

REGULAR MEETING CITY COUNCIL
October 18, 2010

The City Council of the City of Albemarle met in a regular session on Monday, October 18, 2010 at 7:00 p.m. in the City Hall. Mayor Elbert L. "Whit" Whitley, Jr. presided, and the following Councilmember's 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.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of October 4 regular session was approved as submitted.

A public hearing was held to consider a petition for voluntary annexation of Stanly Community College property. This annexation which was requested by Stanly Community College will bring all of the College into the corporate limits of the City. A copy of the annexation map, notice of hearing and annexation ordinance was given to Council.

Mayor Whitley stated that he would withdraw from presiding over the hearing due to his connection with Stanly Community College. Mayor Whitley turned the gavel over to Mayor Pro Tem Alexander.

Dr. Michael Taylor, President of Stanly Community College. came before Council stating that SCC was established in the 1970's. Most of the property is inside the corporate limits of Albemarle, but part is not. SCC would like for all of the property in one jurisdiction. Dr. Taylor stated that he had worked with Planning and Community Development Director Bob Sasser and the Albemarle Police Chief.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 10-36) "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading.

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

Dr. Bill Hatley, Chairman, ADDC Design Committee was present to present recommendations regarding downtown signage. The City Manager noted that an ad hoc committee presented recommendations several months ago regarding changes to downtown signage. These changes were approved by the Planning Board, and a public hearing was held. However, the City Council asked the committee to conduct a survey of downtown property owners and business owners to determine the level of support for such changes. The ADDC Design Committee has held discussions with the ad hoc committee.

Dr. Hatley came before Council and stated that he had worked with the City Planning Department and the Historic Resources Commission regarding downtown signage. There is a need to have flexible signage in the downtown. Different signs such as projection, perpendicular, and pole signs need to be added to the downtown. Seventy businesses and downtown residents were surveyed. We need to make signs more visible for people passing by. This will increase business in the downtown if people know what is there and where it is located. Dr. Hatley asked that Council consider the proposed revised Ordinance 10-02.

Gene Starnes, President of the Albemarle Downtown Business Association came before Council and stated that he had talked with some of the downtown merchants. Everyone he spoke with is in favor of this proposal. Some of the downtown businesses have sign plans and want to make sure they meet the sign ordinance before moving forward.

Ashley Mosley, co-owner of Off the Square Restaurant came forward and stated that she would like the sign ordinance to be changed. She said that it is better to have more flexible signage for people passing by. In traveling to other cities, more progressive towns have more flexibility with signage. Perpendicular signs were allowed downtown in the past.

Upon questioning, City Manager Raymond Allen stated that after tonight, the recommendations will be reviewed by the Planning Department to see if sufficient changes have been made to the original recommendation that would necessitate review by the Planning Board.

Dr. Hatley expressed that he was hoping for an answer tonight and not to have to wait. Councilmember Holcomb agreed that these sign changes need to be made and Council will move forward with this.

Councilmember Neel stated that he is not opposed to this. Everyone needs to understand that 45 years ago the City started working on removing so much clutter from the signage and it took 30 years to do so. Mr. Neel stated he wants to make sure this is what everyone wants with no opposition.

Mr. Roger Martin, representative of the Historic Resources Commission came before Council and stated that he is a part of the Minor Works Committee that reviews all the signs. He understands that there was a signage problem years ago and this ordinance covers the Historic District and the Business District. In meetings they have looked at the size of the signs also. In the future, we will keep the Historic District in mind by reviewing the signs.

Upon questioning by Councilmember Townsend, Dr. Hatley stated that Planning and Community Development Director Bob Sasser worked with the terminology and proposed changes. He also stated that he thinks this will help the downtown become more vibrant.

Ms. Barbara Thomas of the Historic Resources Commission came before Council and stated that she is in favor of these changes. She said as a resident of Albemarle, she has had problems locating a new business that came into town. She became a part of the survey and the committee.

Mr. Joe Speight, downtown insurance agency owner came before Council and stated that signage is a major advertisement. It is definitely important now that businesses are easily located due to losing business from customers that shop online and use social networking software like facebook and twitter.

The Mayor asked if Council had any further questions. Councilmember Napier agreed with Dr. Hatley that this sign ordinance is needed. Councilmember Holcomb stated that Council is ready when it is time to vote.

Mayor Whitley stated that this information tonight would need to be integrated into our ordinance format and then Council can vote on it.

Dr. Hatley stated that Planning and Community Development Director Bob Sasser, along with the Planning Board and Historic Commission have been involved in this effort.

Councilmember Hall stated that earlier this year when brought before Council if voted on and passed, would have been Ordinance 10-02. She asked if we will use the same ordinance number since the first ordinance was not voted on. The City Manager stated that the same ordinance number would be used. Everything will be incorporated and use the same ordinance number.

Upon discussion, it was noted that Bob Sasser will take this before the Planning Board on Tuesday, October 26 and then come before Council on Monday, November 1 for a vote.

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.

Councilmember Neel asked about the Finance report and if where it stated 2009 levy, it should be 2010. Finance Director Colleen Conroy confirmed this.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 10-34. A grant ordinance for a Public Housing Capital Fund Program.)

(Ordinance 10-35. To appropriate Funds received from Build America Bonds as debt proceeds for Equipment Purchase.)

The Mayor and City Council received bids for site improvements in Public Housing. Bids were received on October 15, 2010 until 3:30 pm at the City's Purchasing Agent Office for site improvements for the public housing properties. The City Manager noted that at the October 4 meeting, staff recommended that all bids received for this project be rejected for various reasons. Council approved re-bidding this work and a new process was undertaken. The advertisement for bids ran in the SNAP on October 5 and they were also sent to various companies that we were aware of that may be interested in submitting a bid.

Director of Public Housing Garry Lewis and the Department's Architect Wayne Stogner came before City Council to distribute the bid tabulation and summary

information and make a recommendation to the Mayor and Council on how to proceed. Mr. Stogner stated that Matt Construction, Charlotte, NC at \$340,000, 79% of estimate, was the low bidder which not sure if he will be able to do the project for what was bid. Also, we do not have the most favorable reference on him. The 2nd lowest bidder was R. Black & Associates, Monroe, NC at \$404,966, and 94% of estimate. Mr. Lewis stated that it was very hard in making a definite decision. With problems existing on Matt Construction, R. Black, 2nd low bidder, would be our first choice. The first thing is not being sure on the references for Matt Construction and R. Black & Associates is working on a similar project currently as what would be required here. R. Black also has good references and Mr. Stogner has worked with them before.

Upon questioning by Councilmember Neel, Mr. Stogner explained alternate 1 and alternate 2. Mr. Stogner stated that this pertains to the playground area to either use 1) loose rubber matting or 2) woodchips in place of poured in place. He stated that he does not recommend accepting alternate 1 and 2.

Councilmember Underwood spoke on the bidder that is local to Albemarle, Morlando Construction, Charlotte, NC. He stated that this is Bushwackers and was bid by Morlando of Charlotte. Councilmember Neel stated that their bid is 25% higher than R. Black which equals to \$105,000. This is too much above the lower bid just to be able to choose a local firm for the project.

The Mayor noted that there is a big percentage difference between most of the bids. Mr. Stogner stated that most of these firms are not accustomed to government bidding. Mayor Whitley asked where the monies would be coming from to pay for this project. Mr. Stogner stated from HUD.

Councilmember Neel moved that the base bid of the 2nd lowest bidder, R. Black & Associates of Monroe, NC in the amount of \$404,966 for the site improvements at Public Housing be accepted. Councilmember Hall seconded the motion. Voting for the motion was Councilmembers Alexander, Hall, Holcomb, Napier, Neel and Townsend. Voting against the motion was Councilmember Underwood. The motion passed.

(Bid Tabulation)

The Mayor and City Council considered approval to apply for a United States Soccer Foundation Grant. The Parks and Recreation requests approval to submit an application for a \$100,000 field grant from the United States Soccer Foundation to light the soccer fields at Stanly Community College. The application deadline is October

29. The City Manager noted that Parks and Recreation Superintendent Oliver Webster is sending an application for this, contingent on approval of Council.

Parks and Recreation Director Toby Thorpe came before Council and stated that this grant is for \$100,000, and requires no match; however, the City must use Musco lighting systems. Upon questioning, Mr. Thorpe stated he is requesting assistance from the Public Utilities Department if the grant is funded and he is contacting SCC President Dr. Michael Taylor for approval. This assistance will include trenching, burial of cable, etc. He stated that President Dr. Michael Taylor with SCC wrote a letter of support to be sent with the application of the grant.

Councilmember Holcomb asked if Stanly Community College is willing to aid in some of the installation. She asked that Mr. Thorpe ask SCC to assist in some of the installation. Mr. Thorpe stated that it would be great to have SCC's support in the installation process and he will ask for their support.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the Council approved submitting an application for a \$100,000 field grant from the United States Soccer Foundation to light the soccer fields at Stanly Community College.

The Mayor and City Council considered comments to the US Army Corps of Engineers for a water project. The City Manager noted that this project is to expand the Stanly County water system to construct new water lines in the Austin Road/Canton Road area. This project is to construct a booster pump station and 12" water lines for the Stanly County water system. The water to serve this expansion will be from the West Oakwood water tank, which currently has too little demand to turn the water over as frequently as is desirable. This means that the additional demand created by this expansion should help to some extent to turn this water over more frequently.

City Manager Raymond Allen stated that the City received a letter and a project map from the USACE which Council received in the agenda packet. Mr. Allen said that there are no negatives in participating in this project.

Mayor Whitley stated that the City will respond with comments being that the City of Albemarle is very much in favor of this project. The Mayor asked City Manager Allen to indicate the City's support for this project.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the Council approved responding with positive comments to the US Army Corps of Engineers for a water project in the Austin Road/Canton Road area.

The Mayor and City Council discussed the use of the remainder of Mayor and City Council travel and training appropriation for FY 2010-2011. Councilmember Hall requested that this item be placed on the agenda for City Council to discuss. The City Manager noted that the budget includes \$9,500 for in state travel for the Mayor and City Council. To date and after expenses for the NCLM Annual Meeting, it appears there will be approximately \$6,600 remaining in these accounts for travel for the remainder of the fiscal year.

Councilmember Alexander made a positive comment about under spending the budget allocation for travel and training.

Councilmember Hall stated that she requested that this item be placed on the agenda for this evening. She requested approval to use the remaining \$6,600 to send representatives to the NLC Conference in Denver, Colorado December 1-4, 2010 and to the NLC Congressional Conference in Washington, DC in March 2011. Ms. Hall handed out to Council her proposal for the use of the remaining funds.

Councilmember Holcomb stated that Council originally recommended no out of state travel this year due to the economy. Ms Holcomb stated that it is not appropriate or fair when staff is on a limited travel budget.

Councilmember Townsend stated that at the National League of Cities Conference in Denver, Colorado, Albemarle will be recognized as a KaBOOM city. He stated that he feels the City should send one or two people from Council or Parks and Recreation there being that we are a recipient of this award. Councilmember Alexander said that since we are a recipient of an award, someone should be there to represent the City.

Councilmember Holcomb moved that the travel and training appropriation remainder stay in the budget, not to spend. Councilmember Napier seconded the motion. Voting for the motion were Councilmembers Holcomb, Napier, and Underwood. Voting against the motion were Councilmembers Alexander, Hall, Neel, and Townsend. The motion did not pass.

Councilmember Holcomb made a motion to send only a Parks and Recreation staff member to the NLC meeting in Denver to receive the KaBoom award and recognition. This motion was seconded by Councilmember Alexander.

Councilmember Neel offered a substitute motion to allow 2 representatives to attend the NLC conference in Washington, DC March 2011 and allow 2 representatives attend the NLC conference in Denver, CO December 1-4, 2010. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Hall, Neel and Townsend. Voting against the motion were Councilmembers Alexander, Holcomb, Napier, and Underwood. The motion did not pass.

Council then considered the original motion of Councilmember Holcomb that was seconded by Councilmember Alexander to send only a Parks and Recreation staff members to the NLC meeting in Denver to receive the KaBoom award and recognition. Upon a vote, the motion unanimously carried.

The Mayor and City Council received an update on preparations for loose leaf collection season. City staff held a meeting with representatives of Waste Management to discuss the upcoming loose leaf collection season. Representing Waste Management were Government and Community Relations Manager Stan Joseph and Route Manager David Bernat. The City Manager noted that the new leaf units are more reliable and operate much faster and are major factors in the two recent successful leaf collection seasons. The zones and schedule remain the same as in previous years and the map and schedule will be published in the Sunday, October 10 edition of the Stanly News & Press.

The Mayor and City Council considered the sale of a 2003 Harley Davidson. There is a recommendation to accept a bid of \$9,500.00 and advertise for upset bids as required by State Law. The Department has received a bid to purchase 2003 Harley Davidson in the amount of \$ 9,500.00 from Steve Efird.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the Council approved a recommendation to accept a bid of \$9,500.00 for a 2003 Harley Davidson, and advertise for upset bids as required by State Law.

The Mayor and City Council considered a request from the Fire Department to assist Muscular Dystrophy Association and to allow department personnel to participate in raising funds for the Muscular Dystrophy Association through Fill the Boot campaigns.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the Council approved a request of the Fire Department to assist Muscular Dystrophy Association and to allow department personnel to participate in raising funds for the Muscular Dystrophy Association through Fill the Boot campaigns.

The Mayor and City Council discussed a donation from the Mayor and members of City Council for Hospice Festival of Trees. For the past few years the Mayor and members of City Council have personally sponsored a tree in the Hospice Festival of Trees.

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, the Council approved the Mayor and members of City Council to sponsor a tree in the Hospice Festival of Trees in the amount of \$37.50 for the Mayor and each Council member.

The Mayor and City Council reviewed nominations for ElectriCities Board of Directors. The City Manager noted that ElectriCities has received two nominations for the NCMPA#1 board seats that expire in December. Both of these are to reelect the incumbent board members, Linda Story of Granite Falls and Jennifer Stultz of Gastonia. The City Manager noted as the Commissioner to NCMPA#1 from the City, he will be casting the City's votes for these seats, and request City Council instructions in this matter.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the Council approved nominations for ElectriCities Board of Directors, to reelect the incumbent board members, Linda Story of Granite Falls and Jennifer Stultz of Gastonia.

The Mayor and City Council received a report on a request to modify criteria for placement on banned lists for City property. The City Council requested that

City staff review the banning criteria used to ban people from public housing and City property as a request from Ms. Louise Hooker, who had appealed a ban that was placed on her son, Marcus Pemberton. Chief Michael has reviewed the City's policy with the UNC School of Government, and the School found that the City's policy was enforceable and in line with previous court cases. Chief Michael does not recommend that we make any changes in our current practices.

Councilmember Townsend asked about the steps of an appeal. Police Chief Michael stated that an appeal can be at any point. We have to be able to protect the tenants with police authority. The tenant is unlike an owner that can ban someone completely from their property. They can only ask for protection from inside their dwelling and not the property itself.

Councilmember Townsend stated that there are names on the list back as far as 1992. Chief Michael spoke on the policy when rescinding banning. He said that normally it is permanent, but sometimes an individual can be reviewed, and may be eligible to have their ban rescinded. After three years, a request would need to be made in writing to the Chief of Police and the Chief with consultation from Public Housing, Parks and Recreation, or the appropriate department director would determine if the banning order should be rescinded. If the Chief determines to leave the ban in effect, an individual may appeal to the City Manager.

Councilmember Alexander asked offenses causing someone to be on the ban list. Chief Michael stated that illegal or criminal behavior, drug related activities, loitering, consumption of alcohol beverages on City property, interfering with police safety or Public Housing staff in their duties, sex offender if relating to the City Parks, possession of a controlled substance, etc.

Councilmember Holcomb asked if this needed to be voted on. Chief Michael stated as of 1992 the City has had a ban policy and that the Chief has the authority to create or amend this policy for citizens to follow. He asked that there be no motion.

The Mayor and City Council reviewed a report on the North Carolina H2O Conference which was held on October 12, 2010. Mayor Whitley and City Manager Raymond Allen attended this day conference in Raleigh. Council received a copy of the agenda and a copy of the keynote presentation by Dr. David Moreau. The conference focused on the availability and cost of water in our state in future decades.

The City Manager listed a number of interesting points made at the conference, including the following:

NC population has grown from 6 million to 9.5 million in the past 30 years.
By 2030 NC population is estimated to be at 12 million.
NC has added very little storage (reservoirs) in the past 50 years.
NC is not running out of water- but in some locations is running out of storage.
70% of world's population does not have running water.
A lot of public water systems are under financial stress due to conservation, loss of water using industry, price increases which lead to less usage, and aging infrastructure.
Water is an undervalued resource and citizens are used to paying very low prices in NC.
In the future, NC residents will pay more money for less usage.
The average cost for water/sewer per month for a residence in NC is \$63.00 per month.
NC is developing river basin models for every river basin in NC to keep track of withdrawals, discharges, reservoir rules and other components to predict safe yields.

Mayor Whitley noted that 70% of the people in the world do not have clean water to drink. Councilmember Neel said that people need to understand that water is free, you are paying for the treatment of the water. Also, Mr. Neel stated that 90% of the world's water is in the ice caps of Antarctica, only 10% is being used by the world.

The Mayor and City Council received a report on National Public Power Week and Electric Centennial Activities. A number of successful activities to commemorate these occasions were held the week of October 4-8, and Councilmember Hall gave detailed information of the activities. In addition, as requested by City Council, the logo for the electric centennial has been placed on the City's utility bills and bill stuffers.

Councilmember Hall stated that all of the Public Utilities Department participated in Public Power Week October 4-8. There were 400-500 snapshots taken and some of them were placed on the website. There was no cost to the City for the 100th Year Public Power Week activities, only City of Albemarle personnel involvement.

The Mayor and City Council were informed that the City has received reimbursement for damages by a private contractor working in the Anderson Ridge Subdivision. The City Manager noted that the City has received a check in the amount of \$10,912.41 related to the Anderson Ridge waterline damage and sinkhole. The check is for our actual time, equipment, materials and contractor cost to repair the waterline and repair the damage to Anderson Ridge Drive. The damage occurred on 10/23/09 when a Windstream subcontractor, CSI, was boring in the area and hit a City waterline.

The Mayor and City Council received information regarding the City receiving both deeds for the former Jesse F. Niven Army Reserve Center. The City Manager previously reported to City Council that we had received the deed for the homeless conveyance portion of this facility from the US Army Corps of Engineers. We received the parks and recreation conveyance this week from the US Department of the Interior. This means that the property now belongs to the City of Albemarle. The City Attorney has recorded the deeds.

The Mayor stated that this has been three years of effort which began in the spring of 2006 when we were notified by the Office of Economic Adjustment that the facility would be closed as part of the BRAC process. Also, that the City had the opportunity to conduct a process to determine the future use of the property. The City Manager noted that it has been a laborious and sometimes frustrating experience to satisfy the requirements for the transfer of the property, but the acquisition of this property will provide an excellent headquarters for the Parks and Recreation Department, which has been needed for a very long time.

Mayor Whitley stated that the next step is to ask the City Manager to move forward. City Manager Raymond Allen stated that WHN Architects are in the process of doing an assessment of the facility to see if it will meet code. From there, the extent of renovations needed. There will then be a contract for renovations and choice of financing chosen. The City may need to borrow for the renovations, but it is a good time based on the market.

The Mayor and City Council received information on the open house for Morrow Chase Senior Housing. This will take place on Thursday, October 21 at 11:00 am. The address is 2011 Woodhaven Drive.

The Mayor and City Council reviewed the Language Access Plan Policy. HUD and the State Division of Community Assistance are requiring all grant recipients, such as the City of Albemarle, to adopt Language Access Plans. The LAP will require signs and assistance to persons with Limited English Proficiency. It should be acted on at this meeting.

Planning and Community Director Bob Sasser came before Council stating that Planning will be hanging posters and limited English proficiency signs and be

prepared to provide assistance to persons with limited English proficiency which includes translating vital documents if need be. An interpreter will be provided if the need is there.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the Council approved the Language Access Plan Policy.

The Mayor and City Council at the last meeting agreed to a joint meeting of the ABC Board on October 20 at 6 pm in the City Hall. Since then, they have determined the meeting unnecessary.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the Council approved canceling the October 20 joint meeting with the ABC Board at 6 pm.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318 (a) 3 to consult with the City Attorney.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to 143-318 (a) 3 to consult with the City Attorney and that there was nothing to report at this time.

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