

REGULAR MEETING CITY COUNCIL
August 6, 2012

The City Council of the City of Albemarle met in a regular session on Monday, August 6, 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, Judy Holcomb, G.R. Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, Councilmember Martha Sue Hall.

Mayor Whitley called the meeting to order.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of July 16 regular session, July 16 closed session, and July 18 adjourned session minutes were approved as submitted.

The Mayor read a letter from the City of Monroe thanking the Albemarle City Utility Department for their assistance with a power outage. They also thanked City Manager Raymond Allen, the Mayor and City Council and Public Utilities Director Ellen Huntley.

Mr. Reuben Crummy, NC Department of Transportation came before Council to discuss the Albemarle Badin New London Comprehensive Transportation Plan. Councilmember Michael suggested that Mr. Crummy attend the City Council meeting prior to the August 13 joint meeting to discuss some of the aspects of the CTP that are affected by highway design and the designation of NC 24-27 and US Hwy 52 as part of the state's Strategic Highway Corridor program.

Mr. Crummy stated that NC Hwy 24-27 from NC Hwy 740 to the eastern City limits of Albemarle is recommended to be a boulevard. The southern loop (bypass) will allow for NC 24-27 to be a five lane divided highway. NC 24-27 from NC Hwy 740 to Sweet Home Church Road will be a five lane highway and E Main Street to Pee Dee Avenue will stay a three lane road.

Mr. Crummy stated that if Council has any questions, concerns or recommendations to email the request to him. He answered any questions that Council had.

Ms. Sadie Banks of 426 Spring Street came before City Council to request lowering the speed limit on Spring Street to 25 mph. She stated that due to the amount of people who are using Spring Street as a cross over to Fifth Street, they are concerned for the children who play and walk on this street. Also, Ms. Banks presented a petition from residents on Spring Street.

Councilmember Holcomb asked that a speed trailer be placed on Spring Street. Ms. Banks stated that the Police Department has already done this.

Mayor Whitley asked that Ms. Banks allow the City Council to take this in consideration and come back with a decision at a later date.

Mr. and Mrs. Randall of 28928 Sweet Home Church Road came before City Council to request water service outside the City limits. She explained to Council the condition of her water with iron, calcium and sulfur. They would like to tap on to the City's water system and are 520 feet from the hydrant.

The City Manager stated that there are several options in this case. The City can run a water line to their property for a cost to the City of \$20,000-25,000. This would affect the existing rate of our customers to subsidize this. The Randall's can pay the City to extend the line to their property or they can put in a private water line w/easements then pay for the City water tap.

Councilmember Neel suggested that the City utilities survey this area for potential customers to see if there is enough interest with the possibility of annexation of their property. Mrs. Randall stated that she had talked to the residents on Sweet Home Church Road and no one seemed interested in tapping onto the City's water system or in being annexed.

Mayor Whitley indicated the City would consider assisting if the Randall's decided to pursue one of the options.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 12-24, To amend the code of ordinances relating to the terms of the members for the Historic Resources Commission.)

(Ordinance 12-26, To prohibit all tobacco use on City of Albemarle Parks and Recreation properties.)

The Mayor and City Council discussed the Just Us Kids Program. City Council laid over discussion of this item from the July 2 meeting so that Mayor Pro Tem Alexander could obtain a copy of tax returns for the JUK organization and so that the City Manager could speak with Ms. Johanna Chase of the Dept. of Public Instruction who oversees this program.

The City Manager stated that Ms. Chase was out of the office from late June until late July and he had previously spoken with other DPI staffers, but they did not work directly with this program. The City Manager also said that he was able to speak with Ms. Chase on July 31 and she advised him that DPI does regular monitoring and desktop monitoring of all of the 21st Century grant programs and that no significant issues have been identified with the JUK program, and that the program is considered to be in compliance with DPI guidelines.

Mayor Pro Tem Alexander advised that it does not appear that JUK has filed a tax return for their program. He spoke with DPI staff about this and they advised that they did not require their programs to provide DPI with a copy of tax returns or provide an annual audit.

The Mayor and City Council discussed appointments to City Boards and Commissions. Several board appointments were made at the June 2 and July 2 Council

meeting, but appointments on the Community Appearance Commission and the Historic Resources Commission were laid over from the July 16 meeting.

The City Council came to a consensus to leave vacant the two unexpired appointments on the Community Appearance Commission at this time.

Upon a motion by Councilmember Michael, seconded by Councilmember Neel and unanimously carried, the following initial staggered terms were applied to the Historic Resources Commission. Upon the expiration of initial terms, will be appointed terms of three (3) years.

- Conrad Carter - 3 year term ending July 2015
- Stephen Chambers - 3 year term ending July 2015
- Roger Martin - 3 year term ending July 2015

- Sheila Simpson - 2 year term ending July 2014
- Gene Starnes - 2 year term ending July 2014
- Ritchie Hearne - 2 year term ending July 2014

- Christy Stoner - 1 year term ending July 2013
- Zelma Eudy - 1 year term ending July 2013
- John Williams - 1 year term ending July 2013

The Mayor and City Council discussed the NC League of Municipalities Legislative and Regulatory Goals. The City Manager stated that these goals need to be submitted by August 31, 2012. He answered any questions that Council had.

Councilmember Michael discussed the Governor's order that if a North Carolina based business is not the low bidder on a state contract, but submits a bid within a specified range of the low bid from an out-of-state company, the North Carolina business will receive the opportunity to match the out-of-state bidder's price and secure the contract.

Upon a motion by Councilmember Michael, seconded by Councilmember Townsend and unanimously carried, the City Council approved pursuing a law similar to the State's allowing local companies to be able to match a bidder from another state and the local business receiving the opportunity to secure the contract.

Councilmember Alexander moved to pass Ordinance 12-25 on second reading. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Michael, Townsend and Underwood. Voting against the motion was Councilmember Neel. The following Ordinance passed second reading and was duly adopted:

(Ordinance 12-25, To change the speed limit from 45mph to 35mph from Snuggs Street to 1000 feet below Crestview Drive on Snuggs Park Road.)

The Mayor and City Council reviewed the Public Housing Assessment System report for FY ending 6/30/2012. It was noted that the PHAS report must be submitted to the Department of HUD 45 days after the fiscal year end and a board resolution must certify that the report is approved by City Council. It was noted that HUD will make a final determination later this year along with this submission and other measures such as a financial audit.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the Public Housing Assessment System report for FY ending 6/30/2012.

(Resolution 12-23)

The Mayor and City Council reviewed the Section 8 Management Assessment Program for FY ending 6/30/2012. The Section 8 Housing Choice Voucher program is annually assessed by the SEMAP and the report must be submitted to the Dept. of HUD within 45 days of the fiscal year end. It was noted that the waiting list was opened in February 2012 and over 300 applications were added to the waiting list. On April 24th over 50 vouchers were given to eligible families. This has resulted in 289 or more families receiving monthly housing assistance and there are additional families looking for housing.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Section 8 Management Assessment Program for FY ending 6/30/2012.

The Mayor and City Council reviewed the results of rebid No. 2012-14 Ceiling & Bath repairs. The results of re-bid no. 2012-14 for ceiling & bath repairs in Public Housing Site B. Stogner Architecture PA provided a recommendation letter, certified bid tabulation, unit price summary, bid attendees, HUB participation evaluation, cost estimate for the construction project, and a letter of acceptance from Matt Construction. The low bid is Matt Construction, Charlotte, NC in the amount of \$202,325.00.

Wayne Stogner with Stogner Architecture PA consulted with the HUD's Greensboro Office because the bid security amount from Matt Construction did not cover all of the required items. The bid security check was \$50 short when factoring in the alternate bid cost, but was sufficient to cover the base bid amount. HUD has advised that the City has the option to reject the bid based on the bid security or the City may waive minor informalities and allow the bidder to correct the bid security.

City Attorney David Beaver stated that the City should request a written waiver from HUD. Mr. Stogner stated that City Council would have to either waive or reject this bid based on HUD recommendation.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Michael and unanimously carried, the City Council approved re-bid no. 2012-14 for ceiling & bath repairs in Public Housing Site B with the low bid from Matt Construction Company in Charlotte, NC in the amount of \$202,325.00 and waive minor informalities and allow the bidder to correct the bid security.

(Bid Tabulation)

The Mayor and City Council considered a request of Stanly Regional Medical Center for a street closing to close North Fourth Street between East and Yadkin Streets for a Fun Run and 5K Race on October 13, 2012 from 6:30-9:30 am.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a street closing on North

Fourth Street between East and Yadkin Streets for a Fun Run and 5K Race on October 13, 2012 from 6:30-9:30 am.

Administrative Intern Nasser Rahimzedah came before the Mayor and City Council and gave a presentation of a proposed social media policy. Nasser has worked on this project and developed a policy for Council's consideration. He stated that the City has been on Facebook since November 2009. Departments that mainly use this media are Parks and Recreation, Fire, and Police. He explained the purpose and guidelines that he incorporated into his proposed social media policy.

Mr. Rahimzedah answered any questions that Council had.

The City Manager stated that this is for Council's review and a decision can be made at a later Council meeting.

Upon questioning concerning comments, the City Manager stated that the public would make comments and if negative, the City would not respond back but would remove negative comments as needed.

Council decided to lay this item over until the next Council meeting on Monday, August 20 to determine if there are any conflicts between the proposed city-wide policy and the social media policy already in place as part of the Albemarle Police Department's Accreditation requirements..

The Mayor and City Council considered an appointment to an expired term on Stanly County Convention and Visitors Bureau. The City Manager received a letter from Executive Director Chris Lambert with the CVB. Councilmember Neel's appointment to the CVB expired in July and is eligible for reappointment.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved the reappointment of Councilmember Neel to the Stanly County Convention and Visitors Bureau Board.

The Mayor and City Council reconsidered the purchasing of right of way not needed for the CKA waterline project. It was noted that with a design change to the CKA line that was made in which the line will be constructed on Floyd Street in Richfield which will be shorter and less expensive than the original design meaning, right of way from seven owners on NC Hwy 49 that had been negotiated with were no longer needed for the project. Two (2) of the seven (7) property owners on Hwy 49 have contacted the City and requested that the City not acquire their R/W since no longer needed for the project and they do not want to complicate the R/W acquisition for the widening of Hwy 49.

Public Utility Director Ellen Huntley came before Council and requested that these properties not be acquired and that she be allowed to contact the remaining five (5) property owners and ask if they are still interested in the City purchasing their R/W.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved not acquiring right of way from seven property owners on NC Hwy 49 that had been negotiated but no longer needing this for the project.

The Mayor and City Council considered an award for a Public Utilities transformer bid for the new 24.9 KV Delivery Station at 690 Central Avenue. Based on the bids by Southeastern Engineering Consultants, it is recommended that the bid be awarded to Virginia Transformer Corporation for a 20/27/33 Substation Transformer.

The pricing is firm based on the following payment schedule:

- 0% on Initial Order
- 10% upon Drawing Approval
- 20% upon Manufacturing
- 70% net 30 days after shipment

Upon a motion by Councilmember Michael, seconded by Councilmember Townsend and unanimously carried, the City Council approved the Virginia Transformer Company as the low responsive bidder in the amount of \$366,314.00 with the stated new terms.

(Bid Tabulation)

The Mayor and City Council considered awarding Scrap Metal bids for the sale of surplus scrap metal from the Electric Division. The bids were opened on the advertised date, July 20, 2012. Based on the bid tabulation sheet, please consider awarding the following highest bids:

A.L. Lowder Inc.

Wire, Bare Copper	\$3.16/lb
Wire, 350 Copper Underground	\$2.00/lb
Steel, Scrap	\$0.09/lb
Steel, Galvanized	\$0.09/lb

Gateway Recovery

Wire, Insulated Copper	\$2.519/lb
Wire 1/0 Copper Underground	\$2.091/lb

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved A.L. Lowder and Gateway Recovery for prices on wire and steel as stated above.

(Bid Tabulation)

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 12-27) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING AN PROJECT BUDGET ORDINANCE RELATING TO THE CENTRAL AVENUE DELIVERY 3 PROJECT." passed first reading.

The Mayor and City Council discussed the start time of the regular meetings of the City Council. When the change was made to start the meetings at 5:30 pm this summer, the City Council indicated at that time they would take up this issue again at the first meeting in August to determine what time meetings will begin starting in September.

Councilmember Neel moved to start the regular meetings of City Council at 7 pm starting with the 1st meeting in September, 2012. The motion died for lack of a second.

Councilmember Holcomb moved to start the regular meetings of City Council at 6 pm year round starting with the 1st meeting in September, 2012. Council Townsend seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Michael, Townsend, and Underwood. Voting against the motion was Councilmember Neel. The motion carried, an Ordinance entitled (Ordinance 12-28) “ AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING SECTION 22-01 OF CHAPTER 22, TITLE TWO. “GOVERNMENT AND ADMINISTRATION” OF THE CITY OF ALBEMARLE, NORTH CAROLINA, TO ESTABLISH THE HOUR OF 6:00 P.M. OF THE STANDARD OF TIME IN EFFECT AS THE TIME OF REGULAR MEETINGS.” passed first reading.

The Mayor and City Council reviewed applications for the Economic Development Task Force. The City Manager noted that Council has received the email from Crystal Morphis in which she outlines some of the interests that would be beneficial to have on the task force. He also stated that the City wants to start this initiative in early September, so we recommend that all appointments be finalized by the second Council meeting in August.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved having a special meeting in August to discuss the task force applications and procedures.

Councilmember Townsend stated he would like for each candidate to come before Council and speak 3-5 minutes about their application and why they applied.

The Mayor and City Council considered a resolution authorizing the retirement of a Police K-9. It was noted that Dannel has worked for the City of Albemarle Police Department providing law enforcement and public service tasks for six years and is experiencing significant seizures that are making it impossible for him to continue his tasks as a canine officer and will be retired from the force.

The dog must first be declared surplus by Council and G.S. 160A-266(c) which gives authority for Council to sell the dog and substantiate why the sale of the dog should not be subject to other proceedings and sold only to the handler.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved a resolution authorizing the retirement of a Police K-9.

(Resolution 12-24)

The Mayor and City Council received a report on surplus property sales for FY 2011-2012. The City Manager noted that City policy authorizes staff to declare surplus and dispose of any property under \$5,000 in value.

The Mayor and City Council discussed resolutions honoring former Boards and Commission members. Councilmember Michael requested that this item be placed on the agenda for discussion. The City Manager noted that from time to time City Council has adopted resolutions honoring the service of board and commission members who had long tenures on their respective boards. There is no formal policy regarding this, and it has been done on a case by case basis at the discretion of City Council. Paulette Bowers compiled the attached list of board members who recently retired or resigned.

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb and unanimously carried, the City Council approved honoring former board members with a framed resolution, if they retire after serving at least one full term.

The Mayor and City Council discussed the process for appointments to City Boards and Commissions. City Council had asked staff to do some research into how to improve or streamline the process used to appoint members to boards and commissions. Administrative Intern Nasser Rahimzadeh has researched how some other cities handle this process and Council received a memo from him regarding this research.

Mr. Rahimzadeh in his assessment of the current process of board appointments stated that he had reviewed procedures of seven NC municipalities including Burlington, Hickory, Concord, Kannapolis, Asheville, Chapel Hill, and Raleigh. He stated that at the very minimum, the City should use applications during the appointment process.

Mr. Rahimzadeh stated that City boards could refer candidates to City Council. Interviews are not necessary but can be incorporated if needed. The City Council would appoint all new appointments or reappointments. He presented a proposed application design that can be on the City website for applicants to fill out and mail, email, or fax back to administration. Councilmember Townsend suggested that the

application be amended so that applicants can indicate the boards they have interest in by order of preferences.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council approved accepting the application created for the City as Mr. Rahimzadeh presented for board and commission appointees in the future.

It was noted that existing board members should also fill out the application.

Councilmember Holcomb asked if the City had decided to sell the Kellie Pickler signs. The City Manager stated that no decision had been made by Council.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council declared the Kellie Pickler signs that are in disarray as surplus and to auction them off. Councilmember Holcomb asked NCDOT be notified as to the bids dates and venue.

Councilmember Townsend asked Police Chief Halliburton how many police vehicles still need the new City logo. Chief Halliburton stated that due to cost we have not been able to do all of them at once. Eight vehicles have the new logo at this time. He also stated that the cost for each is \$495 and he anticipated completing all the vehicles in approximately two years.

Councilmember Alexander stated that on Friday, July 6 due to the bad storm a lot of people had no power. Several people asked why we were not able to handle all the calls coming into the City. The City Manager stated that this power outage occurred after hours and several thousand customers were affected. The Police Department was bombarded with calls. He also stated that he, the Assistant Public Works Director, and other utility employees came in to answer calls. This takes time to get people in and lined up to take calls when this occurs after business hours.

Councilmember Alexander asked if reverse 911 could be used to call residents in these situations. It was noted that most landlines are connected to a cordless

phone and they would not be able to get the message. If the reverse 911 calls a cell phone, the message will be received by the resident.

The City Manager stated that using the reverse 911 could be a consideration.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, the meeting was adjourned until Monday, August 13, 2012 for a joint meeting with Albemarle Badin and New London on the Comprehensive Transportation Plan at City Hall at 5:30 pm.