

Mr. Wade Furches, Finance Manager, recommended that City Council approve an annual audit contract with Martin Starnes and Associates, CPA's for the fiscal year ending June 30, 2008. He explained that three (3) years ago City Council entered into a four (4) year contract with Martin Starnes and Associates to perform the City's annual year-end audit and this is the last year of the agreement. He noted that the proposed contract cost is \$29,500 which is a \$900 increase from the previous year's contract.

Mr. Furches pointed out that in comparison to fifteen (15) other cities with populations of twenty-five thousand (25,000) to forty thousand (40,000), the City's audit fee is the fourth lowest.

Thereupon, Mr. Lewis made a **motion** to award a contract in the amount of \$29,500 to Martin Starnes and Associates, CPA's, P.A. for the auditing services for fiscal year ending June 30, 2008. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AMENDMENT 1 – EAST SPENCER WATER AND SEWER UTILITY SYSTEM MEMORANDUM OF UNDERSTANDING

Mr. Patrick Kennerly, Administrative Services Manager for the Salisbury-Rowan Utilities, and Mr. Jim Behmer, Salisbury-Rowan Engineering Manager, addressed Council regarding the Memorandum of Understanding between the City of Salisbury and the Town of East Spencer. Mr. Kennerly stated that in October 2001 the City of Salisbury and the Town of East Spencer entered into a Memorandum of Understanding whereby Salisbury would operate and maintain the water and sewer systems for the Town of East Spencer. He indicated that over the past two (2) years, East Spencer has been taking steps to improve its water distribution system. One of the funding agencies for this project will be the United States Department of Agriculture (USDA) who has requested that Salisbury and East Spencer make certain amendments to the current agreement.

Mr. Kennerly reviewed the amendments requested by the USDA:

- Salisbury will establish and East Spencer revenues will fund a system maintenance account to ensure that funds are available for system repairs as needed
- Salisbury will establish and East Spencer revenues will fund a debt service account to ensure that funds are available for East Spencer debt service payments
- Should either party wish to withdraw from the agreement, a six (6) month notice of termination will be required
 - Previously, the agreement was month-to-month
- Language that refers to a potential future utility system transfer (from East Spencer to Salisbury) has been deleted

Councilman Burgin asked if deleting the language eliminates a possible future utility system transfer. Mr. Kennerly answered that it will not eliminate the possibility for a future transfer, it only omits it from the operation maintenance agreement. Mr. Behmer stated that the amendment to the agreement is to cover the nine (9) months of construction period and the one (1) year warranty period.

Thereupon, Mr. Kennedy made a **motion** to approve Amendment #1 to the East Spencer Water and Sewer Utility System Memorandum of Understanding. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AGREEMENT – T&F DEVELOPERS, LLC FOR FAITH ROAD WATER MAIN PROJECT

Mr. Jim Behmer, Salisbury-Rowan Engineering Manager, indicated that a developer is proposing The Village at Granite, a new subdivision located along Faith Road. He pointed out that the developer is requesting that an existing twelve (12) inch public water main located along Faith Road be extended approximately five thousand seven hundred (5,700) feet to serve the new development.

Mr. Behmer explained that the developer and the City of Salisbury will enter into an agreement stating that the developer will pay one hundred (100) percent of the cost of the project and after completion Salisbury-Rowan Utilities will assume ownership and operations maintenance of the project.

Mr. Behmer pointed out that this agreement will also bring emergency interconnection with the Town of Faith one (1) mile closer.

Thereupon, Mr. Woodson made a **motion** to authorize the Mayor and City Clerk to execute an agreement between the City of Salisbury and T&F Developers, LLC for the Faith Road Water Main Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE – FAITH ROAD WATER MAIN PROJECT

Mr. Jim Behmer, Salisbury-Rowan Engineering Manager, stated that before Council today is a Capital Project Ordinance in the amount of \$580,000 for the Faith Road Water Main Project. He noted that the developer will pay one hundred (100) percent of the cost and the Ordinance will establish the special project account.

Thereupon, Mr. Woodson made a **motion** to adopt a Capital Project Ordinance in the amount of \$580,000 for the Faith Road Water Main Project. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

FAITH ROAD WATER MAIN CAPITAL PROJECT ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 17, and is known as Ordinance No. 2008- 09.)

AWARD CONTRACT – FAITH ROAD WATER MAIN PROJECT

Mr. Jim Behmer, Salisbury-Rowan Engineering Manager, stated that the City is partnering with an engineering firm to provide design services to extend the twelve (12)

inch water main. He reminded Council that one hundred (100) percent of the cost will be paid by the developer.

Thereupon, Mr. Woodson made a **motion** to award a contract in the amount of \$69,980 to DPR Associates, Inc. for professional engineering services related to the Faith Road Water Main Project. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BACKGROUND CHECK POLICY FOR VOLUNTEERS

Mayor Kluttz stated that a proposed Background Check Policy for Volunteers was presented to Council at its last meeting and Councilman Burgin had questions he wanted to review before adopting the policy.

Councilman Burgin stated that he has had time to read the policy, talk to staff and the community and he feels that it is a good policy. He suggested one amendment to the Policy that would disqualify any and all drug distribution offenses.

Thereupon, Mr. Burgin made a **motion** to adopt a Background Check Policy for Volunteers as amended. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

MENTOR PARTNERSHIP LEAVE PROGRAM

Mr. Doug Paris, Assistant to the City Manager, and Ms. Renay Caldwell, Human Resources Analyst II, presented to City Council the Mentor Partnership Leave Program for City employees. Mr. Paris stated that in June 2007 five hundred (500) citizens participated in the first Salisbury-Rowan United Summit and crafted an action agenda on how to address community issues. He pointed out that one of the guiding principles was to leverage existing community assets and provide mentoring opportunities and assistance to mentoring groups. Mr. Paris indicated that staff met with local mentoring groups and asked what they needed and how the City could assist. The number one need of the mentoring groups was volunteers.

Ms. Caldwell stated that the City's Mentor Partnership Program provides an opportunity for employees to participate in community services. She added that the City is committed to contributing to the community as a corporate partner and encourages employee participation in the Mentor Partnership Program. Ms. Caldwell indicated that the City's mentoring program will be used to support the mentoring and tutoring plank of the Salisbury-Rowan United Action Agenda as well as achieve Council's goal to attract, retain and develop high quality City employees.

Ms. Caldwell reviewed the program requirements for City employees:

Eligibility

- An employee who expresses an interest in the program and meets the criteria required by the Mentoring Program partners.
 - Request for such leave shall be granted in accordance with the guidelines listed
- Employee will be required to furnish certification from Mentoring Program Partner indicating that the employee has met the specific program criteria and been accepted into the partners' program.
- Employee may receive a maximum of forty-eight (48) hours of leave each calendar year through the Mentor Partnership Leave Program
 - Leave may not be used to extend an employee's time in leave status beyond one year from the last date worked

Process

- Employee must submit a completed Request for Mentor Partnership Leave form to the Human Resources Department
- Employee must submit a certification from Mentoring Program Partner indicating that the employee has met the specific program criteria and been accepted into the partners' program to the Human Resources Department
- Form must have department heads approval
- Requests will be reviewed by the Human Resources Director
- Submitted to City Manager for approval

Ms. Caldwell stated that employee must document and submit Mentor Partnership Leave Usage in accordance with time card and time sheet guidelines and noted that the Human Resources Department will maintain a list of employees participating in the program. Ms. Caldwell stated that staff recommends that City Council approve the Mentor Partnership Leave Program.

Mr. Kennedy stated that this is an exciting time for the City and thanked City Manager David Treme and the City employees who volunteer to become mentors.

Mr. Burgin stated that the departments will need to manage employee schedules in order to provide core City services and mentoring services.

Mayor Kluttz thanked Mr. Treme and staff for working on this project. She added that she is proud of the City for taking the lead and being an example to other businesses.

Thereupon, Mr. Kennedy made a **motion** to adopt the City of Salisbury Mentor Partnership Leave Program. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PROPOSED RATE INCREASE FROM TIME WARNER CABLE

Mr. Michael Crowell, Technology Services Manager, and Mr. Dave Harris, Regional Cable Administrator for Piedmont Triad Council of Governments addressed Council regarding a proposed rate increase by Time Warner Cable.

Mr. Crowell stated that Time Warner Cable recently submitted a notice to the City proposing a rate increase for 2008. The notice was then sent to Mr. Harris for review.

Mr. Harris stated that several years ago the City of Salisbury was certified by the Federal Communications Commission (FCC) to regulate cable television rates, but since then the regulation of cable television rates has changed. He noted that the City can no longer set cable rates, it can only audit the rates. He stated that he has reviewed the proposed rate increase Time Warner Cable submitted to the FCC and determined that they have met the federal requirements to adjust their basic television cable rates by \$1.00 from \$9.50 to \$10.50.

Mr. Harris reiterated that the City has no part in setting cables rates, but that the United States Congress sets rates through the FCC.

Mayor Kluttz thanked Mr. Harris for providing Council with the information.

COMMENTS FROM THE CITY MANAGER

a) Resolution for North Carolina Governor's Highway Safety Program

City Manager David Treme requested Council's consideration to adopt a Resolution authorizing Salisbury Police Chief Mark Wilhelm to file a contract application with the North Carolina Governor's Highway Safety Program for federal funding to assist in defraying the cost of purchasing a trailer and laser equipment used for accident reconstruction.

Thereupon, Mr. Lewis made a **motion** to adopt the North Carolina Governor's Highway Safety Program Local Government Resolution authorizing Police Chief Mark Wilhelm to file a contract application. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENT RESOLUTION FORM GHSP-06-A.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 24, and is known as Resolution No. 2008-12.)

b) Future Directions and Goal Setting Conference

City Manager David Treme stated that he will present the results from the Twenty-third Future Directions and Goal Setting Conference with the changes made by City Council on the City's Strategic Plan at Council's next meeting.

c) Compliment of Development Services

Councilman Lewis stated that he has received compliments regarding the Development Services Department and thanked City Manager David Treme and the Development Services staff for their efforts in making customer service number one (1) in their department.

PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comment.

Mr. Rod Whedbee, 502 South Church Street, stated that he represents the Rowan Property Rights Alliance. He stated he feels that involuntary annexation violates the basic civil and constitutional rights of the citizens. He added that to involuntarily annex citizens without a representative vote of those affected is paramount to fascism and if Council involuntarily annexes without consent they cannot care about the citizens and will violate the citizens' rights. He indicated that annexation leads to denser development, changes rural character, leads to sprawl, loss of farm land and destruction of the wildlife habitat. Mr. Whedbee stated that according to the North Carolina General Assembly the City has met the basic needs of contiguous areas envisioned in the Vision 2020 Comprehensive Plan, but perhaps not the intent. He indicated that the City is annexing prime properties and ignoring the poor neighborhoods, which shows that the plan is to land grab for revenue and is not in the best interest of citizens. Mr. Whedbee noted that if the City continues with the involuntary annexation credit needs to be given for improvements previously made to properties. He pointed out that the annexation duplicates services that are not needed and continues to tax the local infrastructure. Mr. Whedbee asked Council to stop the annexation.

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

MAYOR'S ANNOUNCEMENTS

(a) Report on Metropolitan Coalition Gang Prevention Efforts

Mayor Kluttz reported on the North Carolina Metropolitan Coalition gang prevention efforts. She stated that on January 31, 2008 meetings began with

Metropolitan Coalition members and North Carolina Senate leadership regarding gang legislation that passed the North Carolina House of Representatives. The legislation will go to the North Carolina Senate during its short session. Mayor Kluttz noted that on January 31, 2008 she met with Senator Linda Garrou, Chapel Hill Mayor Kevin Foy, High Point Police Attorney Al Andrews, and North Carolina Secretary of Crime Control and Public Safety Bryan Beatty. On February 13, 2008 she and Durham Mayor Bill Bell, Winston-Salem Mayor Allen Joines, High Point Police Attorney Al Andrews and Gastonia Police Chief Terry Sult met with North Carolina General Attorney Roy Cooper to express concerns municipalities have about gang activity. She stated that she also reported on the Salisbury-Rowan United Summit and the fact that the City of Salisbury and Rowan County has five hundred (500) citizens who are very concerned about the gang problems and who have expressed the strategies they feel are appropriate to address gang issues. Mayor Kluttz stated that she has also met with Senator Walter Dalton and will meet with Senator Kay Hagan in March.

Mayor Kluttz pointed out that Attorney General Cooper agreed that the legislation is critical and agreed to join the North Carolina Metropolitan Coalition in its efforts to address the State Legislature. She pointed out that all states surrounding North Carolina have statewide gang legislation and that this legislation is very important to our State.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:43 pm.

Mayor

City Clerk