

REGULAR MEETING CITY COUNCIL
July 2, 2012

The City Council of the City of Albemarle met in a regular session on Monday, July 2, 2012, at 5:30 p.m. in the City Hall. Mayor Elbert L. "Whit" Whitley presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, G.R. Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

Mayor Whitley stated a C-130 belonging to the 145th Airlift Wing, North Carolina Air National Guard, based in Charlotte, with firefighters trained in Stanly County, crashed Sunday evening, July 1, while fighting a woodland fire in southwestern South Dakota. Also, the Mayor said that we do not know the number of fatalities at this time. Governor Perdue has requested flags be at half-mast sunrise to sunset on Tuesday, July 3.

Mayor Whitley called the meeting to order.

Councilmember Hall asked that the June 18 minutes state that she was absent from that meeting due to a funeral out of state.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of June 18 regular session minutes were approved as amended by consensus of City Council.

Mr. Andrew Laucher, 504 East Cannon Avenue came before City Council to request that the City relinquish its rights to the unopened right of way of North Sixth Street between East Oakwood Avenue and East Cannon Avenue. The City Manager noted that the City has a sewer line that crosses the corner of this right of way at East Oakwood. If City Council approves this request, it should retain the right of way for the sewer line. If Council approves this request, the City Attorney would write a letter stating the City is giving up its right to open this as a street in the future. Disposition of the property would be the responsibility of the owners adjacent to the right of way.

Mr. Laucher came before Council and stated that Ms. Anne Warner who lives at 460 East Cannon Avenue had contacted the City a couple months ago about the closure of this right of way. Ms. Warner lives on one side of it and him on the other on East Cannon Avenue.

City Attorney David Beaver answered any questions that Council had. Mr. Beaver also advised Mr. Laucher to seek an attorney before making any improvements to his property.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved relinquishing its rights to ever open the right of way as a street on North Sixth Street between East Oakwood Avenue and East Cannon Avenue but retaining the right of way and preserving the sewer line at the corner of the property.

Mr. LeShune Little came before City Council to request the closing of Lennox Street for a July 4 Annual Little Reunion Celebration. Mr. Little is requesting the closing of Lennox Street between Leonard Avenue and Avery Avenue from 11 am until 1:30 am. He has received a copy of the City Street Closing Policy and is aware that the request is not at least 14 days prior to the event.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved closing Lennox Street between Leonard Avenue and Avery Avenue for a Community Block Party from 11 am until 11:00 pm and for Mr. Little or Ms. Amy Little Brown to contact and speak with the Police Department informing them of this event.

David and Cheryl Kearns came before City Council concerning one of their properties located at 1006 Efird St. Ms. Kearns stated that they did not receive a certified letter giving notice of the date of the City Council meeting when James Luster with Centralina Council of Governments spoke with Council about the demolition of this property.

Assistant City Manager Michael Ferris came forward and stated that the City has a contract with James Luster with Centralina Council of Governments for the administration part of it. Planning and Community Development Director Keith Wolf also came forward and stated that he had spoken with Ms. Kearns today and he also had spoken with James Luster with COG. He said that there was no certified letter to the Kearns stating the date of the Council meeting when Council decided to demolish this structure. He further stated that James Luster with COG posted a notice on the property at 1006 Efird Street and the notice was also in the local newspaper. Mr. Wolf stated that Ms. Kearns has antiques stored inside this property and would like to have time allowed to remove them.

Mr. Ferris and Mr. Wolf answered any further questions that Council had.

The City Manager stated that the question is if this was legal in the process which is whether Mr. and Ms. Kearns should have received a certified letter stating the Council meeting date when this was determined.

Mayor Whitley suggested that this item be held back from demolition for 30 days, allowing the Kearns family to remove furnishings from this property and at the next Council meeting on July 16, have James Luster with COG be here and proceed from that point forward. The Mayor also asked that Mr. Ferris send a certified letter to the Kearns family concerning this 30 day extension until August 1, 2012 and allowing them to remove their furnishings before that date.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved holding back from demolition for 30 days, allowing the Kearns family to remove furnishings from this property and at the next Council meeting on July 16, have James Luster with COG be here and proceed from that point forward. Also, having Mr. Ferris send a certified letter to the Kearns family concerning this 30 day extension until August 1, 2012 and allowing them to remove their furnishings before that date.

The Mayor stated that Council had a copy of the municipal calendar in their agenda and asked if anyone had any questions.

The Mayor and City Council discussed information regarding the Just Us Kids Program. The City Manager noted that he had contacted the NC Department of Public Instruction regarding this program and attempted to call Ms. Johanna Chase, who is the staffer with oversight for this program and was advised Ms. Chase was on vacation until mid July. The City Manager then left messages for her supervisor, Ms. Donna Brown and earlier this week received a return phone call from Mr. Ed Bell with DPI, who was asked by Ms. Brown to contact the City Manager.

The City Manager stated that Mr. Bell had stated that Just Us Kids is in good standing and Mr. Gene Bruton stated that based on the level of expenditures, and independent audit is not required unless a grant is greater than \$500,000.

City Council continued discussion of the report they received. Mayor Pro Tem Alexander stated he would contact the IRS to send a copy of the program's tax return.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved tabling this item until the 1st Council meeting in August given that Ms. Johanna Chase will not return back to work until mid-July.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Zoning Board of Adjustment:

Reverend Harold McDonald to fill an unexpired term of Kent Newport expiring July, 2013

William Aldridge - 1st Alternate - Unexpired term ending July 2013
Terry Blue - 2nd Alternate - 3 year term expiring, July 2015

Dean Speight - 3rd Alternate - 3 year term expiring, July 2015

Councilmember Neel stated that he will contact Mr. Terry Blue to make sure he will serve as an alternate on the ZBA.

Councilmember Neel moved to pass Ordinance 12-23. Councilmember Hall seconded the motion.

In further discussion, Council decided to eliminate the North Albemarle Elementary School District representative from the Parks and Recreation Advisory Board starting July, 2012 which will need to be amended in Ordinance 12-23.

Councilmember Neel moved to withdraw his above motion. Councilmember Hall seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Neel, Townsend and Underwood. The motion carried.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 12-23) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE RELATING TO THE TERMS OF THE MEMBERS OF THE CITY OF ALBEMARLE PARKS AND RECREATION ADVISORY BOARD." passed first reading as amended to eliminate the North Albemarle District representative from the Parks and Recreation Advisory Board starting July, 2012.

Upon a motion by Councilmember Michael, seconded by Councilmember Neel and unanimously carried, the following appointments were made to the Electoral District members of the Parks and Recreation Advisory Board:

Diane Billings - At-Large Member (1 yr expiring July 2013)
Rick Johnson - At-Large Member (1 yr expiring July 2013)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, City Council approved delaying the appointments to the Community Appearance Commission until the July 16 Council meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, City Council approved delaying approval of Ordinance 12-24 making changes to the Historic Resources Commission ordinance and the appointments to this Commission until the July 16 Council meeting.

The Mayor and City Council considered a request to extend the 35 miles per hour speed limit on Snuggs Park Road. The City Manager noted that he had received a letter from Ms. Gail Garner regarding her concerns of the speed limit on Snuggs Park Road which Council received.

Ms. Gail Garner came forward and stated that currently the speed limit is 45 mph from Snuggs Street to Crestview Drive. If changed, this request would extend the 35 mph zone all the way from Snuggs Street to Bethany Road on Snuggs Park Road.

Councilmember Townsend stated that another concern on Snuggs Park Road is making sure tractor trailers cannot pass through. Also he said that this can be brought up separately at a later time.

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, the City Council approved having the City Attorney draft an ordinance to extend the 35 miles per hour speed limit on Snuggs Park Road from Snuggs Street to Crestview Drive.

The Mayor and City Council received a report on Albemarle Parks and Recreation 50th Anniversary Event Schedule.

Parks and Recreation Director Toby Thorpe came before Council and stated that the Albemarle Parks and Recreation will celebrate its 50th Anniversary during the 2012-13 Fiscal Year. He gave a

PowerPoint presentation of the traditional and non-traditional activities that are scheduled monthly as part of the observance.

Mr. Thorpe answered any questions that Council had.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, City Council excused Councilmember Holcomb from the meeting at this time.

The Mayor and City Council considered a tobacco-free Parks recommendation from the Parks and Recreation Advisory Board. The Albemarle Parks and Recreation Advisory Board recommends that Council adopt an ordinance designating City of Albemarle Parks, Playgrounds, and Greenways as "Tobacco-Free" facilities effective September 15, 2012.

Steve Megson, a member of the Parks and Recreation Advisory Board came before Council and stated the Parks and Recreation Advisory Board recommend tobacco-free Parks, Playgrounds, and Greenways as "Tobacco-Free" facilities effective September 15, 2012. Expenses such as legal fees for writing the ordinance and signage for parks will be covered by a Community Transformation Grant funded by NC Department of Health and Human Services and administered through Stanly County Partners in Health.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved drafting an ordinance designating the City of Albemarle Parks, Playgrounds, and Greenways as "Tobacco-Free" facilities effective September 15, 2012 and to include a \$50 civil penalty for violation of this ordinance.

The Mayor and City Council considered approval of street closure requests for the Tour de Elvis 5K and Cycle Tour, August 17 and 18, 2012 Albemarle Parks and Recreation and Vac-n-Dash will sponsor these events, and proceeds will benefit the Roger F. Snyder Greenway Fund. Street Closing applications were viewed by Council. Parks and Recreation will also request assistance from the APD for traffic control and a lead vehicle and barricades and signage from Public Works

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, for the Tour de Elvis Cycle Tour, City Council approved the closing of westbound lane of NC 73 from City Lake Park entrance (Blake Road) to Hatley Farm Road for the Tour de Elvis III Bike Ride on August 18, 2012 from 8:00 – 8:15 am and request assistance from the APD for traffic control and a lead vehicle and barricades and signage from Public Works. Also, for the Tour de Elvis III 5K Run on August 17 2012 from 7:15 – 7:45 pm, also Council approved closing the right northbound land of US 52 from fire Street to Salisbury Avenue for the and request assistance from the APD for signage flashing directional arrow, and cones to alert motorists and provide assistance with traffic control.

The Mayor and City Council discussed an offer from Ray D, Lowder Inc. to donate a tract of land on Dunlap Street to the City. The City Manager noted that he was contacted several weeks ago by Mr. and Mrs. Huneycutt who are the owners of Ray D. Lowder Inc. This firm owns a 1.6 acre tract on Dunlap Street. The City has a sewer line that runs through the center of the property.

Council discussed this matter and determined that the offer of this parcel could be advantageous to the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, City Council approved an offer from Ray D, Lowder Inc. to donate a tract of land on Dunlap Street to the City, subject to any liabilities, if found in doing a title search.

Mayor Whitley asked that the City Manager send a letter of thanks to Mr. and Mrs. Huneycutt.

The Mayor and City Council discussed home internet service options for elected officials. Council had requested the options be evaluated at a recent budget work session. Assistant City Manager Michael Ferris came forward and reviewed the options and issues that he had stated in his memo to Council.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, City Council approved laying over a decision until the next Council meeting on Monday, July 16.

The Mayor and City Council considered bid # 2012-04 HVAC Ceiling & Bath repair in Public housing properties. It was noted that the bid tabulation shows that three HVAC bids were received and two of the contractors did not include all of the required bid forms. The apparent low bid of \$187,187 was submitted by Central Builders, Inc. of Rocky Mount, NC. Central Builders has completed successful construction projects for the Dept. of Public Housing in the past. Funds are available in the Capital Fund Program 2010 & 2011 to cover cost.

Mr. Wayne Stogner with Stogner Architecture, PA and Public Housing Director Garry Lewis came before Council and Mr. Stogner stated that he had contacted someone with the State and discovered that some of the documents that they required as part of the bid did not apply to this situation since the work was on the exterior of the buildings. As a result, the bid of Southern Aire was found to be responsive and they then became the low bidder and Council can award the bid to them.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, City Council approved the low bid # 2012-04 HVAC Ceiling & Bath repair for Public housing properties and awarded it to Southern Aire, Norwood, NC in the amount \$168,730.

(Bid 2012-04)

The Mayor and City Council considered the approval and award of bids for copper wire. Copper prices have decreased and the Electric Division would like to purchase the wiring needed for the 4kV conversions. The bids were taken on Friday, June 29.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, City Council approved the bid for copper wire be awarded to H.D. Supply in the amount of \$94,691.25 who was the low bidder based on the wire specifications by the Electric Division.

(Bid tabulation – Copper Wire)

The Mayor and City Council received a report concerning cross control and backflow prevention. It was noted that the State of North Carolina Public Water Supply Section requires that there is a cross control and backflow prevention program to prevent contamination of our water distribution system. Chris Palmer will begin enforcing the City of Albemarle's Ordinance, Section 52, which will require that he check all industrial and commercial buildings.

Public Utilities Director Ellen Huntley stated that cross control and backflow prevention will be enforced and she wanted to make Council aware of this and to answer any questions that they may have.

The Mayor and City Council considered a resolution to approve Septic Discharge Fees. The City Manager noted that the City has not increased its fees for accepting sewage at the wastewater treatment plant for many years, and the Public Utilities Department has requested this increase which brings the City's charges more in line with other utilities.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, City Council approved a resolution to increase Septic Discharge Fees.

(Resolution 12-22. To establish a rate for discharging septic waste at the Long Creek Wastewater Treatment Plant.)

The Mayor and City Council considered a request to declare Electric Department items surplus and ordered sold by sealed bid. It was noted that these items are from the demolition of the Ridge Street Substation, the 4kV conversions, and other electrical maintenance.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, City Council declared Electric Division items surplus and ordered sold by sealed bid.

(Electric Surplus)

The Mayor and City Council considered attendance at the CONNECT Consortium Launch Event. This event will take place on Thursday, July 26 from 1:30 pm to 2:30 pm at the US National Whitewater Center.

The Mayor asked that if anyone is interested in attending, to please let the City Manager know.

The Mayor and City Council considered rescheduling the meeting planned for July 9, 2012 at 5:30 p.m. in the City Hall for a joint meeting of the Albemarle Badin New London Comprehensive Transportation Plan. NC Department of Transportation has requested that this meeting be postponed until Monday, August 13, 2012.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, City Council approved rescheduling the meeting planned for July 9, 2012 at 5:30 p.m. in the City Hall for a joint meeting of the Albemarle Badin New London Comprehensive Transportation Plan until Monday, August 13, 2012.

Councilmember Hall stated that she would like to mention that Assistant Public Utilities Director Judy Redwine as of April, 2013 has been with the City of Albemarle for over 40 years.

Councilmember Hall also stated that she will be unable to attend the RPO meeting on July 19, and asked that Councilmember Michael attend in her place.

Councilmember Hall stated that she had emailed Planning and Community Development on Thursday about a concern from a resident of over grown weeds on a property with a culvert on Love Street.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, City Council approved moving the Monday, September 3, 2012 scheduled meeting to Tuesday, September 4, 2012 due to the Labor Day holiday.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to NCGS 143.318.11(a) 3 and 5 to consult with the City Attorney, discuss Pope v. City of Albemarle, and discuss real estate transaction.

Upon a motion by Councilmember Michael, seconded by Councilmember Underwood and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Whitley announced that a closed session was held Pursuant to NCGS 143.318.11(a) 3 and 5 to consult with the City Attorney, discuss Pope v. City of Albemarle, and discuss real estate transaction and there was nothing to report at this time.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, the meeting was adjourned until Monday, July 16, 2012 for a regular session meeting.