

REGULAR MEETING CITY COUNCIL

June 6, 2011

The City Council of the City of Albemarle met in a regular session on Monday, May 2 at 7:00 p.m. in the City Hall. Mayor Elbert L. "Whit" Whitley, Jr. presided, and the following Councilmembers were present, to-wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

The Mayor delivered the invocation.

The Mayor recognized the City of Albemarle Public Utilities Department for the Reliable Public Power Provider Platinum Award they received. Interim Director of Public Utilities Judy Redwine and Electric Superintendent Charles Burris presented this award to City Council. The City Manager noted that this prestigious designation is awarded by the American Public Power Association and represents the third consecutive time that the City has received the RP3 Award. The application for this recognition was completed by retired Director Ernie Borders, and credit for this achievement should go to him as well as all of the employees of the Electric Division.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the minutes of May 16 regular session and May 20 adjourned session minutes were approved as submitted.

A public hearing was held to consider the revocation of a conditional use permit at 1450 US Hwy 52 N formerly Albemarle After Dark.

CEO Ronnie Michael of the Police Department came before Council to clarify that there had been problems such as shootings when Albemarle After Dark was located there. This building has been vacant for several years. The new owners Dusty Mason and Robbie Cohen are supportive of the removal of this conditional use permit.

Mr. Michael also stated that he had asked the Planning Board to consider removing the conditional use permit on this property. No one from the public spoke for or against this.

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

The City Council considered the following findings of fact as read by Mayor Whitley:

1. The request of the Albemarle Police Department and also by the owner(s) of the Shopping Center formerly known as “Delco Plaza” for the revocation of the conditional use permit previously granted that business formerly known as “Albemarle After Dark” to operate a billiard hall at 1450 US Highway 52 North, Albemarle, NC 28001 in an area classified as GHBD/General Highway Business District under the City of Albemarle’s Zoning Ordinance (hereinafter referred to as the “Use”) is not contrary to the public interest for that “Albemarle After Dark” is no longer operating at the site for which the conditional use permit was granted.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hal and unanimously carried, the City Council approved finding of fact #1.

2. The revocation of the use will not materially endanger the public health or safety whereat previously located in accordance with the plan as previously submitted and approved due to a change in the character of the shopping center whereat medical office uses are proposed to be added.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved finding of fact #2.

3. The revocation of the use meets all required conditions and specifications of the shopping center as they now exist;

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #3.

4. The revocation of the use will not substantially injure the value of adjoining or abutting property; and

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #4.

5. The revocation of the use, as previously granted, according to the amended plan now submitted and approved, will be in harmony with the area in which it is to be located and

in general conformity with the amended plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved finding of fact #5.

6. The request of the Albemarle Police Department and also by the owner(s) of the Shopping Center formerly known as “Delco Plaza” to revoke the conditional use permit previously granted “Albemarle After Dark” is approved, and the Conditional Use Permit is hereby revoked.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved finding of fact #6.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the following resolution was duly adopted.

(Resolution 11-15. To revoke a conditional use permit at 1450 US Hwy 52 N (formerly Albemarle After Dark)).

The Mayor and City Council were presented an update on the Long Creek Wastewater Treatment Plant improvement project. The City Manager noted that the City has received approval of the plans and specifications for this project and the authorization to construct from NCDENR. The City has received a draft Special Order by Consent that will be in effect that reduces the amount of civil penalties levied against the City and modifies the NPDES permit requirements to less stringent requirements since the plant operations will be disrupted during construction.

Mr. Clawson with Municipal Engineering came before Council and gave an update on the progress at the wastewater treatment plant. The authorization to construct has been granted for modifications to the existing Long Creek Wastewater Treatment Plant. He also said that they have advertised for bids and the pre-bid opening is scheduled for June 22 and the bid opening for July 12.

A Special Order by Consent will be entered into by the City of Albemarle and NCDENR. This document explains the following activities:

- 1) Submit Inflow and Infiltration collection system evaluation report by August 31, 2011.

- 2) Prepare and submit a Residuals Management Plan by September 30, 2011.
- 3) Submit Construction Status Reports quarterly by October 1, January 1, April 1, July 1, and October 1 during each year the SOC is in effect, beginning July 1, 2011.
- 4) Begin construction on the WWTP by October 1, 2011.
- 5) Complete construction by October 1, 2013.
- 6) Attain compliance with NPDES permit limits by December 1, 2013.
- 7) Submit a copy of WWTP standard operating procedures (SOP) manual by January 1, 2014.

Councilmembers asked Mr. Clawson questions concerning this project. Upon questioning of original mitigated fines, Mr. Clawson stated that they were cut down by 50%. Original fines of \$70,000, cut 50%. Fines will be payed after the signatures of all parties.

Mayor Whitley asked Mr. Clawson about the climate of the bids. Mr. Clawson stated that there are a lot of projects out to bid and the costs of materials is the largest expense. He said there should be good bid numbers coming in.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Special Order by Consent between the City of Albemarle and NCDENR.

Mr. Pernell Pinckney and Mr. Destricks Burns on behalf of Genrex/Greater Victory Temple Ministries came before City Council to request closing Arey Avenue between Pee Dee Avenue and East Main Street on Friday, June 17, 2011 from 5 pm to 11 pm for Spring Break event.

Mr. Pinckney stated that the event would be from 5-9:30 pm.

Councilmember Townsend moved that Council approve the request of closing Arey Avenue between Pee Dee Avenue and East Main Street on Friday, June 17, 2011 from 5 pm to 9:30 pm for a Spring Break event. Councilmember Holcomb seconded the motion. Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Townsend and Underwood. Voting against the motion was Councilmember Neel. The motion carried.

Mr. Lee Neiderer, President of Anderson Ridge Homeowners Association came before City Council to request a reduction in the speed limits for streets in the Anderson Ridge subdivision from 35 mph to 25 mph.

Mr. Neiderer stated that 75% of the homeowner association members had signed the petition. Mayor Whitley asked Mr. Neiderer if he was aware of the costs associated with this request. Mr. Neiderer stated that he had two checks to give to Council tonight for the expense of the request. He asked how long it would be until the speed limit signs are posted. City Manager Raymond Allen stated that Council authorized tonight the ordinance being drafted by the City Attorney and the ordinance will come back before Council for first reading on June 20 and second reading on July 5. They should be installed in early July.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall unanimously carried, the City Council approved a request for a reduction in the speed limit from 35 mph to 25 mph in the Anderson Ridge subdivision.

Ms. Teresa White of 1704 East Main Street came before City Council to express objections to the no parking zone recently enacted for Leonard Avenue. The City Manager noted that Ms. White had contacted him after the last Council meeting to express concerns about this new no parking zone, which was approved by City Council to help address the community complaints about drugs, violence and loitering in this area. Ms. White is concerned about the house at the southwest corner of Leonard Avenue and Lennox Street (436 Leonard Avenue) which is owned by a relative and indicated that the house has limited off street parking and that visitors do not have adequate space to park due to this no parking zone.

Ms. White came before Council and stated that she lives on East Main Street but her concern at 436 Leonard Avenue is where her brother lives. She stated that her brother Daryl Ellis would speak on this matter.

Mr. Ellis came forward and stated that the no parking zone approved by Council in front of his house at 436 Leonard Avenue, he did not know about until after the fact. He stated that he has not seen any problems there and he stated that it is unfair that he cannot park cars on the street in front of his house. Leonard Avenue has become a through street due to Wal-Mart and he feels this is unfair to the residents that were there before Wal-Mart and businesses were there. He said that he would like to object to the no parking zone because he needs the space to park and asked Council to rescind their approval.

Councilmember Townsend stated he has observed traffic problems at the intersection of Lennox and Leonard Avenue where Mr. Ellis resides. He also said that he would be in favor of rescinding the motion Council made.

Mayor Whitley stated that there is a problem with cars parking in front of his home at the corner of an intersection. It is a tight squeeze for traffic with vehicles parked at the curb. Councilmember Neel stated that there is not room for three cars coming through this area which includes one parked and two cars passing through the intersection. At this 4-way stop there are some cars turning and some through traffic. Councilmember Holcomb asked that Police CEO Ronnie Michael check this area out.

Ms. White stated that her family does visit with each other often and this is creating a problem of everyone having somewhere to park when visiting. Some members of the family are handicapped and cannot walk long distances. Visiting at 436 Leonard Avenue is very difficult with the no parking zone out front.

Upon questioning by Councilmember Hall, Mr. Ellis stated that the handicapped child at a nearby neighbor is picked up by a school bus. Councilmember Townsend asked Mr. Ellis if the parking zone was moved down some, would this help. Mr. Ellis affirmed that it would.

Mayor Whitley asked that Council take a further look into this concern and asked Mr. Michael his concerns on this matter. Mr. Michael stated that the school bus that has to stop and pick up a child can temporarily park in this no parking zone long enough to pick someone up. This would not be considered parking in a no parking zone. He stated that he will be glad to look at anything Council requests, but wishes not to undue adding this no parking zone which is working on the problem at hand. Everyone has had positive comments about this no parking zone until tonight.

Councilmember Alexander asked about the distance the no parking zone covers and it was stated that it starts 150 feet before the intersection of Leonard Avenue and Lennox Street and continues to NC 24-27 Hwy.

Mr. Alvin Curry came forward and stated an alternative would be to increase the width of the street or by moving the no parking zone down some past Mr. Ellis' driveway.

Mayor Whitley stated that the City will take another look at this and come back with their decision.

Mr. LaShune Little, 1215 Lennox Street came before Council to request a street closing on Lennox Street for a celebration on July 3, 2011. The City Manager noted that he was advised that based on the policy adopted by City Council in March of last year, that private events are no longer eligible for street closings. He amended the application as a non profit event although he does not represent any recognized non profit agency, and requested to appear before City Council to make this request, although the event is not eligible under the policy adopted by City Council.

Mr. Little stated that this celebration is every year at this time. Councilmember Hall asked if Mr. Little had come into the office twice, once to fill out the application and again to amend the application as non profit. Mr. Little stated that he came in once and filled out the application and then changed information on the application.

Councilmember Townsend stated that this is a 4th of July block party being celebrated on July 3. Councilmember Neel asked if this is approved, what about the street closing policy which states that individual and personal use are non allowable functions.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of Lennox Street from 10 am until 11 pm on July 3 for a 4th of July celebration.

Mr. Chuck Horne came before Council as an unannounced delegate with concerns on Inger Street. He stated that the road has a hill coming in and going out and there is no light in this area and the road is very narrow. He also said that a gentleman was hit by a car in this area the day before Mother's Day and now he is crippled. He requested that Council consider widening the street in this area or add lighting so as to see pedestrian's walking.

Councilmember Holcomb asked if there is a sidewalk in this area and it was affirmed that there is not.

Mayor Whitley asked that Council and staff take a look at this area and come back with a solution.

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

Councilmember Neel asked that in the future if the agenda could show a short description on the 1st level of the screen, so you would not have to click to the next level to see it.

Councilmember Hall asked if when approving a new budget, 2nd reading, if this could be a separate item and not a part of the consent agenda.

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

(Ordinance 11-11. FY 2011-2012 BUDGET ORDINANCE FOR THE CITY OF ALBEMARLE, NORTH.)

(Ordinance 11-12. AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE XXXI TO PROVIDE A NO PARKING ZONE ON THE NORTH SIDE OF GREENWOOD STREET FROM COLUMBUS STREET TO CAROLINA AVENUE.)

(Ordinance 11-13. AN ORDINANCE TO AMEND FY 2010-2011 BUDGET.)

The Mayor and City Council were to discuss appointments to City Boards and Commissions.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council decided to hold this item over until the next meeting on June 20 due to the length of this agenda and to have extra time to look over the candidate lists.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 11-16) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE IX TO INCLUDE ADDITIONAL STREETS IN THE GRANDVIEW SUBDIVISION IN THE CITY OF ALBEMARLE, NORTH CAROLINA. ” passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 11-17) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING CHAPTER 77 OF THE CITY OF ALBEMARLE CODE OF ORDINANCES, SECTION XXXV, TRAFFIC SCHEDULE, BY ELIMINATING THE TWO HOUR PARKING RESTRICTION ON A PORTION OF NORTH STREET.” passed first reading.

The Mayor and City Council considered changing the meeting date for July 4, 2011 Council Meeting. This meeting is in conflict with the Independence Day holiday on July 4, 2011.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel, and unanimously carried, the City Council approved changing the meeting date for the July 4, 2011 Council meeting to Tuesday, July 5, 2011.

The Mayor and City Council reviewed a recommendation of the Planning and Zoning Board for Text Amendment to Establish the Institutional and Office District. The City Manager noted that on May 24, 2011, the Planning Board recommended approval of a new zoning district, the Institutional and Office District, after several months of study and discussion. This will require amending four sections of the zoning ordinance to include the description of the district in Section 92.085, establishment of setbacks for district in Section 92.086, signage allowed in Section 92.033 buffer yard requirements in Section 92.090. A public hearing is required, and can be set for the first meeting in July.

The City Manager also noted that this new district would be used for all of the Stanly Community College property and could be used in the future for new or existing public or private schools and any other uses that are approved now or in the future for this district. A zoning map amendment will be drafted by the Planning Department for consideration.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved setting a public hearing for Tuesday, July 5, 2011 to consider a recommendation of the Planning and Zoning Board for a text amendment to establish the Institutional and Office District.

The Mayor and City Council considered a recommendation of the Planning and Zoning Board for a text amendment for 92.017 - FENCE WALL AND HEDGE LIMITATIONS. The City Manager noted that on May 24, 2011, the Planning Board recommended a text amendment to update the regulations of fences, walls and hedges on residential lots. CEO Ronnie Michael of the Police Department had requested that the height requirement for front yard fences be changed to match a proposed animal control ordinance being considered by Stanly County that would specify a four foot fence in the front yard. The Planning Department also wishes to make some changes to this regulation.

Councilmember Neel stated that he feels there needs to be a change on the type of materials that can be used to construct the fencing. They need to be four feet in height and be able to see through the fencing by not using solid materials as brick, wood, or stone on corner lots for sight distance and safety reasons.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved setting a public hearing for Tuesday, July 5, 2011 to consider a recommendation of the Planning Board for a text amendment for 92.017 FENCE WALL AND HEDGE LIMITATIONS.

The Mayor and City Council considered write-offs in the Department of Public Housing for the six-month period ending December 31, 2010. Collection of these write-offs will still be pursued, but the amount needs to be listed as a written-off debt for accounting purposes.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the City Council approved write-offs in the Department

of Public Housing for the six-month period ending December 31, 2010 in the amount of \$1,921.16.

(Write offs file)

The Mayor and City Council considered a board resolution approving Public Housing budget FY2011-2012. This resolution certifies that City Council has reviewed and approved the Department of Public Housing budget as required by the Department of Housing and Urban Development.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved a board resolution approving Public Housing budget FY2011-2012.

(Resolution 11-16. A Public Housing Authority Board resolution approving the operating budget.)

The Mayor and City Council considered approval of a date for mandatory training for members of the Board of Adjustment.

The City Manager noted that Bill Duston with Centralina COG has provided date options for on-site training for the members of the Board of Adjustment concerning quasi-judicial procedures. Bill Duston provided similar training for the City when the rules and procedures for quasi-judicial hearings went into effect several years ago. The proposed dates are: August 16, 23, or 24.

Councilmember Hall stated that she would like Council to allow the Board of Adjustment to choose the best date for them.

Planning and Community Development Director Keith Wolf stated that he can ask the members of the Board of Adjustment which is best for them. City Manager Raymond Allen said that this can be delegated to the Board of Adjustment to choose best date and let Centralina COG know and this date can be forwarded back to Council.

Upon questioning of the time for this training, Mr. Allen stated that it would be in the evening. Mr. Wolf stated that this would probably be from 6-9 pm with a short

break.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council agreed to delegate the decision to the Board of Adjustment to choose best date and let Centralina COG know and this date can be forwarded back to Council.

The Mayor and City Council considered approval of proposed dates for Planning Board dinner meetings. The City Manager noted that it is budgeted for quarterly dinner meetings with the Planning Board and Board of Adjustment for the next budget year, which was a priority for some members of City Council. We are proposing to start them in July on the third Wednesday if Council is in agreement.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved July 20 and October 19, 2011 and January 18 and April 18, 2012 for a joint dinner meeting with the Planning Board and Board of Adjustment at Rosebriar.

The Mayor and City Council received an update on the City Redistricting Project. The City has been studying if it will be required to redistrict following the results of the 2010 Census figures.

Assistant City Manager Michael Ferris came before Council and made a presentation on the status of this project. He stated that February, 21, 2011 City Council authorized a contract with Centralina COG to gather population information by Voting District, April 2011 the release of 2010 US Census data for redistricting and July 25 – August 12, 2011 is the Municipal election candidate filing period.

He stated that federal court rulings over the years have established a standard for maintaining One Person, One Vote, the test is know as the 10% rule. This rule considers the percentage difference from ideal population of the district with the highest and the district with the lowest populations. Adding the percentage deviations together for the two districts should not exceed 10%. Mr. Ferris explained how to calculate the 10% rule to determine if redistricting would be mandatory. It was

determined that the City of Albemarle does not need to redistrict based on population. Without redistricting, the City will also maintain an African-American majority in District #1.

Council can choose to do so at additional expense. The estimated contract cost with CCOG to redistrict would be \$9,800. (spent to date \$2,145). If redistricting occurred, it would have to be complete and submitted to the County Board of Elections on July 20 which is the required three business days prior to candidate filing. However, BOE indicated they would like this information by July 1.

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend and unanimously carried, the City Council approved not to redistrict.

The Mayor and City Council considered a request of the Boy Scouts for waiver for archery and BB instruction at City Lake Park. This is to waive the policy that prohibits the use of firearms and archery in City parks. The City Council has granted this waiver in the past subject to the execution of a hold harmless agreement with the scouting organization and proof of liability insurance.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved a waiver for archery and BB instruction at City Lake Park for the Boy Scouts on June 20 through June 25 subject to the execution of a hold harmless agreement with the scouting organization and proof of liability insurance.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 11-21) "AN ORDINANCE TO AMEND FY 2010-2011 BUDGET ." passed first reading.

The City of Albemarle considered a resolution to adjust the City of Albemarle Electric Rates effective July 1, 2011. The City Manager noted that this solution implements a 4% retail electric rate adjustment effective July 1 to partially offset the 5% wholesale rate increase the City will receive from NCMAPA#1 on July 1. This rate adjustment is incorporated into the budget that was adopted on first reading at the May 16

meeting

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

(Resolution 11-17. To adjust the City of Albemarle electric rates at a 4% increase effective to partially offset the 5% wholesale rate increase the City will receive from NCMIPA#1 on July 1, 2011.)

The Mayor and City Council considered a resolution to adjust the City of Albemarle water & sewer rates. The proposed budget includes a 5.5% rate adjustment for usage greater than 300 cubic feet per month. There is no increase for usage below 300 cubic feet per month . This rate increase will allow the Water & Sewer Fund to continue to remain solvent and to help address the need for capital improvements in the water and sewer system.

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

(Resolution 11-18. To adjust the City of Albemarle water and sewer rates which includes a 5.5% rate adjustment for usage greater than 300 cubic feet per month. There is no increase for usage below 300 cubic feet per month.)

The Mayor and City Council considered a resolution to adjust household solid waste collection fees. These fee increases were included in the proposed budget that was adopted on first reading at the May 16 City Council meeting. City Manager Raymond Allen noted that the household collection fee will increase from \$8.75 per month to \$9.75 per month. This would collect funds to recover approximately 65% of the cost of providing this service. This adjustment was incorporated into the FY 11-12 budget that was adopted on first reading on May 16.

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

(Resolution 11-20. To adjust the City of Albemarle household and business solid waste collection fees effective July 1, 2011.)

The Mayor and City Council considered a resolution to adjust disposal fees at the City of Albemarle Landfill effective July 1, 2011. This fee adjustment is included in the proposed FY 2011-2012 budget that was adopted on first reading at the May 16, 2011 meeting of City Council.

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

(Resolution 11-19. To adjust the City of Albemarle disposal fees at the City of Albemarle Landfill effective July 1, 2011.)

The Mayor and City Council considered an appointment for the City representative on the Stanly County Convention and Visitors Bureau Board of Directors. The current term expires on July 1, 2011. The City Manager noted he received a letter from the CVB advising that Mr. Wade McSwain's term expires on July 1, 2011 and requesting that City Council reappoint Mr. McSwain or appoint a replacement to this board.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved reappointing Wade McSwain as a representative on the Stanly County Convention and Visitors Bureau Board of Directors.

The Mayor and City Council received information on the Recycling Event held in partnership with Green Pieces Recycling which was held on Saturday, May 23 at the City Hall from 8:00 until noon. Employees from Administration, Public Works Landfill Division, Public Works Warehouse Division, and employees from Green Pieces Recycling participated. 1,400 pounds of recyclable materials was collected, which is not bad for a first attempt. Another event will be held late summer or early fall. The

intent of the event is to provide those residents who do not want to participate in the curbside program an opportunity to dispose of the recyclables they have collected.

The Mayor and City Council reviewed the request for donation of door prizes for the ElectriCities Annual Meeting.

The City Manager stated that the door prizes are needed anytime before the annual meeting in August or Councilmembers can take their door prizes to the annual meeting with them.

The Mayor and City Council received information that the City will provide information to utility customers in June billings regarding NC Weatherization Assistance Program. The City will include a flyer which was provided by ElectriCities as a June utility bill insert. This is in regard to the weatherization program for low income homeowners and renters that we learned about at the regional meeting in Concord a couple of months ago. The program in our area is administered by Gaston Community Action, but we are promoting this so that our low income customers know about this opportunity.

Councilmember Hall stated that through her research, Stanly County will be receiving \$200,000 for this program to be spent before April 2012.

The Mayor and City Council reviewed information concerning the Employee Blood Drive. This blood drive will be held on June 8, 2011 from 10 am to 3 pm at Fire Station One/East Community Police Office for employees and also open to the public so invite any one you would like to participate.

Police CEO Ronnie Michael came before Council and stated that at the meeting held immediately before the South Albemarle Community Forum on May 20 the bond schedule was a topic and Judge Wallace is working on redoing the bond schedule.

Also, Mr. Michael stated that the Police Department is contemplating using tasers. In the Department of Justice recommendations, their studies are very supportive of

this in reducing injury of officers and suspects. He stated that he still has \$13,000 in his current FY 2010-11 budget and would need to spend this money before July 1. He would like for Council to consider adopting a policy allowing tasers and he would be able to purchase enough tasers with this money to cover 1/3 of the department and file a grant application for the remaining ones needed.

The City Manager stated that what is before Council, is to vote on change in policy to allow the use of tasers in the Police Department.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council approved a change in policy to allow the use of tasers in the Police Department.

Mr. Michael stated that NC is looking at raising the juvenile age to 18. The suggestion is to raise the age of juvenile jurisdiction only for misdemeanors and low-level nonviolent felony offenses. It might not apply in cases where a person is accused of violent crimes.

Ms. Pauline Jackson of 401 Summit Avenue came before Council as an unannounced delegate. She stated that she would like to thank City Council and the Police Department on the changes that have been made on her street due to the problems she brought before them at the May 2 Council meeting.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 3, 5 to consult with City attorney and discuss real estate matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318.11 (a) 3, 5 to consult with City attorney and discuss real estate matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council authorized City Manager Raymond Allen to hire outside legal counsel in civil case 11CDS412.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier , and unanimously carried, the City Council authorized City Manager Raymond Allen to hire outside legal counsel with ElectriCities legal firm, Poyner and Spruill, LLP in a claim with Carolina Transformers.

Councilmember Hall stated that the Farmer’s Market has a shortened time schedule this year. It is now opening at 8 am until 12 noon, instead of 7 am as in previous years.

Ms. Hall asked who owns the property across from Carolina Oil on South 1st Street. Mr. Michael stated that it is owned by David Kearns. Ms. Hall stated that she thought she saw illegal activity there. Mr. Michael stated that there had been no complaints from the property owners. Maybe a homeless person who cannot meet specifications for the homeless shelter was staying in the building.

Councilmember Neel had a concern about brush collection. He stated that if there is a large amount of debris at the curb, Waste Management picks all of this up. If there is a small batch of limbs, this sometimes is left for weeks.

Also, Mr. Neel stated at the corner of Hawthorne Avenue and Melchor Road a property owner has grass clippings out at the curb and not bagged, 2 months after loose pickup is over. Mayor Whitley stated that this is his responsibility after loose pickup season is over.

Upon a motion by Councilmember Underwood seconded by Councilmember Holcomb, the meeting was adjourned.