

REGULAR MEETING CITY COUNCIL

November 1, 2010

The City Council of the City of Albemarle met in a regular session on Monday, November 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 Mayor delivered the invocation.

Councilmember Neel responded to the Mayor's invocation pertaining to City employees' hard work. He stated that days ago, he noticed on Colonial Drive and Melchor Road a pavement problem. When he went back out to the site around 10 minutes later, the street crew had already repaired the pavement.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the minutes of the October 18, 2010 regular session minutes and October 18, 2010 closed session minutes were approved as submitted.

Allen Westbrook, Electronic Banking Consultant with Wells Fargo came before Council to discuss local government procurement cards. The City Manager noted that Mr. Westbrook has been discussing this program with Assistant City Manager Michael Ferris, Finance Director Colleen Conroy, and Purchasing Coordinator Linda Lewis to improve efficiency with the City's purchasing program. This is a program being utilized by an increasing number of local governments.

Finance Director Colleen Conroy introduced Mr. Westbrook to City Council. Mr. Westbrook gave a PowerPoint presentation and explained what commercial cards are and the advantages of having one. He talked about the controls up front for card holders, audit capabilities and commercial card expense reporting. There would be no cost of fees to the City to implement the cards. He stated that he would answer any questions that Council may have.

Councilmember Holcomb asked who would oversee the card and would only department heads, managers and Council use the cards. Mr. Westbrook stated that distribution would be limited and this would not be for every City employee to have. He also stated that you can audit and view card information daily if needed.

Mayor Whitley asked Ms. Conroy if these cards would be used to make payments on invoices owed by the City or used more for purchases. Ms. Conroy said that they would be used for purchases.

Councilmember Holcomb asked Ms. Conroy what the NC Local Government Commission feels about commercial cards. Ms. Conroy stated that the State of North Carolina and many cities are doing this. She said that we feel that we will have better and tighter controls.

Councilmember Alexander asked if these cards would be used for employee purchases and not invoiced items. Ms. Conroy confirmed this and said that fewer people want to deal with purchase order processing. We would not completely do away with purchase orders.

Mayor Whitley asked if there would be a 2-3% charge to the seller for the transaction and no card charge to the City or the cardholder. It was confirmed that there would be no charge to the City or our cardholder.

Councilmember Hall asked how the vendor would recognize our cardholder and verify them. Mr. Westbrook stated that this would be the responsibility of the retailer to verify the card and card holder. The City would receive \$100,000 of fraud protection for each card holder per year. Ms. Hall stated that she has a commercial card through her work and it is easy to reconcile online and very easy to use.

Councilmember Townsend asked about online reports and approval process on line. If purchased items by cardholder are not approved for purchase, how is this handled? Mr. Westbrook stated that the cardholder would follow disciplinary measures and/or a payroll deduction plan to repay. He also stated that the City can decide exactly how they would want to handle this type of situation. The City could suspend or terminate the employee and would be protected up to \$100,000 per card per year.

City Manager Raymond Allen stated that Council is interested in moving forward with this and Ms. Conroy will come back before Council with an agreement and internal policies for approval at a later meeting.

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

Mayor Whitley stated that he would withdraw from presiding over the 2nd reading of Ordinance 10-36 due to his connection with Stanly Community College. Mayor Whitley turned the gavel over to Mayor Pro Tem Alexander.

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

(Ordinance 10-36. To voluntarily annex parcels of Stanly Community College property and extend the corporate limits of the City of Albemarle.)

Mayor Whitley assumed the gavel at this point to continue the next item on the meeting agenda.

The Mayor and City Council reviewed the proposed downtown sign revisions. The Planning Board at its Oct 26, 2010 meeting unanimously recommended approval of the proposed sign ordinance change in Ordinance 10-02.

Councilmember Neel asked if in the ordinance under Section 3 (C) if walling was a misspelling. It was confirmed that it was and would be corrected to state wall. He also talked about the changes made to the canopy and awning signs of eight and one half feet (changed to seven feet) above the surface of the sidewalk and is no more than four square feet (changed to eight) in size. He said that 7 feet is very low. The post signs are a minimum of 9 feet from the sidewalk.

Planning and Community Development Director Bob Sasser stated that the minimum of seven feet required from sidewalk is there because not all canopies are the same height. Councilmember Alexander said to change it to so many feet from the sidewalk. Councilmember Townsend stated to change it to 7.5 feet from the sidewalk if worried about the height of some pedestrians.

Mayor Whitley stated that in Ordinance 10-2, Section 3(C) the word walling would be corrected to read wall and canopy and awning signs of eight and one half feet (changed to seven feet) above the surface of the sidewalk, if no objections.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 10-02) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING REGULATIONS RELATING TO SIGNS IN THE CBD-BUSINESS DISTRICT.” passed first reading.

The Mayor and City Council discussed revisions to the dog ordinance. Police Chief Ronnie Michael is requesting guidance from Council on how to proceed with revisions to Dog Ordinances.

Chief Michael stated that the County Board of Health is making changes to their ordinance and to concur, we need to make changes to our ordinance. He said that he needs guidance from Council on determining exactly what a dangerous animal is. He asked if Council wants to make it breed specific and also if Council wants to prohibit tethering.

Councilmember Neel stated that he is opposed to being breed specific. He stated that being a dangerous animal is not breed but the training of the animal. Councilmember Holcomb agreed. Councilmember Hall stated that the City may not need to be breed specific or make a choice on tethering due to being able to police these changes.

Councilmember Hall and Councilmember Holcomb stated that they are against tethering but if the animal is outside, it would need to be behind a fence or on a leash if being walked.

Councilmember Neel said that Council does not have to make a decision tonight, but discussion is absolutely necessary.

Upon questioning by Councilmember Hall, Chief Michael stated that the County ordinance is identical to state law. The Mayor asked if it would be a problem to adopt exactly what the county does. Chief Michael stated the City should adopt what the County does.

All City Councilmembers agreed that if no tethering is allowed, the animal should be behind a fence or on a leash to be walked if not inside. Also, a dangerous animal is not to be breed specific.

Chief Michael asked Council to wait until the County adopts their ordinance which may be several months down the road, and then make City changes. Having the same ordinance as the County, gives county animal control power to enforce the City ordinance. He also added per questioning, that most dog fences are 10X10X6 feet high.

The City Manager stated that Chief Michael will be back with the suggested changes in ordinance format for more discussion by Council before approval.

The Mayor and City Council considered a request of Bank of Stanly to divide the former Morgan Motor Company property, 1510 U.S. Highway 52 North into 2 lots. This request was unanimously approved by the Planning Board at its October 26 meeting. The City Manager noted that this can be approved by motion of City Council. The former dealership building will be on one parcel and the car wash and former body shop building will be on the second parcel.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved a request of Bank of Stanly to divide the former Morgan Motor Company property, 1510 U.S. 52 Highway North into 2 lots

The Mayor and City Council considered an appointment to fill a Planning Board Vacancy. Peter Henkenjohann resigned from the Planning Board effective October 22, 2010. The City Manager noted that a replacement needs to be appointed. The City Council can appoint a replacement to fill the remainder of his term, which expires in July 2013. Council received a list of the current Planning Board members and the volunteers who have expressed interest in serving on the Planning Board.

Councilmember Neel stated that he would like to nominate Terry Hatley, but has not asked Mr. Hatley if he would like to serve yet. Councilmember Hall asked that this item be held over until the November 15 Council meeting to allow Mr. Neel to contact Terry Hatley.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, Council approved waiting to vote on a nominee at the November 15 Council meeting.

The Mayor and City Council considered approval of the revised water sales agreement with the Cities of Concord and Kannapolis. The City Manager noted that this agreement was previously approved by City Council on August 16. Since that time the City of Kannapolis has requested some minor amendments, and the Albemarle City Council requested some minor amendments as well. All of these have been incorporated into this revised agreement. The Kannapolis City Council unanimously approved the revised agreement at their meeting on October 25. The City of Concord (which had also previously approved the agreement) has calendared approval of the revised agreement for their next Council meeting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the revised water sales agreement and the Interlocal agreement with the Cities of Concord and Kannapolis.

The Mayor and City Council considered a request for an exception to a utility billing adjustment policy for a water leak. The City Manager noted that this request is for the parsonage of the Church of God of Prophecy at 526 Eastwood Drive. The Council received a copy of the bill where handwritten is the calculation for a utility adjustment that staff could make if there were a bill from the plumber as required by the City policy. The water amount does not meet the \$25.00 minimum for an adjustment that is established in the policy.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, the City Council approved a request for an exception to a utility billing adjustment policy for a water leak for the parsonage of the Church of God of Prophecy at 526 Eastwood Drive in the amount of \$ 22.01 for sewer adjustment.

The Mayor and City Council considered a municipal agreement with NC Department of Transportation. This agreement is to install handicap accessible curb cuts on recently resurfaced NCDOT streets with sidewalks. Council received a copy of this agreement and an explanatory memo from Public Works Director Mike Lambert. The Public Works Department has requested that NCDOT allow the City to install these ramps and reimburse the City for this cost. This will ensure uniformity for the ramps in the downtown area.

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

with NC Department of Transportation to install handicap accessible curb cuts on recently resurfaced NCDOT streets with sidewalks.

The Mayor and City Council considered a surplus property resolution. In 1983 the City adopted a Resolution to allow the City Manager to declare property surplus for sale when it is valued at less than \$500.00. This resolution is to increase the amount to \$5,000.00 and to add some language in current state law. State Law allows up to \$30,000.00. Larger items would still come before Council for approval.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a surplus property resolution to increase the amount to \$5,000.00 and to add some language in current state law.

(Resolution 10-34. To establish procedures for disposing of surplus personal property valued at less than Five Thousand Dollars (\$5,000).

The Mayor and City Council received a report on projects at the US Hwy 52 Water Treatment Plant. The engineering fees associated with this project are in the current FY 2010-2011 departmental budget. The City Manager noted that the project encompasses major changes to the handling of filter backwash water and its associated residuals. Included in the project is a proposed application for a Special Order of Consent (SOC) from NCDENR to study this issue. This could mean the replacement of sanitary sewer lines with larger lines or modification of the system for backwash water to provide for containment and slower release of the backwash. This agreement would provide the City with an opportunity to study alternatives to address this issue, and design and construct any needed facilities.

Stephen Chambers of Chambers Engineering came before City Council and presented an update on current project activities at the US Hwy 52 Water Treatment Plant. He stated that the State recommends the City get into compliance and if the City obeys, the State will allow time for the City to do this with no further penalties. The first thing will be to have a meeting with NCDENR for detailed information.

Mr. Chambers stated that this will be a 2-year process including a study, engineering design, construction and completion. Councilmember Neel asked if this

included the hiring of Mr. Chambers. The City Manager stated that there would be a meeting with NCDENR first and Mr. Chambers would continue meeting with NCDENR on the NPDES permit.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved proceeding with this project which encompasses major changes to the handling of filter backwash water and its associated residuals.

The Mayor and City Council received an update on a sewer inflow and infiltration study which has been funded by a grant from the North Carolina Rural Center. The City Manager noted that additional work including camera inspections of some lines will be taking place over the next two months, and the study should be complete by December. Some issues that were identified have already been communicated to the Public Utilities Department, which is taking steps to address these.

Stephen Chambers of Chambers Engineering presented a status report on this study with the present findings to date. Mr. Chambers presented the smoke testing information and the results throughout the City. He displayed a map with legend symbols displaying any broken pipe, broken cleanout, and smoke from storm drain or any open top conveyance. The map displayed a symbol representing the manholes that were/were not inspected. He stated that there are 4100 man holes in the City that if stacked vertically would be 29,000 ft high and also 1 million feet of pipe line.

City Manager Raymond Allen stated that this report when completed, will aid the City in prioritizing improvements to the sewer collection system.

The Mayor and City Council received a report from City Manager Raymond Allen on the NC League of Municipalities Annual Meeting. This meeting was held in Winston Salem on October 24-26. Mr. Allen noted that Councilmembers Hall, Neel, and Townsend, and Assistant City Manager Michael Ferris and he attended this meeting. The published program for the meeting included recognition of honors and awards for cities, including several that the City of Albemarle was awarded over the past year.

Mr. Allen stated that resolutions honoring City employees who retired over the past year were adopted as well as a memorial resolution for retired City Attorney Henry Doby. The 2011 NCLM calendar includes a photograph of the Albemarle City Hall. The Governor addressed the meeting on Monday, and there were a number of other

speakers and educational sessions. An update was provided on the Debt Setoff Program created by the League, and Albemarle has collected \$468,316.44 in monies owed to the City to date in this program.

Councilmember Hall was well pleased with the \$468,316.44 that was collected by the Debt Setoff Program.

The Mayor and City Council considered rescheduling January 3 and 17, 2011 City Council Meetings. These meetings are in conflict with the New Year's Day and Dr. Martin Luther King, Jr. Holidays, respectively.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council approved rescheduling the Monday, January 3 meeting to Tuesday, January 4 and the Monday, January 17 meeting to Tuesday, January 18.

The Mayor and City Council considered attendance at the Economic Outlook Summit. This meeting is sponsored by the Stanly County Chamber of Commerce and will be held on Friday, November 19, 2010 from 7:45 am to Noon at the Agri Civic Center. This meeting is being held in lieu of the Chamber of Commerce Planning Retreat this year. It will be from 7:45 am to Noon at the Agri Civic Center. We can RSVP for any board members interested in attending.

Mayor Whitley and Councilmembers Alexander and Underwood stated that they would be attending.

Mayor Whitley asked all other Councilmembers to let the City Manager know if they decide to attend.

The Mayor and City Council reviewed information of a notice from Time Warner Cable of a rate change. This rate change will take effect in December 2010. The City received a notice this week of a change in TWC rates effective in December. The City Manager noted that the FCC and the State of North Carolina have taken away the right of local governments to regulate CATV rates and grant franchises, so this is provided as information only.

Upon discussion, the Mayor asked that the City Manager write a letter to Time Warner Cable of the City not being in favor of a rate change with the present economic situation.

The Mayor and Council received information on the 2011 City holiday schedule. This schedule includes the 2010 Christmas holidays and the 2011 City holidays.

Councilmember Townsend stated that he would like to commend East Albemarle School, Albemarle High School, Mr. Harrison and Mr. Brooks for the painting of the murals on South Bell Avenue.

Councilmember Hall stated that she is proud of the City of Albemarle being on the front cover of Hometown Connection for celebrating our 100 years of electric service. She stated that the last celebration will take place this Friday, November 5 at 8:15 am at Albemarle Middle school giving out the last awards for art competition.

Ms. Hall thanked the people at the meeting as well as folks watching for a great downtown fall festival last Thursday and Uwharrie Story Telling at Market Station this past Saturday.

Councilmember Neel stated that Albemarle's Public Power has carried the Electricities name for 30 years. He stated that ten years ago, the City started using NC Public Power emblems on City trucks, etc. He proposed to the Executive Director in Winston Salem to use a combination of Electricities and NC Public Power. Mr. Neel suggested using the slogan "Electricities is our name, Public Power is our game."

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318 (a) 6 to discuss personnel matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to 143-318 (a) 6 to discuss personnel matters and that there was nothing to report at this time.

Councilmember Underwood moved that the meeting be adjourned.