

REGULAR MEETING CITY COUNCIL
June 8, 2010

The City Council of the City of Albemarle met in a regular session on Tuesday, June 8, at 7:00 p.m. in the City Hall. Mayor Elbert L. “Whit” Whitley, Jr. presided, and the following Councilmembers were present, to-wit: Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Troy E. Alexander.

The Mayor delivered the invocation.

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

A public hearing was held to consider rezoning 3.25 acres from (CBD) Central Business District to (LID) Light Industrial District. No one from the public spoke for or against the proposal.

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 Underwood and unanimously carried, the following Resolution was duly adopted:

(Resolution 10-18. To rezone 3.25 acres from (CBD) Central Business District to (LID) Light Industrial District.)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 10-23) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA.” passed first reading.

Mr. David Hartigan, Hartigan Management came before City Council to present the proposed application for the NC Rural Center grant. This is a Building Reuse and Restoration Grant to renovate the building at 331 North First Street for Dest Family Dentistry. Dr. Dest is proposing to purchase and renovate the former Kandl medical office building and would like to seek a Rural Center grant in the amount of \$50,000. This would pay for approximately 50% of the proposed renovations to the building. The City Manager noted that the cost to submit and administer the grant will be \$7,500.00. The City is being requested to pay 50%, or \$3,750.00 of this amount.

Mr. Hartigan came before City Council and explained that a Building Reuse and Restoration Grant allows someone to take a vacant building and put it back into use. This grant is in the amount of \$50,000, which is 50% of the proposed renovation amount. This money would be given to the City to finance the restoration of the building for Dr. Dest. Dr. Dest came forward and stated that he is currently in Dr. Bowen's office but he needs a larger building. He stated that is why he is interested in Dr. Kandl's old building to restore.

Councilmember Townsend asked if the City will have to pay 50% of the proposed renovations. Mr. Hartigan stated that the City will lend 50% of the proposed renovations in the amount of \$50,000 to Dr. Dest with a lien on the building.

Upon questioning by Councilmember Hall, Mr. Hartigan stated that the loan agreement will be between the City and Dr. Dest.

City Manager Raymond Allen stated that the City would not be lending City funds but NC Rural Grant funds if this grant is approved. The City will only be paying 50% of the cost to submit and administer the grant in the amount of \$3,750 and the City's tax base would be increased by approximately \$100,000 and five or six jobs would be created.

Dr. Dest was asked when he would be moving out of Dr. Bowen's office. He stated that he would be staying in Dr. Bowen's office until renovations are completed at 331 North First Street.

Councilmember Hall asked Mr. Hartigan what the time frame is looking like in regard to the grant and finalizing the renovations. Mr. Hartigan stated that the deadline for the grant application is June 28 and should be able to start renovations by August 25. Dr. Dest stated that the closing on this property will be the end of June.

Upon questioning the City Manager stated that this will come from the General Fund Fund Balance over an 18 month period.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved paying 50% or \$3,750 of the NC Rural Grant cost to submit and administer the grant for the renovation of the building at 331 North First Street for Dest Family Dentistry.

(Resolution 10-19 - To request funding assistance from the Building Reuse and Restoration Grants program.)

Ms. Ashley Mosely with Off the Square Restaurant came before City Council to request permission to place outdoor seating on the sidewalk outside her restaurant.

Ms. Mosely came before City Council requesting to have outdoor tables and chairs at their restaurant downtown on South Second Street. She stated that the seating is on the inside part of the sidewalk and there is plenty of space for pedestrian traffic and wheelchairs. Ms. Mosely stated that she thought the property owner owned the inside part of the sidewalk next to the building and the City from that point outward. She did not realize that this part of the sidewalk where her seating is located would be in question and she would need to ask the City about placing seating there.

Councilmember Holcomb stated that the seating looks nice with the tables and she does not have a problem with this. Also, she said that they would not be able to sell alcoholic beverages to customers seated outside because the City does not allow the selling of alcoholic beverages on the sidewalk.

City Manager Raymond Allen stated that all along the street, in front of all buildings and up to the property line, is the City's right of way.

Councilmember Townsend asked if the City needs to enter into an agreement with Off the Square Restaurant as in the past with the Boardroom Bar and Bistro and previously with Firehouse Restaurant located where Ms. Mosely's restaurant is now. The City Manager stated that staff recommends to have an agreement with Ms. Mosely as with Firehouse Restaurant in the past with a "Hold City Harmless" agreement.

Councilmember Underwood stated that he had heard of complaints of outside seating blocking the sidewalk.

Councilmember Holcomb moved to approve Off the Square Restaurant placing outdoor seating on the sidewalk outside their restaurant. Councilmember Hall seconded the motion.

Councilmember Holcomb amended her motion to include that Off the Square Restaurant sign a “Hold Harmless” agreement with the City. Councilmember Napier seconded the motion and upon unanimous vote, the motion passed.

Mayor Whitley stated to Ms. Mosely that she can see the City Manager and sign the hold harmless agreement and can continue having the outside seating at Off the Square Restaurant on South Second Street.

Mr. Vimal Patel, Quality Inn came before City Council to dispute City enforcement of Electronic Changeable Face Sign Ordinance. As the City Manager noted, Mr. Vimal Patel, the owner of the Quality Inn, 735 NC 24-27Bypass E. is questioning Planning and Community Development Director Bob Sasser's and Senior Planner Keith Wolf's interpretation of our Electronic Changeable Face Sign Ordinance. City Council received a copy of the memo, ordinance, and zoning violation warning. Mr. Patel had his sign installed without a permit and it has taken the Planning staff a significant amount of time and effort to try to bring this sign into compliance with the City's ordinance.

Mr. Patel came before City Council and stated that he is following the law. He stated that the inspector says the message is scrolling and he says it is not.

Senior Planner Keith Wolf came forward and explained the situation from the beginning. The sign was put up with no permit applied for by Mr. Patel. It has now been permitted. Mr. Wolf said that at first Mr. Patel had a scrolling sign changing each 5 seconds with a message and movement in between the message. He said that the ordinance allows for having 5 seconds but no movement in between the message. Mr. Patel does not interpret the ordinance the same way.

Councilmember Holcomb asked Mr. Wolf what needs to be done for this sign to be in compliance. Mr. Wolf stated that it is now in compliance but Mr. Patel is not satisfied because it is not what he originally wanted and does not agree with our interpretation of the ordinance.

Councilmember Neel stated to Mr. Patel that we can either agree with you being correct or our City inspector. We agree that our inspector is interpreting the ordinance correctly.

Mayor Whitley stated that we will stay with the ordinance as it is stated, and agree with the interpretation by our inspectors as is, and that the sign is in compliance as is.

Mr. Patel stated that his sign is extremely tall and that it is not eye level and not a distraction compared to other signs or people passing.

Mr. Bill Moyers, Volkert & Associates came before City Council to present the 2010 Municipal Bridge Inspections Report. This inspection report is required every two years, and the City is reimbursed 80% of the cost from Federal Highway Administration funds through NCDOT.

Mr. Moyer came before City Council and gave a powerpoint demonstration explaining the analysis of the eight bridges in question.

The bridges are located as follows including bridge inspector's recommendation for maintenance repairs.

Belvedere Drive – asphalt needed
Melchor Drive – asphalt needed
Aquadale Road – steel bridge railings and drift removed
Old Charlotte Road – asphalt, drift removed
Kingsley Drive – maintain concrete superstructure components
Rock Creek Park Drive – Drift and debris removed
Access Road - maintain concrete superstructure components
Smith Street – no repairs needed

Mayor Whitley asked Mr. Moyer the timeframe on this. Mr. Moyer Stated that these repairs should be made within twelve months from the date of their inspection. He also said that Volkert could prioritize needs for the City if the City is interested.

Councilmember Hall stated that she feels comfortable moving forward on this item.

Councilmember Neel asked Mr. Mendenhall to check on the 6th Street culvert instead of waiting on the next cycle which is 2012.

Mr. Moyer stated that the City can call his firm at any time with questions and he enjoys his partnership and appreciates the opportunity of working with the City.

Mr. Clad Huneycutt came before City Council to request that the City do something about water damage to a rental property he owns at 1300 Pickler Street. He stated that this is occurring from sloping land causing water drainage from the City of Albemarle Fire Dept on Concord Road. He stated that this has been a problem for five years. He handed out photos to City Council for their review. Mr. Huneycutt stated that if the trees were down and the slope taken down some, it would help the water from draining onto his property. If one of the large oak trees fall, it will be on his property.

The Mayor stated that the entire City is on rolling hills and there are problems like this City wide.

Councilmember Hall asked how close is the City property to Mr. Huneycutt's driveway. Mr. Huneycutt stated that the property comes to the edge of his driveway. There are some roots near or under his house.

City Manager Raymond Allen stated that the Public Works Director, the Fire Chief and he have been out to the property. Public Works extended an asphalt side ditch and cut a ditch to help divert the water toward Pickler Street and away from his property. He stated that a certified arborist has examined the trees, and determined that they are healthy. Councilmember Hall asked how long ago this work had been done by the City. City Manager Raymond Allen stated that the asphalt was put down 3-4 weeks ago and the ditch about a week ago. Mr. Allen also said that dead tree branches can be removed by the City.

Ms. Betty Huneycutt came forward and stated that if someone from the City was living there, they would have something done about this problem. She stated that if they have the tree roots removed the trees will die.

Mr. William Oresick with the Homeowners Association of Anderson Ridge Subdivision came before Council to request lower speed limits. He stated that at their last Homeowners board meeting the speed limit was brought up and they discussed having speed limits lowered from 35mph to 20 mph and speeds lowered to 15 mph at the cross streets.

The Mayor stated that the City will have Police Chief Michael look at this and give his recommendation.

Councilmember Neel stated that if Council decides to lower the speed limit, we will have to look at the City as a whole and make available to other places within the City limits.

Councilmember Holcomb asked Mr. Oresick if he thought stop signs would help. Mr. Oresick stated that several of the members of their Home Owner Association are looking into this.

The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had 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 10-11. A Budget amendment to appropriate revenue from sale of assets, insurance proceeds, and unexpected disposal fees (\$189,279) and to transfer money appropriated for a Capital Reserve to Equipment Repair & Maintenance (\$175,000.)

(Ordinance 10-20. To amend Subdivision Ordinance to require access connection for commercial development.)

(Ordinance 10-21. To amend Zoning Ordinance regarding Accessory Structure location.)

(Ordinance 10-22. To amend FY 2009-2010 Budget to reallocate budget from Systems Division to Plants Division in the Water/Sewer Fund to cover expenditures at the Water Plant and Equipment Repairs at the Waste Water Plant.)

The Mayor and City Council considered the adoption of a Public Usage Policy for City meeting rooms and facilities. This proposed policy was presented to City Council at the May 17 meeting, but was held over for consideration since the draft in the agenda package lacked a few of the final changes.

At the request of Councilmember Townsend, Parks and Recreation Director Toby Thorpe met with residents of the South Albemarle community on two occasions to discuss the proposed policy and how it would affect EEWCC users. As a result of these meetings, the draft policy was amended to address most of the concerns that were expressed.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a Public Usage Policy for City meeting rooms and facilities.

The Mayor and City Council received a report on Albemarle Community Appearance Commission appointments due to the resignation or inactivity of several members. The ACAC recommended City Council consider the appointment of new members and had suggested several names. At its meeting on May 17 City Council reappointed Deborah Blanding and appointed Wayne Palmer, Eddy McDaniel and Donna Gaither, all of whom had indicated their willingness to serve. Council asked Planning and Community Development Director Bob Sasser to contact Jane Snyder and Terri Griffin to determine their willingness to be appointed. They affirmed to Mr. Sasser that they will be willing to also serve on the Community Appearance Board.

City Manager Raymond Allen stated that Council needs to confirm these appointments and the reappointment of Ms. Blanding.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved Wayne Palmer, Eddy McDaniel, Donna Gaither, Jane Snyder and Terri Griffin as new appointments and Deborah Blanding to be reappointed to the Albemarle Community Appearance Commission.

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

(Ordinance 10-19. FY 2010-2011 Budget Ordinance for the City of Albemarle.)

The Mayor and City Council considered Bid 2010-02 for Lawn Service for Amhurst Gardens. A copy of the pre-bid conference and the bid tabulation was provided for City Council to review. The low bid was Bushwackers of Richfield, NC. Bids for lawn service were advertised in the SNAP on April 18, 20 & 22, 2010. A pre-bid conference was required for all interested bidder on May 5, 2010 and bids were accepted on May 21, 2010 at 3:00 pm. Five contractors attended the pre-bid conference and three of those contractors' submitted bids. Bushwackers is presently providing this service and their bid is \$25 less than their present weekly charge.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the lowest bidder, Bushwackers for Bid 2010-02 Lawn Service for Amhurst Gardens.

(Bid Tabulation)

The Mayor and City Council considered a board resolution approving the Public Housing Budget 2010-2011. As noted by the City Manager, this resolution certifies that City Council has reviewed and approved the Department of Public Housing Budget as required by the Department of Housing and Urban Development. HUD requires this document that authorizes the Department of Public Housing's operating budget for the next fiscal year. The Department of Public Housing budgets (Section 8 Housing Choice Vouchers & Conventional Program) are included in the budget process for the City.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved a resolution for the Public Housing Budget 2010-2011.

(Resolution 10-20 - A board resolution approving the operating budget of Public Housing for 2010-2011.)

The Mayor and City Council considered the approval of write offs for the Department of Public Housing. These write-off accounts are for the period July 1, 2009 through December 31, 2009 in the amount of \$895.71 must be approved by City Council. As noted by the City Manager, once City Council authorizes the write-off, this amount will be given to the NC debt-set off program which continues to be most effective in recouping these losses.

Upon a motion by Councilmember Townsend, seconded by Councilmember Neel and unanimously carried, the City Council approved the write offs for the Department of Public Housing for the period July 1, 2009 through December 31, 2009 in the amount of \$895.71.

The Mayor and City Council considered the adoption of a No Idling Policy for City of Albemarle vehicles. At the Council meeting on May 17 Councilmember Hall suggested that the Council consider adopting a policy similar to that adopted by the City of Concord. As noted by City Manager Raymond Allen, currently, some departments such as Public Works and Public Utilities have internal polices that have similar provisions. However, it would appear to be beneficial to have a City wide policy. If City Council is in agreement, staff can make minor changes to the sample policy and bring this back to Council for approval.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved City staff making changes to the City of Concord's No Idling Policy and come back before Council for approval of a No Idling Policy for the City of Albemarle.

The Mayor and City Council considered the JAG Grant for the Police Department and Allow for public comment. As the City Manager noted, the Police Department is in the Final Phase of applying for a Justice Assistance Grant in the amount of \$16,257.00 with \$4,064.00 of this being forwarded to the Sheriff's Office in accordance with the Justice Assistance Grant Disparate Jurisdiction Formula. Plans are to purchase a computerized radio/phone recorder and radio for the Police and radios for the Sheriff's office.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Justice Assistance

Grant (JAG) for the Police Department in the amount of \$16,257 with \$4,064 of this forwarded to the Sheriff's Office in accordance with the Justice Assistance Grant Disparate Jurisdiction Formula.

The Mayor and City Council discussed a proposal to provide an incentive for residents contracting for recyclables collection. As noted by the City Manager, at the May 17 meeting of City Council, staff was requested by Councilmember Neel to evaluate the impact of offering an incentive to residents who pay for curbside recycling by offering them a reduced garbage collection fee. If City Council were to approve the proposed \$2 per month discount, then the proposed monthly fee for other households would need to increase by 15 cents per month, from \$8.75 to \$8.90. This would be revenue neutral based on an estimated 500 City households using this service per month. This would also involve a programming change to have two classes of customers for the household disposal fee, and our staff would have to add or remove these each month based on information provided by Green Pieces as customers join or leave this service.

Councilmember Hall asked City Manager Raymond Allen what he recommends. Mr. Allen stated with residents using the curbside recycling and receiving a \$2 discount per month there would be an increase of \$.15 per month for customers not using the recycling service to balance the revenue for the budget. Staff will have to keep up with this and it will be time consuming, but if this is Council's request, we will make it work. Councilmember Hall stated that she would like for the City to do this, keeping items out of our landfill.

Councilmember Holcomb stated that it is not fair to have a \$2 discount to those choosing to use the recycling service and also for the residents not using the recycling service to have to increase their monthly of \$.15 for not recycling.

Councilmember Neel stated that Green Pieces is having problems with items coming off their trucks with debris being left on the streets.

Councilmember Holcomb said that Council needs to think about this before going forward with a decision. Councilmember Neel stated that he agrees with Ms. Holcomb. Councilmember Holcomb asked that this item be held over to a later date.

The Mayor and City Council considered a request of the Boy Scouts for waiver for archery and BB instruction at Morehead Park. This is to waive the policy that prohibits the use of firearms and archery in City parks. The City Council has granted this

waiver in the past subject to the execution of a hold harmless agreement with the scouting organization and proof of liability insurance.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved waiver for archery and BB instruction at Morehead Park for the Boy Scouts on June 20 through June 25 subject to the execution of a hold harmless agreement with the scouting organization and proof of liability insurance.

The City of Albemarle considered a resolution to adjust the City of Albemarle Electric Rates. The City Manager noted that this would adjust the City's rates by 4.2% effective July 1, 2010 to partially offset a wholesale rate of 5.2% wholesale rate increase by NCMPA#1 the City will receive on July 1, 2010.

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

(Resolution 10-21. To adjust the City of Albemarle electric rates which includes adjusting the City's rates by 4.2% effective July 1, 2010 to partially offset a wholesale rate of 5.2% wholesale rate increase by NCMPA#1 the City will receive on July 1, 2010.)

The Mayor and City Council considered a resolution to adjust the City of Albemarle water & sewer rates. The proposed budget includes this 4.5% rate adjustment for the rate blocks above the minimum block. There is no increase for the minimum block. This rate increase will allow the Water & Sewer Fund to continue to remain solvent and to help address the need for capital improvements in the water and sewer system.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the following resolution was duly adopted:

(Resolution 10-22. To adjust the City of Albemarle water and sewer rates which includes a 4.5% rate adjustment for usage greater than 300 cubic feet per month. There is no increase for usage below 300 cubic feet per month.)

The Mayor and City Council considered a resolution to adjust disposal fees at the City of Albemarle Landfill. This resolution would adjust the fees for municipal solid waste and construction and demolition waste by \$2 per ton effective July 1, 2010. This fee adjustment is included in the proposed FY 2010-2011 budget that was adopted on first reading at the May 17 meeting of City Council.

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

(Resolution 10-23. To adjust the City of Albemarle disposal fees at the City of Albemarle Landfill by \$2 per ton effective July 1, 2010.)

The Mayor and City Council considered a resolution to adjust household and business solid waste collection fees. These fee increases were included in the proposed budget that was adopted on first reading at the May 17 City Council meeting. City Manager Raymond Allen noted that the household collection fee will increase from \$5.45 per month to \$8.75 per month, but will still only recover approximately 60% of the cost of providing this service. The business fee will increase by twenty cents per month to \$7.20 and will recover all of these costs. The disposal fee will increase from \$3.15 to \$3.90 per month to cover the cost of disposal at the landfill for garbage, trash, yard waste and leaves.

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

(Resolution 10-24. To adjust the City of Albemarle household and business solid waste collection fees.)

The Mayor and City Council considered adjusting development fees relating to the Planning and Community Development and Engineering Departments.

Councilmember Neel asked how the term development fees was determined. He said that maybe different wording for these fees would be preferred. City

Manager Raymond Allen stated that Planning and Zoning fees can be used instead of Development fees.

Councilmember Holcomb moved to adopt Resolution 10-25.
Councilmember Napier seconded the motion.

Councilmember Holcomb moved to amend the motion to change wording from "Development" fees to "Planning and Zoning" fees for fee title. Councilmember Underwood seconded the motion. The motion passed unanimously.

(Resolution 10-25. To adjust the City of Albemarle household development fees relating to the Planning and Community Development and Engineering Departments.)

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 10-24) "AN ORDINANCE TO AMEND FY 2009-2010 BUDGET" passed first reading.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-25) "AN ORDINANCE TO AMEND 2009 GRANT ORDINANCE 09-32 FOR A COMMUNITY DEVELOPMENT BLOCK GRANT MORROW CHASE PROJECT ORDINANCE" passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-26) "AN ORDINANCE TO AMEND 2008 PROJECT ORDINANCE 08-05 CITY HALL CAPITAL PROJECT" passed first reading.

The Mayor and City Council considered a request of Albemarle High School for an exception to the policy regarding Parks and Recreation fees. This request is for a summer baseball camp planned for June 28-July 1, 2010 at Don Montgomery Park. The high school is requesting that the 25% of fees that typically comes back to the City be

waived. The City Manager noted that this is what other schools have been charged for similar fund raising events. The City and the High School use each others facilities for athletic events without any charge, although the high schools use City facilities at a far greater extent than the City uses their facilities.

Parks and Recreation Director Toby Thorpe stated that the Parks and Recreation staff have recommended that if the City Council considers a waiver that they waive 10% of the fees instead of the normal 25% rather than completely waiving the fees. However, this is at the discretion of City Council and we will support any decision you make.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a request of Albemarle High School for an exception to the policy regarding Parks and Recreation fees waiving 10% instead of the normal 25% of the normal fee for the use of Don Montgomery Park for a summer baseball camp.

The Mayor and City Council considered a proposal from Creech and Associates to lower the Council dais by six inches. The City Manager noted that the City Council has been concerned since the opening of City Hall about the height of the dais in the Council Chambers. David Creech has looked at this and has recommended that the best way to change this if Council feels it should be changed is to remove six inches from the bottom of the dais, and then lower the desktop accordingly. This would result in the overall height being reduced by six inches, but would not necessitate ruining the mill work at the top of the dais. The maximum cost is estimated to be about \$23,000 and Creech has proposed to absorb 50% of that cost.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved Creech and Associates to lower the Council dais by six inches in the amount of \$ 11,500.

The Mayor and City Council considered appointment for an expiring term on Stanly County Convention and Visitors Bureau board. The City Manager noted they the City received a letter from the Stanly County CVB advising that the term for the appointment held by Councilmember Neel expires on July 1, 2010, and requested that the City Council reappoint Mr. Neel or appoint a replacement.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the reappointment of Jack Neel to the Stanly County Convention and Visitors Bureau Board.

The Mayor and City Council discussed appointments to City boards and commissions with terms expiring in July, 2010. City Council received a list of each board or commission with the current membership and terms. As requested by City Council, the May utility bill stuffer asked for volunteers for these boards, and a list was compiled of the volunteers received. The City Manager noted that in the past the ADDC Board of Directors has recommended candidates for Council to consider for ADDC appointments. This will be on the ADDC agenda for June 14 to consider.

Councilmember Hall asked that Council consider holding this over and making appointments at the June 21 meeting since the terms do not expire until July. She also asked that Council receive attendance records of the members with terms expiring by email or anytime before the next Council meeting on June 21.

The Mayor and City Council discussed Duke Energy's proposal for a presentation on energy policies at a upcoming meeting of City Council. The City Manager noted that he had received a letter from Duke Energy which offers to make a presentation at a Council meeting regarding current energy issues such as climate change, energy infrastructure and energy efficiency.

Councilmember Hall asked that Council consider holding off on the presentation until the second meeting in August due to other pressing items that will be a part of the July meetings. Mayor Whitley agreed that it would probably be best to wait and have the presentation in August.

The City received a report on a sidewalk complaint at the YMCA Cannon Park. At the Council meeting on May 17, Councilmember Neel asked that staff contact the YMCA to see where the previously discussed project to replace the sidewalk around the YMCA Park with a composition walking trail stood. The City Manager noted that he had contacted John Lowder at the YMCA and he advised that due to economic conditions he did not believe the YMCA would be able to move forward on this project for at least the next couple of years. He advised that his preference would be to make any needed

repairs to the sidewalk, and that he thought that it was in overall better shape than it had been in many years.

City staff has evaluated the sidewalk and the only section that represents a trip hazard is the section along Franklin Street. There are two areas where the sidewalk can be curved a couple of feet away from the trees and re-poured. Altogether, if a maximum of about 175 feet were to be replaced, the entire sidewalk around the park will be in very good condition. Public Works will proceed to do so unless City Council feels otherwise.

Councilmember Neel stated that he hopes the original idea will be carried through at some point in the future by widening the sidewalk. The City Manager said that the YMCA determined that with the present economic conditions, they would have to wait, but would like in the future to repair the sidewalk and add a running track inside of the sidewalk.

The Mayor and City Council received information that Blue Cross/Blue Shield is passing along an approximate 1% increase on the City's Health Insurance. The City Manager noted that this would be approximately \$16,000 per year spread over the various City funds.

The City Manager stated that initially Council had been informed that there would be no increase for the health insurance but as a result of the Federal Mental Health Parity and Addiction Equity Act, Blue Cross/Blue Shield of North Carolina will be increasing our group health insurance. This action has required that BC/BS of NC eliminate the lifetime maximums for mental health and substance abuse services. It is our understanding that BC/BS of NC is increasing all their groups' premiums as a result of this legislation.

The Mayor and City Council received information on the Wilder/Badin Road Drive-in rezoning request. The Planning Board on May 25th held the matter over until the June 22nd meeting. There was considerable opposition from the neighbors. They requested the owner and developer consider Conditional Use zoning wherein a detailed drive-in expansion site plan be submitted and only that use would be permitted, not the whole range of permitted uses in the GHBD. Planning Director Bob Sasser received a call on the 26th from the theater owner who indicated they oppose a

Conditional Use rezoning and are going to request the Board approve their initial request which is to rezone to GHHB.

Councilmember Underwood stated that he had received several calls from residents living near the drive-in site and most are opposed to this zoning request.

Planning and Community Development Director came before Council and stated that the Planning Board will meeting again on Tuesday, June 22 and he will come back before City Council with their decision in July.

The Mayor and City Council reviewed information that the City has received a grant from ElectriCities of North Carolina to retrofit outside lighting at the Long Creek Wastewater Treatment Plant. The City Manager noted that this is a \$16,120 grant that will pay 47% of the cost of this project. The Public Utilities Department has received an energy efficiency grant from ElectriCities to retrofit 40 street lights at the wastewater treatment plant from HPS and MVL fixtures to LED lights. The total cost of the project is \$34,272 and ElectriCities will pay \$16,120. The estimated cost savings in electricity is \$3,100 per year. Mercury vapor lights are being phased out and the manufacturing and import of MVL ballasts has been prohibited since January, 2008.

The Mayor and City Council received information on a report on 2010 Household Hazardous Waste and Electronics Recycling Event. This event continues to divert a large amount of undesirable materials from being placed in the City's landfill.

Councilmember Townsend stated that he would like to thank everyone for attending the ribbon cutting ceremony on Sunday, June 6 for the renovated first phase of the EE Waddell Community Center. He said that there was a good crowd in attendance and everyone seemed to be well pleased with the results. He also stated that checks were received from several of the Waddell family members in the amount of \$500 to use for any items needed for the community center. He asked that the media present to announce and make the public aware of a summer program starting June 14 – August 20 which will serve free breakfasts for up to 250 people each day and free lunch served for ages up to 18 years of age each day at the EE Waddell Center. This breakfast and lunch program is through the USDA. Mr. Townsend also congratulated all high school graduating seniors.

Councilmember Hall asked that everyone keep Charlotte City Council member Susan Burgess, who is stepping down due to her terminal cancer, in their thoughts and prayers. She asked that Council send a card to her.

Councilmember Hall also thanked City Council for considering an idling policy for the City vehicles. She stated that this came directly from CONNECT through Centralina Council of Governments. She also stated that the EE Waddell ribbon cutting was a nice event and thanked Parks and Recreation Director Toby Thorpe and his staff.

Councilmember Neel stated that the State Championship signs for the Albemarle Bulldogs are located in the Executive Conference Room and are really nice. He said that these signs should be up in the next week or two.

City Manager Raymond Allen stated that DOT will install these signs as soon as that possibly can.

Councilmember Neel stated that tree limbs that are placed at the curb now are not being picked up by Waste Management for 3-4 weeks. Once they pick up the branches, the dried leaves remain on the curb which need to be cleaned up. He said that he had noticed this problem on streets that are on Waste Management's Monday route. Also, he mentioned that there are a load of grass clippings on Chestnut Street.

Public Works Director Mike Lambert stated that he is aware of the grass clippings on Chestnut Street.

Councilmember Underwood stated that Waste Management is losing some of its business in areas of the County.

City Attorney David Beaver stated that he was contacted by Yadkin Valley Steakhouse concerning a utility deposit they owe to the City. He stated that he relayed this question to the City Manager and Mr. Allen asked him to bring this up before Council at the meeting tonight. They were asking if they could have a couple of months to make a deposit of \$2,200. They were hoping to be able to pay this in installments such as paying 1/3 of the total each month in June, July, and August. Mr. Beaver stated that they had been on the cut off list the last two months which requires a deposit.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved Yadkin Valley Steakhouse paying a deposit in the amount of \$2,200 in three installment payments over June, July and August 2010.

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