

REGULAR MEETING CITY COUNCIL
March 1, 2010

The City Council of the City of Albemarle met in a regular session on Monday, March 1, 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 Reverend Jim Tucker was present and Mayor Whitley asked him to deliver the invocation.

Mayor Whitley thanked Electric Division Superintendent Charles Burris concerning a power outage on 4th Street and all the hard work he and his crew performed until 3:30 am in the morning several weeks ago.

A group of 8th graders from Albemarle Middle School who participated in the annual Youth-In-Government Day sponsored by the Albemarle Optimists Club were present to participate in the meeting. They had an overview of City operations earlier in the morning and some of them were assigned to shadow department heads for the remainder of the morning. Each student participating was assigned to a Council member or a staff member representing them for the day. Below is a list of students participating and who they represented:

- Samantha Blue – Mayor
- Adrienne Hill – City Manager
- Anaya Suresh – Finance Director
- Bryan Blanton – Parks and Recreation Director
- Robert Mack – Police Chief
- Cale Gardner – Fire Chief

Brandon Hartsell – Public Utilities Director
Shaniya Hamilton – Human Resources Director

Students representing City Councilmembers at the daytime meeting:

Der Vang
Cici Ly
Branden Moser
Kasmine Shankle
Logan Faulkner
Caleb Hyatt
Angel Sedano

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the minutes of the February 15 regular session, February 15 closed session, and February 20 adjourned were approved as submitted.

A public hearing was scheduled to consider a conditional use permit request of Prospect Baptist Church. The Assistant City Manager Michael Ferris noted that City Attorney David Beaver advised that the Stanly News and Press did not run the public notice for this hearing on the proper dates, and therefore the hearing will have to be rescheduled. It can be rescheduled and held for March 15. Director of Planning and Community Development Bob Sasser notified Prospect Baptist Church of this matter.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, Council approved rescheduling the public hearing to consider a conditional use permit request of Prospect Baptist Church to Monday, March 15 at 7:00 pm.

Ms. Emily Flynn, Municipal Engineering came before City Council to provide an update on the Long Creek Wastewater Treatment Plant Improvement Project.

The City Manager noted that Ms. Flynn has been advised by NCDENR that final approval for the \$3 million loan will go before the Local Government Commission this month, and that upon approval the City will be able to proceed to bid. After this approval the NC Rural Center will finalize the contract for the City's \$1 million grant. Ms. Flynn will request approval of a resolution to close out the water system mapping and modeling project for which we received a grant from the NC Rural Center.

Ms. Flynn came before Council and stated that Council had received a resolution to close out the NC Rural Center Grant Project for the mapping of the City water system and requested approval.

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

(Resolution 10-06. – To close out the NC Rural Center Grant Project for the mapping of the City water system.)

Ms. Flynn reviewed the progress on the Long Creek Wastewater Treatment Plant Improvement Project. She noted the final approval for the \$3 million loan will go before the Local Government Commission this week and once approved, the City should be able to advertise for bids by the end of April. Also, once approved, the NC Rural Center will finalize the contract for the City's \$1 million grant. At that time, there will be a couple of documents that will need to be signed by the City.

Mayor Whitley explained to the audience that the \$3 million loan and the \$1 million grant are to upgrade the Long Creek Wastewater Treatment Plant. The Mayor thanked Ms. Flynn and Mr. Woodie with Municipal Engineering for being at the Council meeting tonight.

Councilmember Hall asked if Item 14 (Review Draft of Street Closing Policy) could be discussed before Council makes a decision on Item 6 (Street Closing of Arey Avenue between E. Main Street and Pee Dee Avenue). It

was decided to proceed with Item 14, and then back to Item 6 and then forward in item order.

The City Council reviewed a draft of Street Closing Policy. Pursuant to City Council's request, the policy was drafted by Police Chief Ronnie Michael and Public Works Director Mike Lambert. They have based this on input they received from City Council and their experience in past street closings.

Mayor Whitley reviewed the components of the proposed policy as follows:

- 1) Recommended a written application form submitted through the City Manager's office.
- 2) Recommended a fee of \$50.00 per request. (not over 2 requests per year)
- 3) Recommended a site map with streets involved be submitted with application.
- 4) Functions allowable and non-allowable and any exemptions.

Councilmember Neel recommended to always require the \$50 fee because it costs the City that much to close the streets for these events.

Councilmember Townsend commended the staff for the recommendation of this policy and that they did a great job. He also stated that he sees no problem with this policy. Councilmember Townsend asked that Council go ahead and consider Mr. Burns request tonight and any future requests would be based on the new policy once approved.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, Council approved the Street Closing Policy as presented.

Mr. Destrik Burns, GenRex Youth Center came before City Council to request closing Arey Avenue between Pee Dee Avenue and East Main Street on Friday, April 2 from 5 pm to 10 pm. He stated that this was for an all day youth event in conjunction with Easter. He stated this closing would protect the kids during the activities.

Councilmember Neel stated that the street needed to be open between 5-8 pm due to it being Jay's Downtowner restaurant's busiest time and their customers travelling through this area of Arey Avenue.

Councilmember Townsend asked Mr. Burns what activities are planned. Mr. Burns stated that an Easter egg hunt would be held, sporting events, and inside recreation of 4-5 games. Councilmember Townsend also asked if the original time frame of 9am-6pm was a problem for them. Mr. Burns stated that the kids and their families are already aware that the GenRex Youth Center is open between 5 pm-10 pm.

Councilmember Holcomb moved Council approve a street closing on Arey Avenue between Pee Dee Avenue and East Main Street on Friday, April 2 from 5 pm to 10 pm for a day youth event in conjunction with Easter. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Townsend, and Underwood. Voting against the motion was Councilmember Neel. The motion carried.

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

Councilmember Neel stated that staff needed to make changes to some of the calendar items as follows:

- 1) To add – Mandatory Ethics Training for Council on March 25 at the City Hall between 4-6 pm in the Community Room.
- 2) To add the time of the budget work session March 9 and 11 being at 5 pm.
- 3) Business Before Hours session time of 7:30 am to be added.

Councilmember Townsend stated that the Albemarle Bulldogs celebration is on March 20 at Stanly Regional Medical Center and could be added to the calendar.

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

(Ordinance 10-07, To amend the 2009-2010 Budget to appropriate proceeds from Installment debt for the Phone System and Core Switches.)

(Ordinance 10-08, To voluntarily annex parcels (2.01 acres) of Anderson Grove Baptist Church.)

(Ordinance 10-10, To amend the 2009-2010 General Fund Budget using Fund Balance to pay for the destruction of the ADDC's Silos and the City's portion of the Greenway Project.)

Councilmember Neel reiterated his suggestion at the February 15 Council meeting that a letter should be sent to NCDOT concerning the funding the of remaining costs of \$15,480 for the required greenway inspections by the federal government that neither the local NCDOT staff nor the City staff were aware of until the process had started.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a letter being sent to NCDOT concerning them funding the remaining costs of \$15,480 for the required inspections by the federal government that neither the local NCDOT staff nor the City staff was aware of until the process had started.

Upon questioning by Councilmember Alexander, the Mayor and Councilmember Neel explained that this is pertaining to the City's portion of Phase II of the Greenway Project only.

The Mayor and City Council considered the recommendation of the Tree Commission to plant a Cryptomeria Japonica for City Hall Christmas Tree. The City Manager stated that City Horticulturist Terry Ferguson and Tree Commission member, Hannah Hearne are here tonight for this discussion.

Mr. Ferguson came before City Council and stated that the Cryptomeria Japonica is a type of evergreen that matures to 50-60 feet tall. It has a Christmas tree shape, grows well in this area, and its limbs are sturdy for ornament

hanging. He stated that he had a Cryptomeria picked out that is presently 12 feet tall that is located in Charlotte. Also, he said that the 12 foot tree could be shaped and stay that way but it would get larger.

Upon questioning by Mayor Whitley, Mr. Ferguson stated that this type of tree is moderate growing. Councilmember Hall asked if this type of tree is good for hanging lights. Mr. Ferguson said lights should be hung vertical and not horizontal. This type tree is best moved and planted in November but can be planted now.

The Mayor asked about the cost difference of a 12 foot tree and one fully mature. Mr. Ferguson stated that a 12 foot tree is around \$165 and a fully mature tree is around \$400.

Councilmember Neel asked Mr. Ferguson who would be doing the transplanting of the tree. Mr. Ferguson stated that it would be removed from the ground by the nursery in Charlotte and he would place the tree on a trailer and bring it back and City personnel would plant the tree.

Councilmember Hall moved to approve the purchase of a Cryptomeria by recommendation of the Tree Commission for the City Hall Christmas Tree and leave Mr. Ferguson in charge of when to transplant the tree. The motion was seconded by Councilmember Townsend. Voting for the motion were Councilmembers Alexander, Hall and Townsend. Voting against the motion were Councilmembers Holcomb, Napier, Neel, and Underwood. The motion did not carry.

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

(Ordinance 10-09, Budget Ordinance to create the project budget for the Snyder Greenway (Phase 2) using ARRA funds administered by the NC-DOT.)

The Mayor and City Council considered change order #2 for Fire Department Connection for the EE Waddell Center Construction Contract. The amount of the change order is \$3,100.00 but is covered within the contract

allowances and will not result in an increase in the contract. Upon inspection of the water line installation and FDC at the EEWCC site, the Fire Marshal has determined that the installation of an additional check valve is required. The cost of the valve will be covered within the allowances of the project budget. City Council received a copy of the change order document.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the City Council approved change order #2 for Fire Department Connection for the EE Waddell Center Construction Contract in the amount of \$3,100 with no increase in the contract amount.

The Mayor and City Council considered a proposal by WSP Sells for design services relating to the Morrow Chase project in East Albemarle. The Engineering Department solicited proposals from engineering firms to design the public infrastructure to serve this elderly housing development. The City Manager noted the costs of the engineering will be paid by the CDBG grant the City has received as will the cost of constructing the infrastructure. The City has solicited these proposals so that a contract can be in place when the state releases the funds on April 1.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the proposal by WSP Sells for design services related to the Morrow Chase Project.

The Mayor and City Council considered participation in the NC League of Municipalities QuickConnect. The City Manager noted that this is an opportunity for individual elected officials to sign up to serve on small lobbying teams on specific issues that come before the legislature. He also noted that if anyone is interested in this program, they can sign up on the NCLM website, or we can sign up for them. There are several teams, including Air Quality, Annexation, Budget/Finance Issues, General Government/PreEmption/Public Safety, Local Alcoholic Beverage Control, Land Use/Planning/Zoning, Local Government Personnel (Labor Issues, Retirement), Technology/Municipal Broadband, Transportation and Water/Wastewater.

The Mayor and City Council considered attendance at the North Carolina League of Municipalities Regional Meeting. The City Manager noted that these meetings are very important in that they provide a setting in which the League staff can provide the latest information on state and federal legislative issues, and gives local officials an opportunity to ask questions and provide input to the League staff. The closest meeting to Albemarle will be in Wadesboro, on Wednesday, April 14. The meeting begins at 4:00 pm and no registration fee will be charged.

The City Manager stated that a carpool can be set up if enough people are interested in attending. This is a way to learn what is going on in the General Assembly.

Councilmember Holcomb, Napier, and Alexander affirmed their attendance. The City Manager stated that he needs to know of anyone else wanting to attend sometime this week.

Councilmember Holcomb stated that the City is working on directional signs for the entrance to City Hall on 3rd Street. One sign will be placed on 3rd Street and one sign will be placed on 2nd Street.

Councilmember Townsend commended all the youth that participated in the Youth In Government Day.

Councilmember Hall mentioned that she knows that the drinking water is still a concern of the residents and that the latest flier concerning this was in the February utility bill.

Also, Ms. Hall stated that the Sanger Heart & Vascular Institute which is located on Hilco Street is closing. They have been in Albemarle for over 18 years.

Councilmember Neel stated that Bill Woodruff at 807 Sylvania Avenue has a complaint about a utility pole being moved onto his property. A

neighbor on Belvedere decided to get the City to move the pole on his property over 10 feet onto Mr. Woodruff's property. It goes through Mr. Woodruff's property and cutting off some of his tree had almost killed it. He asked that the City move this pole back to its original location.

Upon request, the City Manager will investigate this situation and report back to City Council.

Councilmember Underwood asked the City Manager if it is possible to get a clock at the entrance into the Council Chambers.

Councilmember Alexander reiterated what the Mayor had stated at the beginning of the meeting of thanking Electric Division Superintendent Charles Burris concerning a power outage on 4th Street and all the hard work he and his crew performed until 3:30 am in the morning several weeks ago.

The City Manager informed Council of the YMCA Prayer Breakfast to be held March 31 at Stanly Regional Medical Center in the Family and Education Center with breakfast starting at 6:30 am. He asked if any of the Council members would be attending. Councilmembers Alexander, Hall, Neel and Underwood affirmed their attendance.

Mayor Whitley thanked all of the students that participated in Youth In Government Day.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to Tuesday, March 9, 2010 for a Budget Work Session at City Hall at 5 pm.