

REGULAR MEETING CITY COUNCIL
November 7, 2011

The City Council of the City of Albemarle met in a regular session on Monday, November 7, 2011 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.

Upon a motion by Councilmember Holcomb seconded by Councilmember Underwood, and unanimously carried, the minutes of October 17 regular session, October 19 adjourned session, and October 17 closed session were approved as submitted.

A public hearing was held 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. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 11-33) "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 Hall, seconded by Councilmember Underwood, and unanimously carried, Resolution 11-29 was adopted.

(Resolution 11-29 - To provide City Zoning for the portion of SCC recently annexed and to zone the remainder of the property previously inside the City limits and the National Guard property to Institutional and Office.)

A public hearing was held to consider condemnation and authorize demolition and removal at 1006 Efird Street. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 11-31) “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.

A public hearing was held to consider condemnation and authorize demolition and removal at 1222 Lundix Street. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 11-32) “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.

Mr. Jim Hodges, WHN Architects came before Council to present a building assessment for the former Jesse F. Niven Center. Mr. Hodges has been working for some time on an evaluation and recommendations for this facility which will house the offices of the Parks and Recreation Department and Homes of Hope.

Mr. Hodges came forward to give an overview of the evaluation with recommendations and to answer any questions that Council had. He stated that the building was built in the 1960's and had been well taken care of but needing a lot of upgrades as follows:

- 1) Upgrade the electrical and mechanical systems.

The existing heating system (steam/radiator system) and the existing single ac unit are both inefficient and need a modern HVAC system installed. (proposes roof top gas pack)

The electrical systems are operating but not serviceable any longer.

- 2) New plumbing, new restrooms and better egress and ingress into the building.
- 3) Need to install a fire alarm and sprinkler system
- 4) Cosmetic items on the exterior such as landscaping and fencing

These improvements will bring the building up to code, make it compliant with ADA requirements, replace the HVAC systems and other outdated components, and make the facility suitable for use by City and Homes of Hope staff and the public.

Mr. Hodges stated that Council had received a copy of the budget estimate and he answered any questions that Council had.

Councilmembers requested that Mr. Hodges look into an electric heating system option as well as gas so Council can determine which is best.

City Manager Raymond Allen stated that if the assessment is approved by Council tonight, the next step is to go out for construction bids, then next will be bids for the financing of the project. The capital cost is around \$ 750,000.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council approved the building assessment for the former Jesse F. Niven Center presented by Mr. Jim Hodges, WHN Architects.

Ms. Kathy Almond, Executive Director, Albemarle Downtown Development Corporation came before Council to request a revision to the street closing schedule for An Albemarle Downtown Christmas.

Upon a motion by Councilmember Holcomb seconded by Councilmember Underwood, and unanimously carried, the City Council approved the revision to the street closing by adding the section of North Second Street between the driveway at City Hall and the alley between the Alameda Theater and the former City Hall Annex for handling the lighting and sound beginning at 3:30 pm to allow for their set up.

Mr. John Lilly, Leonard Avenue was scheduled to discuss traffic concerns on Leonard Avenue. Councilmember Townsend received a request from Mr. Lilly to be placed on the agenda to discuss a concern over increased traffic and motorists ignoring four way stop signs on Leonard Avenue.

Councilmember Townsend stated that Mr. Lilly was unable to attend the Council meeting tonight but he would speak on Mr. Lilly's behalf and briefly explain the concern he had on Leonard Avenue. Mr. Townsend stated that Mr. Lilly is a resident of Leonard Avenue living near the intersection of Leonard Avenue and Eastover Avenue. Mr. Lilly's concern is that some people are not stopping at this stop sign. There are instances where residents are backing out of their driveway and cars are not stopping at the stop sign causing problems. Mr. Lilly asked that Council consider putting white cross stripes at the stop sign or consider any other option that would help this situation.

Mayor Whitley stated that Mr. Lilly lives very close by and sits out on his front porch and is more aware than most of this situation.

Councilmember Holcomb asked that Public Works Director Mike Lambert or someone with the Police Department take a look at this situation and come back to Council with a recommendation.

Ms. Trina Smith regarding a water leak @ 328 Harwood Street came before City Council to request an adjustment to her October water bill due to a 2nd water leak. The City already adjusted her tenant's bill for the month of August based on their prior usage due to the first water leak there.

Ms. Smith came forward and explained that she had water leaks twice at her rental property on Harwood Street. The City did adjust the tenant's August bill for the first leak. In October there was another leak in the same area and this time her plumber along with a licensed plumber replaced the pipe. The October bill was \$392.08 and the tenant has already paid \$200 of this amount. She asked for an exception of the City policy and to adjust the sewer bill for October.

Ms. Smith answered any questions that Council had and Council decided to pay half of the \$192.08 October bill still outstanding in the amount of \$96.

Councilmember Holcomb moved that City Council approve an adjustment of \$ 96 on the October billing to Ms. Smith's tenant at 328 Harwood Street due to a 2nd water leak. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Townsend and Underwood. Voting against the motion was Councilmember Neel.

Mr. Clarence Robert Peterson, 37116 Cooper Road, Norwood was scheduled to appear before City Council as an announced delegate requesting a peddler license. Since Mr. Peterson was not present, Council decided not to address this application.

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

The Mayor and City Council considered an appointment to the Community Appearance Commission. This item was held over from the October 17 meeting.

Upon a motion by Councilmember Underwood seconded by Councilmember Hall, and unanimously carried, the City Council approved appointing Dr. J. C. Boone to the Community Appearance Commission.

The Mayor and City Council considered setting a public hearing to establish rules and regulations concerning donation drop boxes. The Planning Board has recommended the adoption of zoning regulations given to Council regarding donation drop boxes. A public hearing can be set for December 5 to consider these recommendations.

Upon a motion by Councilmember Hall seconded by Councilmember Alexander, and unanimously carried, the City Council approved setting public hearing for December 5 to consider establishing rules and regulations concerning donation drop boxes.

The Mayor and City Council considered setting a public hearing to consider the recommendation of the Planning and Zoning Board for a conditional use permit for Beach Bingo, at 1432 E. Main Street, Suite B. On October 25, 2011, the Planning Board recommended approval of the Conditional Use Permit to allow Beach Bingo in the basement of the building beside the bowling alley. The public hearing can be set for Monday, December 5.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the City Council set public hearing for Monday, December 5 to consider the recommendation of the Planning and Zoning Board for a conditional use permit for Beach Bingo, at 1432 E. Main Street, Suite B.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-34) "AN ORDINANCE TO AMEND 2009 GRANT ORDINANCE 9-32, 10-2, AND 10-29 FOR A COMMUNITY DEVELOPMENT BLOCK GRANT MORROW CHASE PROJECT ORDINANCE." passed first reading.

The Mayor and City Council considered approval of bids for financing police mobile computing equipment. The City Manager noted that the City Council recently approved the purchase of replacement mobile data terminals for the Police Department and that the replacement is financed. The Finance Department received bids to finance mobile computer equipment for the Police Department of \$68,100 over 5 years. Three banks bid and the results are as follows:

BB&T	2.19%
Bank of Stanly	3.78%
Home Savings Bank	3.95%

Finance Director Colleen Conroy is recommending the low bid from BB&T of 2.19%, if this is acceptable to Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved the low bid from BB&T of 2.19% for the financing of police mobile computing equipment.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved Resolution 11-28.

(Resolution 11-28 – To approve financing terms for the purchase of mobile computer equipment for the Police Department.)

The Mayor and City Council considered the approval of architecture and engineering services for Public Housing. The City Manger noted that the agreement with the City of Albemarle’s Department of Public Housing and Stogner Architecture PA that was entered into on November 2, 2006 has expired. The request for proposals for architecture and engineering services were mailed out and are now ready for City Council consideration.

Public Housing Director Garry Lewis stated that there were three NC firms contacted and Stogner Architecture PA responded with the requested information. LDA Architecture PLLC in Raleigh, NC responded by telephone that they were at capacity at this time and could not honor the request, Clinton Gravely & Associates has provided the information this week not meeting the original deadline. Stogner has provided A&E

services for the Dept. of Public Housing since 1990 and their performance has been considered very satisfactory, always accessible, knowledge of HUD requirements and their professional credentials are up to date and they are very much used by small to large housing authorities. Both firms are equally qualified to do the work.

Councilmember Neel stated Gravely & Associates should not be considered due to their being late with their proposal. Councilmember Hall agreed this should be considered.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council authorized Stogner Architecture PA to provide the A & E services for the Public Housing Department and Housing will bring this item back to City Council for their review the contract to be entered with the A&E firm and Dept. of Public Housing.

Mr. Lewis stated this will be brought back to City Council for their review of the contract to be entered into with Stogner Architecture PA and Department of Public Housing.

The Mayor and City Council reviewed a contract for electronic lockbox services. The City Manager noted that the finance department was asked for a solution to complaints about direct bill pay from banks not being posted as quickly as customers think they should. These payments are not direct payments to the City, they go through a 3rd party processor so this would eliminate the extra time it takes for those 3rd parties to remit the checks to the City. It would cost Public Utilities approximately \$70 per month.

Finance Director Colleen Conroy stated that this problem evolved due to customers paying their utility bills using online bill pay through their bank versus paying with a debit or credit card. The time lapse from when they electronically pay and when the City of Albemarle receives their payment in the mail from the processor, is causing customers to owe late fees to the City. She also stated that this program with Creative Payment Solutions, Inc. would handle these type of payments where it would pick up the payment from a 3rd party processor and send payment to us electronically eliminating time delays. There are around 700 of these type checks that come in each month; so at \$.10 per transaction, it will cost the City approximately \$70 a month.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved a contract for electronic lockbox services with Creative Payment Solutions, Inc.

The Mayor and City Council considered approval of a proclamation honoring the service of Wayne Palmer on the Albemarle Community Appearance Commission.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a proclamation honoring the service of Wayne Palmer on the Albemarle Community Appearance Commission.

The City Manager stated that Mr. Palmer will be invited to attend a Council meeting for the presentation of this proclamation.

The Mayor and City Council considered attendance at the Stanly County Chamber of Commerce Economic Outlook Summit. This event will be held on Friday, November 18 from 7:45 am to 11:45 am at the Agri Civic Center. A flier from the Chamber regarding this event is attached. We can submit registrations for anyone who plans to attend this event.

Mayor Whitley asked that Council let the City Manager know if they will be able to attend. The Mayor, Councilmembers Hall, Underwood, and Alexander affirmed their attendance.

The Mayor and City Council considered approval of the 2011 Mayor/City Council/Employee Christmas Luncheon. This has been recommended for Thursday, December 15 from 11:30 am to 1:30 pm. We are recommending changing the venue to the EE Waddell Community Center, but it will still be coordinated by Public Works with cooking provided by Public Works and WS Systems.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved the 2011 Mayor/City Council/Employee Christmas Luncheon for Thursday, December 15 from 11:30 am to 1:30 pm at the EE Waddell Center.

The Mayor and City Council reviewed draft letters regarding local hazard mitigation plans. The City Manager noted that at a recent meeting Councilmember Neel suggested and the City Council concurred in a request that letters be drafted regarding the HMP requirement for local governments. City Council received a draft of the letters to the appropriate state and federal agencies for their review. The City Council approved and signed the letters.

The Mayor and City Council reviewed nominations for the NCMIPA#1 seats on the Electricities Board of Directors. The City Manager recommend that City Council authorize him to vote for the two incumbents who are eligible to serve a second term. Council received nomination forms and information for the candidates.

Council agreed by consensus to authorize City Manager Raymond Allen to vote for the two incumbents who are eligible to serve a second term which are John Walser, the Mayor of Lexington, and Don Mitchell, the Energy Services Director for the City of Monroe.

The Mayor and City Council received information concerning dilapidated structures at 509 & 511 Corbin Street. Councilmember Hall had requested information on these structures at the October 17 meeting of City Council. The City Manager noted that the Planning and Community Development staff has provided Council with photos and descriptions of issues with these structures. In thinking about this issue and similar situations, Assistant City Manager Michael Ferris has suggested that Planning and Community Development begin issuing letters in house for structures that are in deteriorating or deteriorated condition advising the owners that if they do not bring the structure up to code then they could face condemnation, demolition and liens in the future.

Councilmember Hall agreed that structures in deteriorating or deteriorated condition, the City advise the owners that if they do not bring the structure up to code then they could face condemnation, demolition and liens in the future. She stated that she appreciates Planning and Community Development looking at these structures.

Planning and Community Development Director Keith Wolf stated that Planner I Carolyn Martin took the photos of the two properties and created the documents.

The Mayor and City Council received a copy of the Stanly County Convention and Visitors Bureau FY 2010-2011 Audit.

The Mayor and City Council received a copy of the summary results from the small group participation at the session of the 2011 Strategic Visioning for Downtown Communities Seminar.

The Mayor and City Council received a copy of the current contract that the City has with Waste Management. The City Manager stated that the City's contract with Waste Management expires on June 30, 2012. We will either look at the existing contract and negotiate changes with Waste Management or start with new bids.

Stan Joseph with Waste Management came before City Council and stated that Waste Management has had a long term partnership with the City of Albemarle. We are always striving for perfection and if there is something we are not doing, we ask the City to let us know and we will try to get these items corrected. He also said that Waste Management appreciates the partnership with the City and our drivers and some of our staff live here. We can offer additional services and hope this contract will continue.

Councilmember Underwood stated that Waste Management has given good service but he hopes the City will go out for new bids.

Councilmember Hall asked if staff can meet with Waste Management and try to fine tune the contract before going out for new bids. The City Manager stated that if Council is interested; Waste Management can lay a proposal out on the table.

Councilmember Hall stated if the City goes out for new bids and awards a new contract, then that company has a large learning curve in adapting to the City and our needs.

Councilmember Holcomb stated that Waste Management has done a great job and would like to be able to continue the partnership. Mr. Joseph and Waste Management are willing to negotiate to our terms and conditions.

Councilmember Townsend asked that Council take time and look at the existing contract in the next several weeks and then discuss if this contract can be renewed or if we need to go out for new bids.

Upon questioning, the City Manager stated that staff can place those concepts in writing and give to Council to review along with the existing Waste Management contract. He also stated that if the City does decide to go out for new bids, it will soon be time to start the RFP long process to have a new company in place by July 1, 2012.

Councilmember Alexander stated that he wants the City more involved in recycling.

Mr. Joseph with Waste Management stated that they have more and more requests to stand up for recycling services. Trash service is automatically less with residents recycling. Using a rollout cart for recyclables which increases up to 65% of customers participating due to it being more convenient. Then more and more items can now be recycled which means less items going into the landfill. Recyclables do not have to be separated by the resident making it even more convenient. This would involve collecting recyclables every other week and still picking up trash once a week.

Mayor Whitley stated that there should be some consideration of Green Pieces which City residents are now using for a fee. He asked the City Manager along with Assistant City Manager Michael Ferris to make a list of items to try and fine tune with Waste Management and Mr. Joseph and for the City Manager to come back before Council with this information to consider with the existing contract.

Mr. Joseph stated that Waste Management remains available and has enjoyed partnering with the City and will do what is needed to keep the contract with the City.

Councilmember Alexander asked the City Manager for a hard copy of the existing Waste Management contract.

The Mayor and City Council were reminded of the Stanly County Veterans Day Parade which will take place in downtown Albemarle at 11 a.m. on Saturday, November 12.

The Mayor and City Council were reminded of the Albemarle Downtown Christmas event which will take place in downtown Albemarle on Friday, November 18.

Councilmember Hall stated that Council is aware of Vicki Coggins recent loss and asked everyone to keep her and the police department in their thoughts and prayers.

Councilmember Hall also thanked our fire department for developing the relationship and working with the Air National Guard fire department at the airport in Badin.

Councilmember Neel stated that he had placed a request on the City's EGOV system and wanted to state that this request is urgent. It is about a sight distance problem at the end of Melchor Road at Park Ridge Road.

City Manager Raymond stated that he had a couple of items he needed to address. First, he stated that we are proposing a special meeting of NCDOT, the Rural Planning Organization, Albemarle City Council, Badin Town Council, and New London Town Council on replacing the thoroughfare plan which is now called the Comprehensive Transportation (CTP). The proposed meeting date is on Wednesday, December 7 at 6pm in the Community Room at City Hall.

Mr. Allen also stated that it is the City's turn to host the Stanly County Centralina Council of Governments (SCCCOG) meeting which is scheduled for Tuesday, November 29. The presentation will be on gang awareness with a video. The location has not been determined at this time but may possibly be at Market Station.

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