

REGULAR MEETING CITY COUNCIL
February 21, 2011

The City Council of the City of Albemarle met in a regular session on Monday, February 21, 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 made a presentation of a Retirement Certificate as follows:

John Eudy, Albemarle Fire Department- 31.08 years of service.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of February 7 regular session were approved as submitted.

Mr. Blair Israel and Ms. Nadine Bennett, Centralina COG came before City Council to discuss the 2010 redistricting process and services. The City is required to evaluate the 2010 Census results for possible redistricting of City voting districts. Assistant City Manager Michael Ferris served as the City's 2010 Census Coordinator. The City Manager noted that the estimated cost for this study is \$9,653.00. He recommended a budget amendment from the General Fund to cover this expense. Stanly County Board of Elections has indicated filing for municipal elections will be in July and this process needs to be complete prior to July if a delay in the filing period and municipal elections is to be avoided.

Mr. Israel came before Council and gave a PowerPoint presentation outlining the following dates:

April 2010 release of US Census Data
July municipal election filing
February 2012 County, State, and School candidate filing

He also explained that the process includes meeting with the communities, determining if there is an imbalance, review the imbalance if one, board approval of

scenarios, and then develop and present the options to the board. The board then determines whether to tweak or overhaul the options.

Upon questioning by Councilmember Neel, Mr. Israel stated that if the City is subject to Section 5 of the Voting Rights Act, only Council needs to approve the plan. He stated that COG will present three options for Council to review and make a choice.

Mr. Israel continued to answer questions presented by Council. Mr. Israel stated that by the City having a consultant, it brings expertise to the table and time, allowing staff to carry on their normal responsibilities. He also stated that they will use ESRI ArcGIS redistricting software, making it easy to manipulate district lines.

Upon questioning Ms. Israel stated that the US Census data should be ready sometime in March.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council entered into a service agreement with COG for the 2010 redistricting process and services. Voting in favor of the motion were Councilmembers Alexander, Hall, Neel and Townsend. Voting in opposition to the motion were Councilmembers Holcomb, Napier and Underwood. The motion carried. A budget amendment from the General Fund in the amount of \$9,653.00 will cover this expense.

Mr. Stephen Chambers, Chambers Engineering, came before City Council to present the results of the Sewer Inflow and Infiltration Study. The City Manager noted that the City received a North Carolina Rural Center grant to study its sewer system to identify inflow and infiltration problems. He also stated that this study has identified a large number of projects that the City can address in both the short term and long term to reduce our I&I issues. Mr. Chambers provided an interim report to City Council a few months ago and the report is now final and is ready for approval by City Council to submit to the Rural Center.

Mr. Chambers came before City Council and gave a PowerPoint presentation. He stated that the main things of concern are inflow and infiltration. Maps were reviewed showing sewer lines by type and age, manholes and what material they are made of, manhole deposits, trunk lines, smoke testing results in the sewer system, and visual inspections of the manholes. He reviewed the tables for inflow and infiltration from the report by the Rural Center.

In summary, Mr. Chambers stated that the system is working and he reviewed the detailed sewer repair map and made recommendations of project phases. Phase I - Phase VI are priority levels of repair or replacement and he briefly described what should occur along with the costs of each phase as show in the table below:

Table 7-2: Recommended Project Phases

1. Trunk 'A' Replacement (Part I) 2 2-4 Years \$2,172,570
2. Trunk 'A' Replacement (Part 2) 2 2-4 Years \$2,250,230
3. Trunk 'L' Replacement 2 4-6 Years \$2,026,300
4. Trunk 'B' & 'C' Replacement 2 6-8 Years \$1,635,012
5. Trunk 'E' Replacement 2 8-10 Years \$ 600,050
6. Misc. Repairs/ Replacements Throughout Varies \$688,138

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend and unanimously carried, the City Council approved the Sewer Inflow and Infiltration Study Report provided by Stephen Chambers with Chambers Engineering.

Ms. Kelley Lowder, Home Savings Bank came before City Council to request street closings on June 25, 2011 for Home Savings Bank Centennial Celebration. This request is to close North Second Street between Main Street and the alley beside the Alameda Theater from Noon to 10 pm; and to close the South Second Street from Main Street to King Avenue and Main Street from First Street to Third Street from 5 pm to 10 pm. She also requested to use the City supplied electric power at City Hall and Courthouse Square that is used for public events.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved street closings for Home Savings Bank Centennial Celebration on June 25, 2011 and the use of City supplied electric power at City Hall and Courthouse Square. This will involve the closing of North Second Street between Main Street and the alley beside the Alameda Theater from Noon to 10 pm; and to close the South Second Street from Main Street to King Avenue and Main Street from First Street to Third Street from 5 pm to 10 pm.

Ms. Lowder understands that due to them being a for profit organization, they will be responsible for hiring their own security for this event.

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 Townsend, seconded by Councilmember Hall and unanimously carried, the following ordinance passed second reading and was duly adopted:

(Ordinance 11-02. To appropriate \$ 1,050.00 in donations to the EE Waddell Center.)

Upon a motion by Councilmember Napier, seconded by Councilmember Hall and unanimously carried, the following ordinance passed second reading and was duly adopted:

(Ordinance 11-03. To consider zoning 2.01 acres of Anderson Grove Church to R10 Single-Family Residential.

The Mayor and City Council discussed the review for NPDES Phase 2 storm water designation. The City Manager noted that Albemarle and other communities in the lower Yadkin River Basin are being considered for this designation by the NC Department of Environment and Natural Resources. In the event that Albemarle is designated as an NPDES Phase 2 community, substantial resources will be required to meet the terms of the NCDENR/EPA permit including new unbudgeted programs, projects, and operations/maintenance.

Engineering Services Director Jon Mendenhall came before Council and gave a brief summary of the letter from NCDENR dated January 4, 2011. Also, he gave a PowerPoint presentation overview of storm water and topical pollutants. He stated a comment letter signed by the City Manager was also sent to NCDENR expressing our concerns over this potential designation, and setting forth the reasons for these concerns.

Mr. Mendenhall said that we have the potential of being in the NPDES Phase 2 community in the Yadkin basin. Concord is already designated a NPDES community and cities as Lexington, Laurinburg, Asheboro, Rockingham, as well as Albemarle, are also being considered.

Mr. Mendenhall stated that if designated, it would require a whole different program. A storm water division would be necessary with dedicated capital for staff, maintenance, and construction. NCDENR wanted to inform each city, get their public and community input, and answers any questions they may have. Current measures in place along with new measures including new partnerships will be an important solution

to provide preliminary steps toward NPDES Phase II storm water requirements serving as a starting point.

Mayor Whitley asked Mr. Mendenhall what type of timeframe is involved. Mr. Mendenhall stated that it should be sometime this year. He stated that he asked NCDENR to come and talk with our Council and residents on the impact this would have on our City.

The Mayor and City Council received an overview of the All-American City Process. At the suggestion of Councilmember Neel, the Mayor and City Council recently requested that staff provide some basic information about this program and what is involved in applying for All-American City status.

Assistant City Manager Michael Ferris made a PowerPoint presentation on basic information about this program and what is involved in applying for the All-American City status. Mr. Ferris stated that basic contact information, community information, and community statistics is supplied to the committee along with a \$100 application fee by March 14.

All-America City Awards Criteria is as follows:

- Part I - Community tells its story
- Phase II - Community describes its challenges
- Phase III - Community describes three community-driven projects

This application will be reviewed by a 20-member screening committee where up to 30 finalists will be chosen to bring their presentation before a national jury of experts to Kansas City, Missouri, from June 15-17. Finalists will be named in April 2011.

Mr. Ferris reviewed cities as Concord that have applied and the costs factors to consider for involvement such as experts in planning, travel, hotel, food and clothing for a group to travel to Kansas City if being considered as a finalist. Mr. Ferris suggested if Council is interested in this, they may want to consider sending 1-2 people to Kansas City this year to learn about the process and get ready to apply in 2012.

The Mayor thanked Mr. Ferris for researching this and bringing the information before City Council.

The Mayor and City Council considered a street closure request for the annual Mini-Medley Relay Race. Albemarle Parks and Recreation has scheduled its annual Mini Medley Relay for Saturday, March 26. City Council received a street closure request form, map of the race route and memo from Parks and Recreation Director Toby Thorpe. This annual event sponsored by Parks and Recreation has been taking place for over 25 years in Albemarle.

Mr. Thorpe came before Council and explained the one mile loop route for the Mini-Medley Relay Race.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the closing of the following streets on Saturday, March 26 for the annual Mini-Medley Relay Race.

East Cannon Street from 3rd to 4th Street
4th Street from East Cannon to North Street
North Street from 4th Street to 3rd Street
3rd Street from East Cannon to North Street
Montgomery Avenue between 3rd and 4th Streets
Between 8 am – 11 am

The Mayor and City Council received a report on the Board of Adjustment decision for a request for a fence variance at 909 Laura's Lane. The City Manager noted that the Board of Adjustment meeting was held on Thursday, February 10 and considered a 12-foot variance for the fence. The Board of Adjustment approved the variance of 12-foot that would require the fence be moved 10-feet farther back from the street. Per Council's previous discussion on this matter, the variance is conditional and will require a written agreement.

Planning and Community Development Director Keith Wolf came before Council and stated that City Attorney David Beaver will draft an agreement between the City and Mr. Stacey in which he agrees to move the fence 10 feet farther back from the street within three months, or allow the City to move the fence at its initial expense and then place a lien on the property to recover costs incurred by the City. The variance is conditional based on Mr. Stacey signing the agreement. Mr. Wolf also said that Mr. Beaver had spoken with Mr. Stacey over the phone and Mr. Stacey is in agreement with this. If Mr. Stacy does not sign, the agreement will be void and we will have to take another route on this matter.

Mr. Beaver stated that Council does not have to vote on this tonight. When the agreement is brought before Council to review, it can be voted on at that time. The

document will hopefully be signed and completed by February 28, giving Mr. Stacy three months, until May 31 to move the sign. City Council decided to go ahead and vote on the fence variance tonight.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved City Attorney David Beaver drafting an agreement between the City and Mr. Stacey in which he agrees to move the fence 10 feet farther back from the street within three months, or allow the City to move the fence at its initial expense and then place a lien on the property to recover costs incurred by the City if not moved as of May 31, 2011.

The Mayor and City Council considered an invitation to meet with Stanly County Board of Elections. This meeting is in regards to the 2011 municipal elections. Council received a letter from the Board of Elections regarding the redistricting that is required following the 2010 Census.

The City Manager noted that City Council approved a court settlement in the 1980's that required the City to establish City Council districts to help facilitate minority representation on the City Council. The Board of Elections is delaying filing for the City's elections until Monday, July 25 to accommodate the redistricting that is required.

Upon a motion by Councilmember Napier, seconded by Councilmember Holcomb and unanimously carried, the City Council approved to meet with Stanly County Board of Elections concerning the 2011 municipal elections.

The Mayor stated that this meeting is on March 1 at 9 am in the Elections Office and to let the City Manager know if they will be able to attend. City Manager Raymond Allen stated that this will be an official meeting between the Board of Elections and City Council and will need a quorum.

The Mayor and City Council considered attendance at the Chamber of Commerce Legislative Breakfast. This event will be at 7:15 am – 9 am on Monday, February 28 at Stanly Regional Medical Center's Family and Education Center. Council received a flyer from the Chamber of Commerce about this event.

Councilmembers Alexander, Hall, Townsend and Underwood affirmed their attendance to the breakfast. The Mayor asked the remaining Councilmembers to let Mr. Allen know if they will be able to attend.

The Mayor and City Council received a reminder of the North Carolina Municipal Power Agency One Regional Meeting. This meeting will be on Thursday, February 24 at 5:30 pm in Concord. Mayor Whitley, Councilmembers Holcomb, Napier, and Underwood, and the City Manager are registered for this meeting. The City Manager noted that if anyone else is interested in attending, we can RSVP for you as well. We can meet at City Hall at 4:45 pm and take a van or carpool to the meeting, which is at the Embassy Suites in Concord.

Councilmember Neel stated that he has another ElectriCities meeting that will conflict and will not be able to attend the NCMAPA#1 Regional Meeting. The Mayor asked that the remaining Councilmembers let the City Manager know if they would like to attend this week.

The Mayor and City Council received a reminder of the Stanly County Council of Governments Meeting. This will be at 6:30 pm on Tuesday, February 22 at Mount Zion Lutheran Church in Richfield. The speakers for the meeting will be Paul Stratos, the Interim Stanly County Economic Development Commission Director, and Jim Prosser, the new Centralina Council of Governments Executive Director. The City Manager noted that Council can meet at 6 pm at City Hall and take a van to the meeting. The City Manager also stated that we have RSVP'd for the Mayor and City Council for this meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 5, 7 concerning real estate and personnel matters.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, 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) 5, 7 concerning real estate and personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, the City Council approved hiring former Police Chief Ronnie Michael for his professional services as a consultant for the City of Albemarle

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, the City Council adjourned until Monday, February 28 at 7:00 pm at City Hall for a joint meeting with Stanly County Board of Commissioners and NCDOT concerning alternatives for the NE Connector.