

REGULAR MEETING CITY COUNCIL
March 5, 2012

The City Council of the City of Albemarle met in a regular session on Monday, March 5, 2012, at 7:00 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, Ronnie Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

Mayor Whitley called the meeting to order.

The Mayor and City Council presented a retirement certificate.

Police Sergeant Thomas M. "Mike" Martin retired on February 1, 2012 with 26 years of service.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Michael and unanimously carried, the minutes of the February 20 regular session, February 25 adjourned session and February 25, 2012 closed session minutes were approved as submitted.

A public hearing was held to consider condemnation and authorizing demolition of the structure at 401 Lincolnton Street.

Mr. James Luster with Centralina Council of Governments came before Council and explained the structure and process and answered any questions that Council had.

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb and unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-08) "AN ORDINANCE DIRECTING THE HOUSING INSPECTOR

TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED ” passed first reading.

Councilmember Michael stated that the old Jeffries building on NC 24-27 is in disrepair and asked Mr. Luster if this property had been considered for condemnation. Mr. Luster stated that this property had been looked at for possible rehabilitation through the Brownfields program but not for the condemnation process.

The City Manger stated that most of the funds are expended for the present fiscal year and with more funds in the new fiscal year budget this and other properties can be looked at for condemnation.

A public hearing was held to consider a text change amendment to Sec. 92.080 (73) (b) of the Zoning Ordinance.

Planning and Community Development Director Keith Wolf came before Council and explained the changes for this ordinance and the locations available for these types of businesses in the City.

Councilmember Michael stated that it had been discussed about placing a spacing of 250 feet for these types of businesses from any other adult oriented business in the ordinance and he would propose this statement be added. Councilmember Townsend stated that he had rather have an adult oriented business on East Main Street then Bird Road.

The City Manager stated that the ordinance can be adopted on 1st reading tonight with this proposal since it is less restrictive than the original ordinance language.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the following resolution with the amendment of placing a spacing of 250 feet for these types of businesses from any other adult oriented business was duly adopted:

(Resolution 12-05. To consider a text change amendment to Sec. 92.080 (73) (b) of the Zoning Ordinance.)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-09) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO DEFINE AND REGULATE SPACING OF SEXUALLY ORIENTED BUSINESSES IN THE CITY’S GENERAL HIGHWAY BUSINESS DISTRICT” as amended passed first reading.

A public hearing was held to consider rezoning 17.5 acres on Snuggs Street from R-8 Residential to General Highway Business District (GHBD).

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the following Resolution was duly adopted:

(Resolution 12-06. To rezone 17.5 acres on Snuggs Street from R-10 Residential to General Highway Business District (GHBD).

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 12-10) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ALBEMARLE, NORTH CAROLINA” passed first reading.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved

the closing of Glenn Street between 1st and 2nd Streets for the April Fools Race from 2-5 pm on Sunday, April 1, 2012 and approved the closing of Depot Street between North St. & Main St. for the finish line on race morning from 6:00 AM to 10:00 AM. Also Depot Street closed from Main Street to the parking lot behind Albemarle Tae Kwan Doe and at the start of the race to close the block from North to King St. on Second St. for a few minutes at the start of the race so runners could use the entire road for the one block stretch to help spread out the runners at the beginning of the race for the 5k Beach Blast Race on May 12.

Mayor Whitley noted that the monthly administrative reports were in the agenda package.

The Mayor and City Council reviewed the proposals for the City's solid waste collection services. Council received copies of the bid tabulation for these proposals and an estimate of each proposal on an annual basis were provided. Waste Management is the low bidder for the solid waste services, and Waste Pro is the low bidder for recycling services. Green Pieces advised us they were not able to submit a bid due to the requirements of a bid and performance bond since they are a single proprietorship.

Assistant City Manager Michael Ferris came before Council and reviewed the proposals and choices of a Package Bid, Alternate 1, Alternate 2, or Alternate 3 and what is included in each and answered any questions that Council had. He stated that staff had reviewed the proposals based on staff evaluated annual cost and recommended that Council award the contract for solid waste services to Waste Management since they are the lowest price, have provided excellent service, and will result in no disruption to our citizens due to a change in contractor. It is at Council's discretion as to how to address the recycling proposals.

Councilmember Hall stated that she does not feel knowledgeable enough presently to make a decision on this item tonight.

Councilmember Townsend asked about the cost of the backdoor service. Mr. Ferris stated that if there are more than 5% of residents using this service, then the City will pay extra, but he has never known the City to have 5% or above participation in the backdoor service.

Councilmember Hall stated that Green Pieces was unable to give a proposal due to the size of their business and she would like to see them continue recycling and she would choose alternate 1 service we now have.

Councilmember Michael stated that for alternate 3, which is optional recycling for residents, choosing this service would cost around \$85,000.

Councilmember Townsend stated that the Package Bid which includes solid waste pickup, leaf pickup and recycling, the City's cost would be \$20,000 less than the plan that we presently have.

Councilmember Hall moved to award the Package Bid in the estimated amount of \$1,113,144 to Waste Management. Councilmember Michael seconded the motion.

Councilmember Alexander stated he would not like to choose the Package bid with this saving very little money and not to pay for recycling for residents if service is not going to be used.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Michael and unanimously carried, City Council approved calling for the question.

Upon first motion by Councilmember Hall to award the Package Bid in the amount \$1,113,144 to Waste Management, seconded by Councilmember Michael. Voting for the motion was Councilmember Hall. Voting against the motion were Councilmembers Alexander, Holcomb, Michael, Neel, Townsend, and Underwood. The motion did not carry.

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb and unanimously approved, City Council approved alternate 1, lowest price of approximately \$931,704 by Waste Management and tabling the recycling decision until after budget process later this week.

The Mayor and City Council considered a recommendation by the Planning Board to set a public hearing to amend Ordinance 11-35 which regulates locations for collecting clothing and other items for charity. It was noted that the Planning Board reviewed some proposed changes to the current ordinance recently

passed and recommended that City Council set a public hearing to consider the amended regulations and recommended shortening the impoundment period to 20 days.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved setting a public hearing to amend Ordinance 11-35 for Monday, April 2, 2012.

The Mayor and City Council considered a street closure request for Mini-Medley Relay Race for March 24 2012. Albemarle Parks and Recreation Director Toby Thorpe stated that they are proposing to hold the annual Mini-Medley Relay race on Saturday morning, March 24 at Central Elementary School. This event will require closure of sections of Third Street, Fourth Street, North Street, East Cannon Avenue, and Montgomery Avenue.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closure of sections of the following streets for the Mini-Medley Relay Race on March 24:

Third Street from North Street to East Cannon
Fourth Street from North Street to East Cannon
North Street between Third and Fourth Streets
East Cannon between Third and Fourth Streets
Montgomery Avenue between Third and Fourth Streets

The Mayor and City Council considered a resolution to offer commercial and industrial customers a Lighting Rebate Program. It was noted that this is a program offered through NCMPA#1 that provides a rebate to the City's commercial and industrial customers for installing energy efficient lighting. Council received a fact sheet on this program and a copy of the application and terms and conditions.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution to offer commercial and industrial customers a Lighting Rebate Program.

(Resolution 12-11. Lighting Rebate Program for commercial and industrial customers.)

The Mayor and City Council considered a request of the Pfeiffer North Stanly Water Association to serve industrial customers. It was noted that the City's agreement with PNSWA requires that they seek prior approval to provide service to an industrial customer. This is for Vulcan Materials, which has an estimated usage of 357,000 gallons per month. PNSWA will still be well within their contract allowance, which is 650,000 gallons per day.

The City Manager noted that he and Ellen Huntley have met with Mr. Barringer to discuss this request, and recommend approval of the request.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved a request of the Pfeiffer North Stanly Water Association to serve an industrial customer, with an estimated usage of 357,000 gallons per month.

The Mayor and City Council considered an application for additional low interest loan funding for water and sewer projects. This funding would be for additional improvements at the Long Creek Wastewater Treatment Plant and for inflow and infiltration improvements to the wastewater collection system. Council received a memo from Public Utilities Director Ellen Huntley and accompanying documentation from the State Revolving Loan Fund.

Public Utilities Director Ellen Huntley came before Council and stated that we are recommending that City Council approve a change order to remove the bar screens and grit works from the current contract with a credit of \$692,000. We anticipate that we will be coming to City Council to add back items that may equal this amount such as screw pumps or unforeseen issues with the aeration basins and other items. We would then go out for a separate contract for the head works and that is what we would be seeking a low interest loan for. We are also requesting permission to apply for a low interest loan for Inflow & Infiltration issues.

Ms. Huntley answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council approved Funding for additional improvements at the Long Creek Wastewater Treatment Plant and separate contract for the head works with a low interest loan.

(Resolution 12-07. Funding for additional improvements at the Long Creek Wastewater Treatment Plant and separate contract for the head works with a low interest loan.)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved Funding for additional improvements at the Long Creek Wastewater Treatment Plant and for inflow and infiltration improvements to the wastewater collection system with a low interest loan.

(Resolution 12-08. Funding for additional improvements at the Long Creek Wastewater Treatment Plant and for inflow and infiltration improvements to the wastewater collection system with a low interest loan.)

Upon a motion by Councilmember Townsend, seconded by Councilmember Neel, and unanimously carried, an Ordinance entitled (Ordinance 12-11) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA, BE AMENDED BY REVISING THE APPENDIX A: SALARY TABLES, TABLE I, ENTITLED "CLASS GROUPED BY SALARY RANGES" AND TABLE II ENTITLED "SCHEDULE OF SALARY RANGES" OF CHAPTER 24." passed first reading.

The Mayor and City Council considered a resolution to amend the Governing Board monthly compensation. The City Manager noted that this resolution would increase the base monthly compensation by 2% for the Mayor and City Council effective in March.

Councilmember Holcomb moved to approve a base monthly compensation by 2% for the Mayor and City Council as corrected, effective in March, 2012. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Holcomb, Michael, Townsend, and Underwood.

Voting against the motion were Councilmembers Alexander, Hall, and Neel. The motion carried.

(Resolution 12-09. To amend the Governing Board
Monthly compensation.)

The Mayor and City Council considered a resolution to approve an update to the City's Hazard Mitigation Plan. The City Manager noted that this plan was initially developed by Jon Mendenhall with assistance from other staff members. It has gone through the state and federal review process and has now been approved and can be approved by City Council. David Bowers coordinated the changes with the state that were required to receive final approval. A copy of the City's plan has been posted on the City's website for review and public comment. To date we have not received any public comment.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a resolution to approve an update to Hazard Mitigation Plan with recommended changes.

(Resolution 12-10. To approve the update to the
Hazard Mitigation Plan.)

The Mayor and City Council received a report on the construction status at 109 Penny Street. The City Manager noted that Councilmember Hall requested a status report on this construction project.

Planning and Community Development Director Keith Wolf came before Council and explained he had spoken with Sharon Harris at the Stanly County Central Permitting Office and she said the plans for this facility under construction were submitted to Raleigh for approval. The building permit was updated on August 10, 2011 and amended plans were submitted on December 2, 2011 and they have been approved by the City and County.

Mr. Wolf spoke with Robert Freeman with Premier Services, Inc. and he said that they are in negotiations with several banks to secure financing. He also stated that they still plan to complete the project when financing is obtained

and he would welcome any support that the City of Albemarle could offer so that this facility employing thirty-eight high paying jobs can be completed.

The Mayor and City Council considered attendance at the 2012 YMCA Prayer Breakfast. This event will take place on Wednesday, April 4, 2012 at Stanly Regional Medical Center. Breakfast will begin at 6:30 am and the program will begin at 7:00 am. Administration can RSVP for any board members wishing to attend.

Councilmembers Alexander, Hall, Holcomb, Michael, Neel, and Underwood confirmed their attendance.

The Mayor and City Council reviewed information that the Albemarle ABC Board has submitted an additional after profit distribution to the City. This was a \$10,000 distribution received last week in addition to the monthly \$8,000 distribution the City has been receiving.

The Mayor and City Council received a reminder that the budget work sessions have been scheduled for Wednesday and Thursday, March 7 and 8 for 5:15 pm in the Executive Conference Room.

Councilmember Holcomb congratulated Police Chief Halliburton and his force on the Police arrest after finding cocaine and a stolen gun that was reported by the Stanly News and Press.

Councilmember Hall mentioned the tornado warning on Saturday night and her neighbor had a tree to fall and thanked the City employees for their hard work. She commended the Stanly County Reverse 911 System.

Councilmember Hall gave Council a handout of the North Carolina League of Municipalities (NCLM) General Government Legislative Action

Committee meeting last week on developing protocol and an action plan for next year.

Councilmember Hall stated that Town Hall Day will be June 6, 2012 and said Council should make plans to attend.

Councilmember Underwood stated that a house on Concord Road had burned down and that they were putting a roof on this structure.

The City Manager stated that they should have gotten a building permit and he will check on this.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, and unanimously carried, the City Council adjourned until Wednesday, March 7 at 5:15 pm for a budget work session at City Hall.