

REGULAR MEETING CITY COUNCIL
October 19, 2015

The City Council of the City of Albemarle met in a regular session on Monday, October 19, 2015 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Troy E. Alexander, Bill Aldridge, Benton H. Dry, II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend, and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council approved the October 5 regular session minutes as submitted.

Mayor Michael asked that Council approved adding the following agenda items:

- 1) Festival of Trees by Hospice
- 2) ADDC Board Appointments

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry, and unanimously carried, the City Council approved the above two items to be added to the agenda at the end of the meeting before comments and adjournment.

Ms. Elaine Nelson, Chairperson of the Tree Commission and Ms. Hannah Hearne, Board member were present and Ms. Nelson addressed Council regarding a Tree Commission request to discuss the lights on the downtown trees. Her concern is the light strands left on year round can damage the trees. It was noted that the Streets Division of the Public Works Department does not regularly check the light strands, but have indicated their experience has been the lights will stretch and stop working as the tree grows. As lights go out and staff notices, it

may be a result of tree growth, the lights are then loosened. Ms. Nelson would like the Streets Division to regularly inspect each tree once a year in March before the growing season begins.

The Mayor asked that Council allow the City Manager to come back with an answer after he speaks with Stantec on the streetscape project and their report results.

Councilmember Dry asked if we should be proactive and go ahead and check the trees now in question. Councilmember Townsend stated that he would like the Tree Commission to come back before Council with their opinion on the trees concerning the streetscape project plans.

The City Manager stated that there is a survey link on the front page of the City website to the Downtown Streetscape Master Plan if the Tree Commission would like to take this survey. The press release and schedule of events for the Downtown Streetscape Master Plan are also on the website.

The Mayor stated that Council had a copy of the monthly departmental reports in their agenda packets and asked if anyone had any questions.

The Mayor and City Council considered attendance at the Centralina COG Thriving Communities Conference to be held at the Gastonia Conference Center on Thursday, December 3 from 9:00 - 4:15. Councilmember Hall stated that she would like to see elected and appointed folks represent the City at this event. She encouraged anyone that can to attend.

The Mayor asked that Council let the City Manager know if they are interested in attending. The City Manager stated there will be a vehicle provided for everyone to ride together if enough decide to go.

The Mayor and City Council considered setting a joint public hearing for November 2 at 7 pm with the Historic Resources Commission for designating

the Hotel Albemarle as a Historic Landmark. Economic Development Director, Mark Donham, has lead the City's effort with the Development Finance Initiative (DFI) to create a Public-Private-Partnership with the building owner and other investors to save this historic building.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved setting a joint public hearing with the Historic Resources Commission for November 2 at 7 pm for designating the Hotel Albemarle as a Historic Landmark.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved amending the US Highway 52 Business Sidewalk Project Budget.

(Ordinance 15-31. To Amend the US Highway 52 Business Sidewalk Project Budget.)

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approve to amend the FY 2015-16 Budget authorizing a \$25,000 Powell Bill Reserve transfer into the US 52 Sidewalk Project Budget and an additional appropriation of \$1,950 into Public Safety. This Public Safety increase will be funded from insurance proceeds received to repair a damaged Police vehicle.

(Ordinance 15-32. To Amend the FY 15/16 Budget.)

The Mayor and City Council considered approval of a Memorandum of Agreement for Personnel Services. The North Carolina League of Municipalities has submitted this agreement for the development of a performance evaluation program. This contract will be fulfilled by Springsted, Inc. Human Resources Director Robert Whitley stated that the City has used Springsted in the past for the two salary studies performed prior to the most recent study (performed by The MAPS Group). We were pleased with their work on those projects and Springsted is a NC League of Municipalities vendor/contractor for performance

appraisal system development, which is why the contract is actually with the NCLM.

Mr. Whitley stated The Maps Group and Springsted, Inc. came and made presentations to the management team concerning the development of a performance evaluation program. The Management Team chose Springsted, Inc. for this service. The League will provide oversight and assistance to us if needed during this process. He asked that Council consider approval of the Memorandum of Agreement.

Mr. Whitley answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a Memorandum of Agreement for Personnel Services to be fulfilled by Springsted, Inc. for a performance evaluation program.

The Mayor and City Council reviewed bid information for Phase III of the HVAC project for the Department of Public Housing. It was noted that three sealed bids were received for bid opening on Sept 29, 2015 for this project. The lowest bidder, Southern Aire for the project asked to withdraw their bid due to a math error made in calculating the number of systems to be provided at the opening. In review of the remaining bids, Council reviewed a letter of protest from the third lowest bidder, Central Builders, and City staff found there were a variety of issues received with the second lowest bidder, Hemco which constituted the bid to be invalid.

Public Housing Director Cedric Baldwin stated that due to these circumstances, the options are to rebid with clarification, or award to the third lowest bidder, Central Builders, Inc. Our architectural firm for the project Stogner Architecture recommends rebidding the project and a letter detailing this recommendation was reviewed by Council.

The main issues discussed concerning the second lowest bid, Hemco were as follows:

- 1) The mechanical license were not held by Hemco but held by their owner, Kyle Wayne Marks
- 2) Hemco is not listed as a current electrical contractor by the NC State Board of Electrical Contractors
- 3) Hemco submitting a HUB Affidavit C of self-performing all work on

the project. This would require a licensed electrician to permit and perform this work

- 4) Hemco's deduct alternate #1 for use of alternate type of equipment from the base bid was using an unapproved manufacturer named Tempstar, not an approved equal by the plans and was not submitted for prior approval based on addendum #1 and #2. Tempstar is a lower cost alternative made by Carrier.

Mr. Kyle Marks with Hemco came forward and clarified some of the issues brought forward concerning his mechanical and electrical license and that those issues have been corrected. Mr. Marks also commented on what happened at the bid opening and the confusion involved. He also stated that he had been using David Drye's Electric but now will hire an electrician for his staff.

Upon questioning, City Attorney David Beaver stated that Council might want to have Finance Director Colleen Conroy, Public Housing Director Cedric Baldwin, City Attorney, City Manager, etc. contact North Carolina League of Municipalities and/or UNC-School of Government and see what their ruling is on this and then decide if there needs to be a rebid.

Mayor Michael advised Council to allow staff and the City Attorney to get guidelines and ruling from the UNC-School of Government and bring back before Council.

Councilmember Hall stated that she would like to know why a representative from Stogner Architecture did not attend the meeting tonight.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the City Council approved December 16th from 11:30 until 1:30 at the EE Waddell Center for the 2015 Employee Christmas Luncheon.

The Mayor and City Council were reminded of the CKA Valve Turning Ceremony on October 22 at 4:00 p.m. There is limited parking so carpooling is encouraged. There will be a vehicle (or two) provided to take to the event. The City Manager noted they will leave at 3:00 from the City Hall for the 4:00 ceremony. Parking will not be at the ceremony site. The parking location will

be a short walk from the ceremony site and golf carts will shuttle those back and forth who need assistance.

The Mayor and Councilmembers all confirmed their attendance.

The Mayor and City Council were reminded of the public input session for the Commercial Maintenance Code to be held Thursday, October 22 at 7:00 p.m. in the Raymond Allen Community Room. The proposal has been placed on the City's website, Facebook page, a hard copy can be found at the City's Planning and Community Development Department and at the Albemarle branch of the Stanly County Library. City staff has developed a Frequently Asked Questions (FAQ) sheet to cover the basics of a Commercial Code.

Mayor Michael stated that if anyone would like to speak for or against the Commercial Maintenance Code to please attend the input session.

Mayor Michael stated that the first agenda adjustment is concerning any council member that would like to write a personal check of \$37.50 for the Festival of Trees ceremony conducted by Hospice.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council approved Council participating in the Festival of Trees conducted by Hospice with a personal check of \$37.50 from each Council member interested in participating.

The Mayor and City Council reviewed a memo from ADDC Interim Director, Dana McDow presenting the names for consideration as new board members of the ADDC as follows:

- Mr. Jim Senter – Brown, Brown, and Brown
- Ms. Kelley Lowder – ReMax Town & Country
- Mr. Bill Josey – Stanly County Schools
- Dr. Colleen Keith – Pfeiffer University

Ms. McDow stated that the above individuals have been contacted and are willing to serve and commit to the terms in the ADDC bylaws.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved Jim Senter, Kelley Lowder, Bill Josey, and Dr. Colleen Keith as new board members to the ADDC Board as requested.

Councilmember Dry stated that he would like to reach out to Beth Moose Swanner. The football field at Lenoir Rhyne University was recently named after her brother, John David Moose, who went to college and played football there from 1955-58. This was an honor well deserved.

Councilmember Hall thanked Assistant Public Utilities Director Judy Redwine and Public Utilities staff for all their hard work during Public Power Week October 5-9. Also to Councilmembers that participated in the Day of Caring on Wednesday, October 7.

Councilmember Hall stated that with the Tree Commission not being aware of the survey and the streetscape project itself, she is afraid a lot of others are also not aware. There were only 500 + that took the online survey concerning this project. She asked that each department head send an email to the boards that they represent concerning this issue to make them aware and ask them to take the survey online.

Mayor Michael stated that there will be a consultant team concerning the streetscape plan, setting up a fun interactive space at the craft fair at Market Station this coming Saturday, October 24 from 8-12 noon.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the meeting was adjourned until Wednesday, October 21, 2015 at 6:30 pm at the Rosebriar Restaurant for a joint meeting with the Planning Board and Zoning Board of Adjustment.