

REGULAR MEETING CITY COUNCIL
December 5, 2011

The City Council of the City of Albemarle met in a regular session on Monday, December 5, 2011, at 7:00 p.m. in the Council Chambers of 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, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Jeanette Napier.

Mayor Whitley gave the invocation.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the November 21 regular session minutes was approved as submitted.

The Mayor and City Council presented a retirement certificate and NC League of Municipalities Retirement resolution to G. R. Michael for his 28.8 years of service.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the meeting was adjourned.

The Honorable Kevin Bridges, Superior Court Judge, came forth to deliver the oath of office to Mayor Elbert L. Whitley and City Councilmembers Troy Alexander, Martha Sue Hall, G.R. Michael, and Dexter G. Townsend.

(Oaths and Signatures)

The meeting reconvened with the newly sworn Mayor and City Council. Mayor Elbert L. “Whit” Whitley presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, Ronnie Michael, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

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

Councilmember Holcomb moved to dispense with the written ballot as the method to select the Mayor Pro-Tem and nominated Troy E. Alexander as Mayor Pro-Tem. The motion was seconded by Councilmember Underwood. Upon a vote, the motion was unanimously carried.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council re-appointed Raymond I. Allen City Manager.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council re-appointed David A. Beaver City Attorney.

Upon a motion by Councilmember Neel seconded by Councilmember Hall and unanimously carried, the City Council voted to leave the appointment of the Finance Director – Colleen Conroy and Tax Collector – Elizabeth Boyle to the discretion of the City Manager. Michael Ferris has requested not to be reappointed as City Clerk, and Paulette Bowers has agreed to step into this position. The City Manager indicated that it was his intention to make the following appointments:

Finance Director – Colleen Jones
Tax Collector – Elizabeth Boyle

City Clerk – E. Paulette Bowers

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the City Council appointed City Manager Raymond I. Allen and Assistant City Manager Michael Ferris as Deputy City Clerks in the event Ms. Bowers is unable to attend a meeting.

A public hearing was held to consider a conditional use permit for beach bingo at 1432 E. Main Street, Suite B. No one from the public spoke for or against the proposal.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council agreed the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council agreed the use meets all required conditions and specifications.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council agreed that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council agreed the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

Councilmember Townsend asked owner Chuck Nance how many businesses are operating there. Mr. Nance stated that his auction house, beach bingo and the flea market are in the basement. The bowling alley is on the top level.

Councilmember Neel asked about improvements to be made to the exterior of the building. Mr. Nance stated that he purchased the property November 2010 and is always trying to improve the property but the time delays with the City's requirements and all the red tape has made it difficult.

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

(Resolution 11-30. To consider a conditional use permit for beach bingo at 1432 E. Main Street, Suite B.)

A public hearing was held to consider establishing rules and regulations concerning donation drop boxes.

Stanly County Christian Ministries (SCCM) Executive Director Barry Whitley came before Council to speak for the proposal and regulations concerning drop boxes. He said the City needs an ordinance to manage drop boxes and who they belong to and where the donation is going.

Councilmember Michael asked Planning and Community Development Director Keith Wolf if there is a limit on the number of locations the drop boxes can be placed. Mr. Wolf stated that there is not a limit on the number of locations for the drop boxes but they need to be a non-profit organization and they have to be on property owned or leased by the agency.

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

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

(Resolution 11-31. To consider establishing rules and regulations concerning donation drop boxes)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-35) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO DEFINE AND REGULATE DONATION DROP BOXES AS A CONDITIONAL USE IN THE CITY'S GENERAL HIGHWAY BUSINESS DISTRICT." passed first reading.

Ms. Terri Masten with Waste Pro came before City Council to discuss the City's Solid Waste Contract. She stated that Waste Pro is excited about the possibility of being able to bid on the City's solid waste, limbs and leaf pickup. Waste Pro has \$250 million in assets and a \$400 million a year company, which is financially strong. They have 1500 trucks and 1800 employees.

Ms. Masten stated that they are under contract with the City of Concord as of this past July. Also Belmont and Indian Trail are clients of Waste Pro. Customer service is Waste Pro's strength. The company is a private company and 80% of our business is residential garbage collection. She asked that the City put out for bids and allow them to demonstrate to the City what Waste Pro can do.

Councilmember Holcomb asked Ms. Masten if they serviced the City would they have a local office. She stated that if the City chose Waste Pro there would be a local person and local phone number for residents to contact.

Ms. Masten thanked City Council for allowing her the time tonight to talk with them about Waste Pro.

Mr. Stan Joseph with Waste Management came before City Council to discuss the City's Solid Waste Contract. He gave a PowerPoint presentation of how Waste Management could increase service and lower costs for the City if contract is renewed.

1) Reduce Costs

- 2) Increase current service level by
 - a) having curbside recycling
 - b) community outreach
 - c) education on why to recycle
- 3) Enhance sustainable programs

Mr. Joseph stated that their drivers and managers live in Stanly County and he would request a contract renewal with Waste Management.

Councilmember Holcomb asked Mr. Joseph if he would be willing to work with Steve Megson of Green Pieces.

Mr. Joseph stated that the program Green pieces has with City residents is voluntary. If curbside recycling was with Waste Management it would be mandatory for all residents. He stated that he would be glad to talk with and work with Mr. Megson.

Councilmember Hall stated that she commends Waste Management for staying on top of the leaf cycle but she heard from residents that Waste Management is working until after midnight. She asked that they not work that late and upset the residents.

Mr. Joseph stated that recently they were bombarded with leaves on the ground and wanted to try to stay abreast of the situation but he understands that working into the night may not be the best for the residents.

Councilmember Townsend asked for Council to set up regulations of how late Waste Management can work.

Steve Megson with Green Pieces came before City Council as an unannounced delegation to talk about recycling and how this diverts from the landfill. He stated that he does recycling with all of the Stanly County schools. Green Pieces would be able to supply roll carts also for recycling if residents would prefer this for convenience. He stated he had been educating people from school age to adult why we should recycle.

Upon questioning by Councilmember Hall, Mr. Megson stated that Green Pieces has a 5-year contract with the City of Locust and he does business with other counties as Charlotte Mecklenburg.

Councilmember Alexander stated that we need to encourage and educate people on recycling.

Mr. Megson stated that he would like to have more community outreach, promotions, and drop off events and use roll carts.

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 the request of Ms. Lena Underwood, 335 Montgomery Avenue for additional utility billing adjustment. The City has already adjusted Ms. Underwood's billing under the City's policy adopted by Council of 100% of the sewer bill and 50% of the water bill for a total of \$661.76. The City Council laid this matter over from the November 21 meeting and asked that staff calculate what Ms. Underwood's water bill would be with a hypothetical usage of 716 cubic feet. That billing amount would be \$17.73.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved excusing Councilmember Holcomb from voting on this issue.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the billing amount of \$17.73 due and payable by Ms. Lena Underwood for an additional utility billing adjustment.

The Mayor and City Council discussed the National League of Cities Service Line Warranty Program. This item was laid over from the November 21 meeting of City Council.

Councilmember Townsend stated he learned of this at the NLC meeting he attended and stated in his research of this warranty program, he had not found anything negative for citizens and volunteers who participate in this program. The cost would be \$4-\$6 a month for citizens wanting to carry this type warranty. There would be no cost to the City and the City would receive a 10%

rebate once a year of the citizens participating in their City. This is an option for our citizens if they would like to protect themselves from possible high cost utility line repair. The work would be performed by licensed local plumbers.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved participating in the National League of Cities Service Line Warranty Program for the City of Albemarle.

The Mayor and City Council considered the approval of the abstract of votes from the November 8, 2011 Municipal Election.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the abstract of votes from the November 8, 2011 Municipal Election.

(Abstract of votes – November 8 Municipal Election)

The Mayor and City Council reviewed a recommendation from the Parks and Recreation Advisory Board. The City Manager noted that at its November meeting, the Albemarle Parks and Recreation Advisory Board discussed three recommendations to bring to City Council.

Mr. Ben Davis with the Parks and Recreation Advisory Board came before Council and gave a presentation discussing issues the Parks and Recreation staff currently deal with and makes the following recommendations as potential solutions:

- (1) Establishment of an early / late registration fee setup for AP&R programs. Late registration involves \$5 more in the fees.
- (2) Increase in the fee for use of the Napier Picnic Shelter at City Lake Park.
- (3) Recommendation that additional picnic shelters be made a priority in future budgets. A shelter as the Napier shelter would cost approximately \$50,000 to build and a smaller shelter would cost around \$14,000.

The Mayor and City Council considered write offs in the Department of Public Housing for the six-month period ending December 31, 2011. Council received a memo from Office Manager Connie Haithcock and list of proposed accounts to be written off. The amount is \$1,755.76.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved write offs in the Department of Public Housing for the six-month period ending December 31, 2011 in the amount is \$1,755.76.

The Mayor and City Council considered approval of a proposal for design services for the Niven Center. WHN Architects has submitted a proposal for design services for the Niven Center renovations. City Council previously approved engaging WHN Architects for this project.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved engaging WHN Architects for design services for the Niven Center.

The Mayor and City Council reviewed an update of the Alfred Street Project. Council received a memo from Assistant City Manager Michael Ferris regarding this matter, along with a letter regarding the bankruptcy status of this property. The City will now be able to proceed to acquire and clean up this property, and there are funds left designated within the Alfred Street CDBG grant to accomplish this task.

The Mayor and City Council considered reallocation of minimum housing code funds. Council received a memo from Assistant City Manager Michael Ferris and photos. The City Manager noted that as a result of the extension that City Council gave Mr. Hinson to make cosmetic improvements to 804 Austin Street, the funds allocated to inspect and abate any asbestos, and to demolish and dispose of the structure will not be needed in the current fiscal year.

As a result, City staff recommends you approve allocating these funds to condemn and demolish 412 Colston Street.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the reallocation of monies to enforce minimum housing violations at 412 Colston Street.

The City Council considered the appointment of a delegate and alternate to the Centralina Council of Governments. Centralina COG requests each year that jurisdictions confirm their current delegate and alternate or appoint replacements. The City's current delegate and alternate are Councilmember Hall and Councilmember Townsend, respectively.

Upon a motion by Councilmember Underwood seconded by Councilmember Michael and unanimously carried, the City Council voted to reappoint Councilmember Martha Sue Hall as the City's delegate and Councilmember Townsend as 1st alternate.

The Mayor and City Council discussed development of a mobile app for the City of Albemarle. Councilmember Townsend requested that consideration of this item be placed on the agenda. The City Manager noted that Assistant City Manager Michael Ferris and Director of Informaiton Systems Owen Squires have also been looking into this possibility recently and they can share some of what they know in addition to Councilmember Townsend's information if City Council is interested.

Councilmember Townsend stated that this would provide easier access for citizens to utilize City services and maybe be able to report issues on the eGov system and help to promote services that the City offers.

IS Director Owen Squires came forward and stated that would involve building an application or having someone build an application for the City as a front end to services around the City. We could broadcast this on our face book page. Having this type of capability would allow our staff to be more efficient where they would use a mobile phone with an application for City departments.

The Mayor and Council asked that Mr. Squires and Mr. Ferris continue research on this project and come back before Council.

The Mayor and City Council discussed a disposition of Electric System 100th Anniversary Banners. The City will no longer be using the street light banners that were acquired for the electric system 100th anniversary celebration in 2010. The City Manager noted that some of the electric division employees have asked if they can have one as a keepsake. We would like to keep a couple of these for historical purposes, but have no objection to giving one to each of the electric system employees who may want one if City Council concurs as a token of recognition of their efforts for the City.

Upon a motion by Councilmember Hall seconded by Councilmember Holcomb and unanimously carried, the City Council approved electric division employees receiving a 100th Anniversary banner as a keepsake.

The Mayor and City Council received information concerning a letter to Mr. Oscar Hinson. At the November 21 meeting, Mr. Hinson was granted another extension to April 30, 2012 to make improvements to the minimum housing code violations at 804 Austin Street.

The Mayor and City Council received a schedule for the 2011/2012 Stanly County COG and Local Government Liaison Meetings.

The Mayor and City Council were reminded of the 2011 Employee Christmas Luncheon to be held on December 15 from 11:30 am to 1:30 pm at the EE Waddell Community Center. Members of City Council are invited to help serve if schedules permit. Food and new toy donations will be collected for Stanly Community Christian Ministry.

The Mayor and City Council were reminded about the ADDC Tour of Homes on Sunday, December 11 from 2 pm to 7 pm. This event will raise funds for downtown landscaping including the hanging baskets. The City Manager encouraged Council to buy tickets and promote this event to others since all of the proceeds will be used for the landscaping that enhances our downtown.

The Mayor and City Council were reminded of the Stanly County Christmas Parade in downtown Albemarle on December 12, 2011. The Christmas Parade will begin at 5:30 pm, and will follow its traditional route down First Street to South Street, and then up Second Street where it will end at the YMCA Cannon Park.

Councilmember Michael thanked the voters and his family for voting for him and he will work hard to make them proud.

Councilmember Michael also stated that he would like for Council to give City Manager Raymond Allen the authority to approve a grant application for Project Safe Neighborhoods if Chief Halliburton decides to do this.

Upon a motion by Councilmember Michael seconded by Councilmember Hall and unanimously carried, the City Council approved giving the City Manager authority to approve a grant application for Project Safe Neighborhoods.

Councilmember Holcomb stated that Council received an email about IT Director Owen Squires receiving certification. She asked that Mr. Squires come forward and state to Council what program he had completed.

Mr. Squires came forward and stated that he had completed the Certified Government Chief Information Officer program.

Councilmember Holcomb stated that our meeting being televised is not good quality.

Upon a motion by Councilmember Townsend seconded by Councilmember Hall and unanimously carried, the City Council approved a resolution recognizing Jeanette Napier for her service as a Councilmember.

Councilmember Townsend asked that Council consider having better relations with Stanly County Government and the Economic Development Board. He stated that he feels the City of Albemarle should have a voice on the EDC Board. We need to look at how the EDC Board is comprised and the City being a part of this board.

Councilmember Neel agreed that we need representation on the EDC Board.

Councilmember Hall asked the City Manager to look up the City's history of when we were last on the EDC Board.

Ms. Hall also asked that Council and the public support Albemarle Downtown Development Corporation (ADDC) on Sunday, December 11 from 2 pm to 7 pm for the Tour of Homes.

Councilmember Hall asked that Council support a resolution that the County take over the Swift Island Bridge.

Councilmembers Holcomb and Underwood stated they are not for the County taking over the bridge.

Councilmembers Townsend and Alexander stated they were concerned if the County would incur any additional expense.

Councilmember Neel stated that you cannot be assured there will not be additional expense to incur. He stated that the City should not get involved in things as this.

Ms. Hall stated that at a previous Council meeting she had asked support for a resolution that the County take over the Swift Island Bridge.

Councilmember Hall moved that Council support a resolution that the County take over the Swift Island Bridge. Councilmember Michael seconded the motion. Voting for the motion was Councilmember Hall. Voting against the

motion were Councilmembers Alexander, Holcomb, Michael, Neel, Townsend and Underwood. The motion did not carry.

Councilmember Neel stated that the problems we are having with our TV systems is due to our architect not understanding exactly what we needed. He would like the City to establish a committee to reassess what we have and what it is we need. Mayor Whitley advised Councilmember Neel that City staff is already looking into this issue.

City Manager Raymond Allen stated that one of the Councilmembers received a complaint from a citizen on Kingsley Drive. A neighbor is placing yard waste in front of his mother's property. City staff has been out to the location and told the neighbor to place the yard waste in front of their own property. They have not done so as of yet. The citizen complaining asked that Council consider drafting changes to the ordinance language stating that owners or tenants place yard waste along the curb of the resident from which it was derived.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved staff gathering more information and bringing back before Council on this matter.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council adjourned to Wednesday, December 7 at 6:00 pm for a meeting with NCDOT, Albemarle, Badin and New London on a Comprehensive Transportation Plan to be held in the Community Room at City Hall.