

REGULAR MEETING CITY COUNCIL  
November 21, 2001

The City Council of the City of Albemarle met in a regular session on Monday, November 21, 2011, 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, Jeannette Napier, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

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Mayor Whitley called the meeting to order.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the November 7 regular session was approved as submitted.

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Assistant Public Works Director Nina Underwood came before City Council to present the results of the 2011 City Employee United Way Campaign. She stated that 133 of the 265 City employees gave some type of contribution with 50.1% or 59 of those giving “my fair share”. The total amount raised was \$ 19,546.72. Ms. Underwood thanked everyone for their support this year.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved an annual leave day for Battalion Chief Tony Upchurch, Assistant Police Chief Ted Smith and Assistant Public Works Director Nina Underwood for all their hard work on the United Way Campaign 2011.

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Mr. John Welsh, American Legion came before City Council to request the street closing of South Depot Street from Main Street to South Street from 10:00 am to 4:00 pm on Saturday, December 10 for this event for a wreath dedication ceremony for veterans.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the City Council approved the street closing of South Depot Street from Main Street to South Street from 10:00 am to 4:00 pm on Saturday, December 10 for this event for a wreath dedication ceremony for veterans. Councilmember Townsend asked Mr. Walsh to notify the businesses whose alley access on Depot Street would be affected by this closing.

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Ms. Crowder-Lawrence came before City Council as an unannounced delegate based on her concerns of Community City Cares. She recited 2 Timothy from the bible and presented the Mayor with a symbol of the Circle of Life and a symbol of the flag.

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

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

(Ordinance 11-31. To consider condemnation and authorize demolition and removal of 1006 Efirid Street.)

(Ordinance 11-32. To consider condemnation and authorize demolition and removal of 1222 Lundix Street.)

(Ordinance 11-33. To provide City Zoning for the portion of Stanly Community College recently annexed and to Zone the remainder of the property previously inside the City limits and the National Guard Property to Institutional and Office.)

(Ordinance 11-34. To amend 2009 Grant Ordinance 9-32, 10-2, and 10-29 for a Community Development block Grant Morrow Chase Project Ordinance.)

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The Mayor and City Council discussed minimum housing code violations at 804 Austin Street. On August 15 the City Council granted the property owner a special 90-day extension to make improvements to the exterior of the property. The extension has now expired.

Mr. Oscar Hinson came before City Council and stated that he had started painting the exterior of 804 Austin Street but had not completed it yet. He stated that it was taking him more time than he originally thought it would and asked City Council for a second extension until spring 2012 to complete due to cold weather and having to climb to finish the painting.

Upon a motion by Councilmember Neel, seconded by Councilmember Napier and unanimously carried, the City Council approved a second extension until April 30 for Mr. Hinson to make the repairs at 804 Austin Street. This will come back before Council at their first meeting in May 2012.

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The Mayor and City Council received a report on a four way stop at the intersection of Eastover Avenue and Leonard Avenue. The City Manager noted that at the November 7 meeting of City Council that Councilmember Townsend had received a request from Mr. John Lilly of Leonard Avenue where some vehicles were running the four way stop intersections at Leonard Avenue and Eastover Avenue and he requested that stop bars be painted at this intersection.

Public Works Director Mike Lambert came before City Council and he stated that at Council's request he and his staff have been out to this area. With this community requesting and supporting four-way stop intersections, he recommends that the City install painted "Stop Bars" at each intersection on Leonard Avenue.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved paint stop bars at each intersection on Leonard Avenue from East Main Street to NC 24-27.

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The Mayor and City Council reviewed information about the City's Section 8 Management Assessment Program report score as High Performer. The

City Manager noted that the Department of Public Housing has received a letter from HUD designating the 6/30/2011 fiscal year end Section 8 Management Assessment Program report score as High Performer.

Public Housing Director Garry Lewis stated that Rachel Hough, Eric Allsbrook, and Doris Little work very hard to get this score as well as the other staff too and we are grateful for this accomplishment.

Councilmembers Holcomb and Townsend thanked Mr. Lewis for a job well done.

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The Mayor and City Council considered approval of the Architect/Engineering service contract for Public Housing. The City Manager noted that the architecture engineering service contract agreement between Stogner Architecture PA and the City of Albemarle Department of Public Housing is ready for City Council's review and consideration.

Mr. Wayne Stogner and Public Housing Director Garry Lewis came before City Council to present this agreement which will require the Mayor's signature. The contract agreement is for a two year period and after the initial two year period at both parties discretion the contract can be extended for three additional 12 month periods.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved the architecture engineering service contract agreement between Stogner Architecture PA and the City of Albemarle Department of Public Housing.

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The Mayor and City Council considered a request of Burr Bail Bonds at 125 South Third Street for two hour parking in front of their business.

Councilmember Underwood moved that City Council approve two hour parking in front of 125 South Third Street. The motion died for lack of a second.

Councilmember Hall as well as Councilmember Holcomb requested that this item be held over due to Mr. Burr not being present and asked that he be contacted about attending the meeting for discussion.

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The Mayor and City Council considered confirming a settlement in the Carolina Transformer SuperFund Site. The City Manager noted that this is the case where attorneys for a group of utilities that had paid substantial funds to the EPA to help clean up contamination from the Carolina Transformer site requested contributions from other utilities that had done business with this company to reimburse them for a portion of the amount they had to pay. The demand from the plaintiffs in this case for the City of Albemarle was \$100,712.86. The City engaged the law firm of Poyner Spruill and the case has been settled for \$23,964.66. The City Council needs to confirm this settlement in open session.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council confirmed settlement in the Carolina Transformer SuperFund Site for \$23,964.66.

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The Mayor and City Council considered a bid for sale of surplus property from the Parks and Recreation Department. A number of scrap metal items from Parks and Recreation have been declared surplus and were advertised for sale. Only one bid was received on the items, but City Council can approve the award with one bidder.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the one bidder, J. Cole in the amount of \$1,000.

(Bid – 2012-02 Surplus Property Parks and Recreation)

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The Mayor and City Council reviewed a draft of the sponsorship policy for the City of Albemarle.

Parks and Recreation Director Toby Thorpe came before Council and stated that Council had requested at the September 19 meeting to draft a sponsorship policy. A committee made up of management team members Colleen Conroy, Shawn Oke, Judy Redwine, Owen Squires, and Toby Thorpe formulated a draft sponsorship policy. Mr. Thorpe reviewed all sections of the draft policy with Council and answered any questions they had.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the draft of the sponsorship policy for the City of Albemarle.

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The Mayor and City Council considered approval of a supplemental agreement with NCDOT for East Albemarle area sidewalk improvements. This agreement will extend the project completion date to August 1, 2012. The City Manager noted that we experienced some delays in getting the plans approved through the various channels at NCDOT, but that approval was recently secured and Public Works began construction on this project last week, and have already made excellent progress.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a supplemental agreement with NCDOT for East Albemarle area sidewalk improvements which will extend the project completion date to August 1, 2012.

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The Mayor and City Council discussed the National League of Cities Service Line Warranty Program. Councilmember Townsend learned about this program at the recent National League of Cities meeting, and requested that this be placed on the agenda for Council discussion and consideration.

Councilmember Townsend stated the NLC Service Line Warranty Program is administered by Utility Service Partners, Inc. (USP) and is a home protection program that helps residents save on the high cost of repairing broken or leaking water or sewer lines by purchasing a low cost warranty with a low monthly fee. The work is performed by local licensed plumbers. Cities participate with no cost to them and would receive a percentage of funds back of the revenues collected. The NLC would do all the promotions for Cities endorsing this program. Mr. Townsend stated that no action is requested tonight on this item.

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The Mayor and City Council introduced Mr. William Halliburton as the new Chief of Police in Albemarle.

Chief Halliburton came before Council and stated that he is honored to be here and pleased to meet City Council as a group and looks forward to speaking with each one individually. He thanked City Manager Raymond Allen and all of the department heads. He emphasized to Council that he takes this position with the upmost sincerity. Also, he stated to the community that his services are to you the community and he will not forget this. There are programs he hopes to put in place and would like the community as well as all City departments involved.

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The Mayor and City Council considered a request of Ms. Lena Underwood, 335 Montgomery Avenue for additional utility billing adjustment. Councilmember Holcomb stated that her mother, Ms. Underwood experienced a leak due to a broken pipe at her home at 335 Montgomery Avenue and had the leak repaired by Superior Plumbing. Under the policy adopted by City Council, staff was able to adjust 100% of the sewer bill and 50% of the water bill over the average monthly usage. This was an adjustment of \$449.74 for the sewer and \$212.02 for the water for a total adjustment of \$661.76. Ms. Underwood is requesting an additional 50% adjustment for the water billing. Councilmember Holcomb excused herself from voting on this matter.

Councilmember Townsend suggested that Council remove 21,000 cubic feet of water usage and Ms. Underwood pay the remainder of 721 cubic feet of the water usage.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council excused Councilmember Holcomb from voting.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council requested that staff calculate a water bill based on 716 cubic feet of usage and for Ms. Underwood to hold payment until the next Council meeting when this calculation will be brought before Council.

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The Mayor and City Council considered a request of Piedmont Natural Gas for a 65 foot extension on the south side of NC Hwy. 24-27 and there is no conflict with City utilities. The City Manager stated that this request was originally emailed to the City in mid October, but PNG had the wrong email

address so Public Utilities Director Ellen Huntley did not receive it until November 10.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council approved a request of Piedmont Natural Gas for a 65 foot extension on the south side of NC Hwy. 24-27.

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The Mayor and City Council received an update on the status of loose leaf collection so far this season. The City Manager noted that beginning the week of the 14th, Waste Management has been running three collection units in Albemarle, two automated trucks and a large, pull-behind unit.

The City Manager stated that Assistant City Manager Michael Ferris and Public Works Director Mike Lambert have been keeping close track of the leave pickup this year. As of last Wednesday afternoon they were running approximately one day behind. As of today they are right on schedule and the next two weeks will be a challenge. The City Manager stated that Dave Bernat and Stan Joseph with Waste Management are here tonight to answer any questions that Council may have.

Mr. Bernat came before Council and upon questioning he stated that there are 12 zones and pickup up is approximately every 12 days. Our collection scheduled this year is 5 days a week, using the weekend as catch up time if needed.

Councilmember Alexander asked that residents and landscape companies not place limbs in with the leaves.

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The Mayor and City Council considered a request of Councilmember Neel to change agenda category "Old Business" to "Unfinished Business. Council member Neel has advised the City Manager that he has recently learned that Robert's Rules of Order which our Code of Ordinances designates as the procedure for City Council meetings uses the category of "Unfinished Business" instead of the category "Old Business" which the City has always used. Councilmember Neel has suggested that City Council approve changing this category on the Council agenda.



The City Manager stated that Novus, our electronic agenda provider will have to make this change to the electronic agenda template.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council approved a request of Councilmember Neel to change the agenda category "Old Business" to "Unfinished Business."

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The Mayor and City Council considered participation in the Hospice Festival of Trees by Mayor and City Council. For the past few years, the Mayor and members of City Council have made personal contributions to participate in this event. If they elect to do so again this year, the cost would be \$37.50 each.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved participation in the Hospice Festival of Trees at a cost of \$37.50 for each Councilmember and the Mayor.

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The Mayor and City Council considered attendance at the Stanly County Council of Governments on Tuesday, November 29. This meeting will be hosted by the Albemarle Mayor and City Council at Market Station at 6:30 p.m. A video on gang awareness that was shown at a gang forum earlier this year will be presented. The City Manager noted that he needs to know how many board members plan to attend so that he can include them in the head count for the meal.

The Mayor and all Councilmembers affirmed their attendance.

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The Mayor and City Council received information of an award of a grant from Carolina Thread Trail. The City Manager noted that the City of Albemarle has been awarded a grant of \$40,575 from the Carolina Thread Trail. This grant is awarded for development of approximately 2,000 linear feet of natural surface trail from Salisbury Avenue, beginning at Salisbury Avenue, going north along the abandoned Norfolk-Southern rail line, passing through the parcel of land donated to the City by Stanly Regional Medical Center, and connecting to sidewalk on the north end of Mason Street. The City Council received a copy of the grant agreement for consideration.

Parks and Recreation Director Toby Thorpe came before Council and stated there had been no required match from the City and the construction will be completed in-house. This agreement will have to be signed by the City if approved. Mr. Thorpe answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the grant from Carolina Thread Trail in the amount of \$40,575.

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The Mayor and City Council were reminded that City offices will be closed on November 24 and 25 for the Thanksgiving Holiday.

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Councilmember Holcomb stated that at the intersection of Montgomery Avenue and N 2<sup>nd</sup> Street the road is desperately in need of repair.

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Councilmember Hall stated that she and Councilmember Townsend attended the National League of Cities meeting and she learned that 95% of its members are small cities with less than 50,000 in population. She also said that the NLC will have small cities month in June and she would like to see Albemarle do something locally maybe pertaining to public power. She stated that she just wants to make residents aware.

Councilmember Hall stated that she would again like to commend the Albemarle Fire Department on working with the Badin Air Guard.

Ms. Hall stated that she attended a Rural Planning Organization (RPO) meeting held in Stanly County last Thursday. She said that things are on schedule with the US Hwy 52 N to Salisbury widening. Residents in Stanly County as well as NCDOT would like the County to take over The Swift Island bridge project. She asked that we consider doing a resolution to this effect.

Councilmember Hall stated that HUD awarded Centralina Council of Governments with a \$4.5 million grant to go toward housing and transportation,

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Councilmember Neel stated that at Morehead Park on the Northeast Connector, you cannot see the sign for trees and it needs trimming back.

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Councilmember Alexander stated that he was glad to see that it was stated in the agenda that the City will be closed November 24 and 25 for Thanksgiving Day, and not call it turkey day.

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