

REGULAR MEETING CITY COUNCIL

August 15, 2011

The City Council of the City of Albemarle met in a regular session on Monday August 15, 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.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of August 1 regular session was approved as submitted.

Mr. Jim Woodie and Mr. Ben Clawson with Municipal Engineering came before City Council to present Bid 2011-01 for improvements at Long Creek Wastewater Treatment Plant. The City Manager noted that the original construction estimate was \$5 million but the engineer was concerned this might increase to around \$5.5 million due to price increases in materials and equipment since the estimate was done.

Mr. Woodie thanked City Council and introduced Mr. Clawson. Mr. Clawson stated that the City received bids for this project on July 19 and received five bids. He stated that Council should have a copy of the bid tabulation, HUB Memo, total project cost breakdown and recommendation from MESCO. The bids came in under estimates with the Wharton Smith bid using Kruger filters coming in at \$4,442,000 and the M B Kahn bid using Aqua Aerobic filters coming in at \$4,498,500.

Mr. Clawson stated that some bidders included the cost of the owner preferred alternate disk filter. Mr. Clawson mentioned his letter of recommendation and that Municipal Engineering contacted multiple references that MB Kahn and Wharton-Smith supplied and some that were not supplied that we knew to have worked with them in the past. Also, on August 9 a meeting with the WWTP staff and Municipal Engineering concluded that the WWTP staff preferred the owner preferred alternate, Aqua-Aerobics disk filters for the project. He also said that both Wharton-Smith and M.B. Kahn will be able to perform the work and it is up to the City which disk filter package the City chooses.

Councilmember Hall asked Mr. Clawson if Municipal Engineering feels

that the Aqua-Aerobics filters are the best choice in his opinion. Mr. Clawson said yes. Ms. Hall asked if Mr. Clawson's opinion is that the City was specific about this before the bidding occurred and he agreed. She also asked the major difference in the two disk filters. Mr. Clawson stated that the filtration of the Aqua Aerobics disk filter is from the outside in and the Kruger disk filter filtration is reverse, from the inside out as the major difference.

Mayor Whitley stated that there is only around \$50,000 difference in the two bids. What is the advantage either way to the City. Mr. Clawson stated it would be the life cycle costs and power consumption over a 20 year period. The power consumption is 3 to 4 times with the Kruger filter. The replacement of either disk filter is basically the same. The ability of the Aqua-Aerobics filters would be the best option for the City, but Kruger has less capital costs.

Councilmember Neel asked about a spreadsheet showing all the options. Mr. Clawson stated that he can provide one but pointed out a spreadsheet in the packet and went over this with Council. It shows that if Wharton-Smith uses Aqua-Aerobics filters, their bid will increase by \$250,000 then being a higher bid than MB Kahn.

Councilmember Townsend asked if there was a re-bid how long would this take. Mr. Clawson stated that it would be at least 3-4 weeks. Mr. Townsend stated that if the decision is made tonight, it would be MB Hahn using the Aqua-Aerobics filters. Mr. Clawson stated that when the City makes its choice of disk filters then the choice will be the low bidder for that filter choice. Ms. Hall stated that the low bidder for the Aqua-Aerobics filter is MB Hahn.

Councilmember Alexander asked Mr. Clawson's opinion of the two contractors. Mr. Clawson stated that both should do a good job and both have experience with WWTP's. Councilmember Neel asked City Attorney David Beaver if he had any problems on the City's choice. Mr. Beaver stated after talking to Mr. Woodie that the bidding process was fair and all parts of the original bid was sealed with no change to them and he has no concerns.

Councilmember Hall made a motion to accept MB Kahn based on these specifications and it being the best choice for the City of Albemarle. Councilmember Underwood seconded the motion. Councilmember Neel made a substitute motion that it is by City Council as in the best interest of the City of Albemarle using the Aqua-Aerobics disk filters, therefore choosing MB Kahn as the low bidder. Councilmember Holcomb seconded the motion. The substitute motion passed unanimously.

(Bid Tabulation 2011-01)

Mr. Jim Woodie and Mr. Ben Clawson with Municipal Engineering conducted a water system and water quality engineering study. The City Manager noted that the City received a grant from the NC Rural Center to study our water system to determine what could be done to improve water quality. Our system was designed to serve large textile dyeing and finishing companies, and since these have generally moved off shore our current configuration does not match our customer base, which now has a much higher percentage of usage from residential, commercial and wholesale customers than it did in the past.

Mr. Ben Clawson came before Council to make a brief report on their findings to City Council. He stated that the report is rather lengthy and he will summarize the report. The City of Albemarle contacted Municipal Engineering to analyze the City water distribution system and alternatives to correct the disinfection by-products. Mr. Clawson covered the background of the existing water system, regulatory requirements, the study performed, the results, and conclusions.

Recommendations – Short term

- 1) Continue flushing program and monitor flow rates
- 2) Maintain higher levels of tank fluctuations through system
- 3) Institute a testing program for DBP precursors

Recommendations –Long term

Weigh each option carefully

Options include using chloramines to disinfect system because they do not break down quickly in the system.

Mr. Clawson answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the Council approved a resolution for a water system and water quality engineering study by Municipal Engineering:

(Resolution 11-24. To contract with Municipal Engineering Services Company, P.A. to assist in completing a Water System and Water Quality Improvements Study Project.)

Mr. Gene Starnes, Commander, American Legion Post 520 came before Council to request street closings for Veteran's Day Parade on Saturday, November 12 at 11:00 a.m. Mr. Starnes came forward and stated that the American Legion Post 520 is sponsoring the Veteran's Day Parade this year and the parade sponsors are asking that the parade be moved to Saturday in the hope that more people would be able to view. The parade would follow the exact same route as in years past.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the Council approved street closings for Veteran's Day Parade on Saturday, November 12 at 11:00 a.m.

Mr. Oscar Hinson came before City Council as an unannounced delegation to request more time to repair his property located at 804 Austin Street before any demolition is done by the City. Mr. Hinson stated that this property is scheduled to be demolished in 30 days if not brought up to code. He said this property needs a lot of work and he would like to get the outside presentable and then move to the inside or he is willing to give the building to the Historic Society if they would be interested. He stated he also plans to make needed improvements to two houses he owns on Old Parker Road during this time period.

Mayor Whitley asked Mr. Hinson how much time he is talking about. Mr. Hinson stated 2-3 months to get the outside presentable.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the Council approved giving Mr. Oscar Hinson 90 days to make the outside of 804 Austin Street presentable and Planning and Community Development Director Keith Wolf to come before Council in 90 days with a report on this project.

Mayor Whitley stated that City Council has a copy of the monthly departmental reports in their agenda packets and asked if there were any questions.

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

(Ordinance 11-25. To Amend the Text for the Findings of Fact for Variance Cases in the City's Zoning Ordinance.)

(Ordinance 11-26. To Amend a Capital Fund Program Grant in the Department of Public Housing.)

Councilmember Holcomb stated that she would like to nominate Vickie Galloway that lives on East Main Street to the Historic Resources Commission. She stated that she has not spoken to Mr. Galloway about this and wanted to bring before Council first. Mayor Whitley asked Mrs. Holcomb to contact Ms. Galloway and see if she would be willing to serve.

The Mayor and City Council considered a request from the Stanly County Family YMCA to close a portion of Glenn and North First Streets on Saturday, August 20, 2011 for the Strong Communities 8K. This request is to close Glenn Street between First and Second Streets from 7:30 am to 9:00 am and to close North First Street between Franklin and Glenn Streets for the start of the race.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the Council approved closing a portion of Glenn and North First Streets on Saturday, August 20, 2011 for the Strong Communities 8K.

The Mayor and City Council considered an agreement with Stanly County for Blackboard Connect citizen notification service. The City Manager noted that this is the system that the City uses to call residents about issues such as tornado warnings, missing children, etc. The initial three year term that the County agreed to pay 50% of the cost of this program for all of the municipalities in Stanly County has expired, and the County has agreed to continue this arrangement for another three year term. This makes the annual cost to the City only \$7,428.95 instead of \$14,858 which it would otherwise be.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the Council approved an agreement with Stanly County for Blackboard Connect citizen notification service with an annual cost to the City of \$7,428.95.

The Mayor and City Council considered acceptance of a donation of a tract of land from Stanly Regional Medical Center. This tract is north of Salisbury Avenue and is intended to be utilized for expansion of the Roger F. Snyder Greenway System. The hospital's in house counsel has prepared the deed for donation of this tract, and it has been reviewed by City Attorney David Beaver. Mr. Beaver had asked that City Council take formal action to accept the tract before the deed is recorded.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the Council approved acceptance of a donation of a tract of land from Stanly Regional Medical Center, north of Salisbury Avenue and is intended to be utilized for expansion of the Roger F. Snyder Greenway System.

The Mayor and City Council received a status report from Dana Stoogenke, Executive Director of the Rocky River Rural Planning Organization on discussions to preserve the historic Swift Island Bridge over Lake Tillery between Stanly and Montgomery counties. The City Manager noted that Councilmember Hall requested that Ms. Stoogenke provide this report to City Council. She provided the same report to the Stanly County Board of Commissioners earlier in the evening. If this historic bridge is to be preserved, the most logical arrangement would be a joint agreement with the Stanly and Montgomery County governments, since the bridge joins the two counties and is not in or near any municipality.

Ms. Stoogenke came before City Council and gave a PowerPoint presentation which ask if the Swift Island Ferry Bridge should be preserved. She gave the history of the bridge and also information on the NC 24-27 widening project. Some of the advantages to the preservation would be:

1. Connecting the State and Federal Parks
2. Building on the Creative Economies
3. Preserve the past for future generations

Ms. Stoogenke stated that NCDOT will allow a third party to take ownership of the Swift Island Ferry Bridge and NCDOT will give this third party the cost of demolition minus the cost of bringing the bridge up to standards and adding bike and pedestrian. She gave the cost of the demolition, improvements for pedestrians and bikes, improvements to the bridge structure, and also the maintenance cost of the bridge.

Also she provided estimated revenues if the funds were invested in two CD's - five year CD at 2.3%, yielding \$199,932.94. NCDOT staff would need to know by the end of the summer if a third Party wants to take ownership of the bridge. The bridge transfer will not take place until after the road project is finished and bridge improvements have been made. Ms. Stoogenke referred to the letter Council received from Montgomery County Government stating that it would not be in their best interest to assume ownership of the bridge at this time with the ongoing maintenance costs. Stanly County Government has not made a decision yet and is still looking into this.

In closing she spoke about insurance coverage and how this could cause problems and that they are looking at Travelers Insurance Agency in Davidson County. Stanly County Government's insurance agency will not cover this. Ms. Stoogenke answered any questions that Councilmembers had.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 11-27) 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 XIV – A: NAMING OF STREETS, TO RE-NAME HEATHWOOD AND WOODHAVEN DRIVES IN THE CITY OF ALBEMARLE, NORTH CAROLINA,” passed first reading.

The Mayor and City Council reviewed recommendations regarding the FY 2011-2012 Street Resurfacing Program. The City Manager noted that he, Mike Lambert, Michael Ferris, and Jamie Burris conferred on this matter and this is a consensus recommendation from this staff. The majority of the recommendations came from the Street Division and are for streets they believe are in the most danger of degrading without resurfacing and taking into account traffic volume and tried to make sure that all areas of the City received consideration for recommended projects.

Public Works Director Mike Lambert came before Council and displayed a map representing all the streets that have been resurfaced since 1997 and the ones open for this year. He also stated that the amount budgeted this fiscal year for the street resurfacing program is \$152,000. He stated that \$28,000 is reserved for patching/repairs, \$10,500 for a project on West South Street, and the remaining \$113,500 for resurfacing projects. Council received the memo showing the projects that have been chosen, the location, and the cost of each one.

Councilmember Neel questioned repairing Pineview Street. He said that the intersection of Colonial Street and Melchor Road needs reconstructing.

Councilmember Townsend mentioned that Spaulding Street which is a graveled street with a length of around 75 yards. He asked Mr. Lambert the cost of paving this street and if it could be paved instead of Henry Jay Street. Mr. Lambert stated that if we remove Henry Jay Street and Pineview Street, we should be able to upgrade the intersection of Colonial Street and Melchor Road and pave Spaulding Street. He stated that he will come back before Council with the new figures at the next Council meeting.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the Council approved the other projects on the list, and requested that Mr. Lambert come back next Council meeting with the new figures for the intersection of Colonial Street and Melchor Road and Spaulding Street in lieu of paving Pineview Street and Henry Jay Street.

The Mayor and City Council received a report on Electronic Video Gaming Operations from Revenue Collections Supervisor Elizabeth Boyle. The City Manager noted as we discussed prior to the adoption of the FY 2011-2012 Budget, we did not appropriate these funds in the budget in the unlikely but possible eventuality that a future court decision might require these fees be refunded.

Councilmember Holcomb stated that this type of establishment can not be located within 500 feet of a church, daycare, or another business. The City Manager stated that also if one of these types of business that is a non-conforming use closes, they cannot expand or re-open.

The Mayor and City Council reviewed and approved a draft letter to Stanly Community College President Dr. Brenda S. Kay. The City Council had requested a letter of welcome be drafted to the new President of the college.

The Mayor and City Council considered attendance at Stanly County Council of Governments meeting. This meeting will be at 6:30 pm on Tuesday, August 30 and will be hosted by Stanly County at the Agri Civic Center. We can RSVP for any board members who plan to attend.

Mayor Whitley and Councilmembers Alexander, Hall, Holcomb, Napier, Neel and Townsend and Underwood affirmed their attendance.

The Mayor and City Council considered attendance at the National League of Cities Congress of Cities. This conference will be from November 9-12 in Phoenix, Arizona. Information regarding the Congress of Cities is attached. The deadline for advance registration is September 15, 2011.

Councilmembers Holcomb, Hall and Townsend affirmed their attendance.

The Mayor and City Council were reminded of the training on quasi-judicial proceeding on Tuesday, August 16. This training will be held from 1 pm to 4 pm in the Community Room at City Hall conducted by Bill Duston of Centralina COG. The City Manager noted that the members of City Council are also encouraged to attend to provide a refresher about the special rules regarding quasi-judicial proceedings since conditional use deliberation have to be conducted in this manner. City Council has designated this as mandatory for all Board of Adjustment members.

Councilmember Townsend asked that a letter of support be sent to Governor Perdue and Secretary of Commerce Keith Crisco supporting new jobs at Alcoa Badin Works. Councilmembers also suggested that letters be sent to the Board of County Commissioners and the Mayor suggested a letter be sent to Paul Stickler of Clean Tech.

City Manager Raymond Allen stated that he will draft the letters and get signatures from Council before the next Council meeting due to the timely nature of the letters.

Councilmember Hall thanked Parks and Recreation Director Toby Thorpe and his staff for all their hard work in bringing folks into Albemarle last Friday and Saturday for the Elvis Concert at City Lake Park and all activity at City Lake Park and Market Station.

Councilmember Hall stated that Homes of Hope is sponsoring a BBQ fundraiser for the Community Inn this Friday, August 19 from 11 am-6 pm at First

Baptist Church downtown Albemarle. She asked that everyone come out and support this.

Also, Ms. Hall stated that she was pleased to see the high efficiency heat pump rebate program in the City bill stuffer. She said that she would like feed back from Public Utilities on the number of people signing up for a rebate.

Councilmember Neel mentioned concerns about loose mulch out at the roadside at Yadkin Street and Laura's Lane. The mulch is loose and left on the street and is not eligible for collection will-by Waste Management.

Councilmember Neel stated that there is an organization in town that has placed boxes out in different locations collecting clothes. They are said to be selling those clothes and will spend the money on the community. This group is placing boxes near churches for collection. Mr. Neel said that this looks suspicious and warns the public to not confuse this with Stanly County Christian Ministries and to check the legitimacy.

Councilmember Alexander asked about the status of the Niven Center. The City Manager stated that Council authorized an architect to do a preliminary study and they met with Parks and Recreation Director Toby Thorpe and him about two weeks ago. This will come before Council in September with a proposal.

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