

REGULAR MEETING CITY COUNCIL
September 20, 2010

The City Council of the City of Albemarle met in a regular session on Monday, September 20, 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.

The Mayor presented a resolution honoring the life of Henry C. Doby, Jr. Members of Mr. Doby's family were present for the reading and presentation of this resolution, which was adopted a few weeks ago by City Council.

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

Mr. David Phillips, District Manager for Government and Community Relations, Duke Energy Carolinas was scheduled to present to Council information on current energy related issues. Mr. Phillips called earlier today to postpone his presentation due to the death of the Concord Police Chief's daughter. Mr. Phillips serves on the Concord City Council and a memorial was being held this evening for Chief Hamilton's daughter.

Mr. Ben Clawson, Municipal Engineering came before Council to provide a status report on Long Creek WWTP upgrades. As the City Manager noted, Mr. Clawson is the principal engineer from Municipal Engineering for this project. Mr. Clawson has been working to finalize the design details on the WWTP improvements to secure approval from NCDENR Construction Grants and Loans for the \$3 Million low interest loan the City will receive for the project. He is in the final stages of this process, and will report to City Council on the recommended design to secure this approval.

Mr. Clawson came before Council and discussed the different components of the improvements at the Long Creek WWTP. This consist of fine screens, vortex grit removal, floating aerators, clarifier improvements, screw pump replacement, distribution box improvements and return sludge station improvements.

Mr. Clawson stated that the progress with NCDENR had begun which revolved around the accepted capacity of the two screw pump stations and how this has changed since the original construction in the 1970's. With the peaking factor at the plant going from 2 to 2.5 as well as the rule of having the largest pump out of service for determination of hydraulic capacity, means the current screw pump stations have an average capacity of 12 MGD and not 16 MGD.

Mayor Whitley stated that the pump station is the key. Upon questioning by the Mayor, Mr. Clawson stated that at 12 MGD this involves 2 pumps at a cost of \$150,000-200,000 or 16 MGD involving a new pump station costing around \$1.5-2 million. Mayor Whitley asked the life expectancy of the filters. Mr. Clawson stated up to 50 years.

Councilmember Neel stated that the plant was designed for 16 MGD in the 1970's when large industries were here. Also, he stated that today there is a flow of half that amount and there is no need to go beyond the 12 MGD at this time.

Councilmember Hall stated that moving back to 12 MGD should be fine and putting in new filters. She asked about the City writing a letter to the state to move from 16 MGD to 12 MGD.

Mayor Whitley asked Mr. Clawson exactly what he needs from the City Council. Mr. Clawson said that he needs permission to ask the state about moving from the current 16 MGD back to 12 MGD. This involves seeking a rerating for some of the components of the WWTP to 12 MGD. Upon questioning, Mr. Clawson stated that this should go to bid some time late November. Also, he is looking at more funding options.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved sending a letter to NCDENR asking for a rerating for some components of the WWTP to 12 MGD.

The Mayor and City Council were presented with the FY 2009-2010 Albemarle ABC System Audit. Durham Lewis, CPA of Lewis and Lewis, presented the results of the audit, and ABC Board Chairman Don Frey and System Manager Karen Cranford were present. The City Manager noted that there are two items that require

action by City Council if they concur. These are board compensation and the designation of the Finance Officer for the ABC System.

Mr. Lewis came before City Council and reviewed the results of the audit and answered any questions that Council had.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council accepted the FY 2009-2010 Albemarle ABC System audit as presented.

The new law limits ABC board compensation to a maximum of \$150.00 per meeting unless the City reports a higher level to the State ABC Commission. The new law also requires the appointment of a Finance Officer, who can be the General Manager of a system with no more than two stores, a full or part time employee of the ABC system, or the City Finance Officer.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved setting compensation at \$125.00 per meeting for board members and \$150.00 per meeting for the Chairman and approved the appointment of Karen Cranford as Finance Officer for the ABC System.

Mayor Whitley stated that the City Manager has asked for a meeting of Council with Karen Crawford and the ABC Board.

Ms. Karmen Mock-Phillips came before City Council to request a street closing in the downtown area for the Christmas Parade. The proposed date is Monday, December 13, 2010. Ms. Mock-Phillips is requesting streets in the traditional parade route be closed for the annual Christmas Parade on December 13. As in previous years, the Parade Committee is also asking for the business licenses revenues generated by the City specifically related to the Parade to help with the cost of putting on this event to be given to the ADDC.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the street closing for the traditional parade route in the Downtown Area for the Christmas Parade for a proposed date of Monday, December 13, 2010 and for business licenses revenues generated by the City specifically related to the Parade to be given to the ADDC. .

Ms. Kathy Almond, Executive Director, Albemarle Downtown Development Corporation, came before City Council to request the closing of streets for the downtown Christmas Open House on Friday, November 19, 2010, approval for use of the City Hall Annex restrooms, and also the use of the City Annex restrooms for Fall Festival on October 28.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved the closing of streets for the downtown Christmas Open House on Friday, November 19, 2010, approval for use of the City Hall Annex restrooms for that day and also the use of the City Annex restrooms for Fall Festival on October 28.

Ms. Almond requested permission to have the Public Works Department repair the Kelly Pickler sign at the square. The City Manager stated that he would speak with Public Works Director Mike Lambert.

Mr. Skeet Ayscue, Homes of Hope came before City Council to report on the Community Inn Homeless Shelter. Mr. Ayscue contacted the City Manager earlier this week and advised that the Community Inn was a year old, and that City Council had requested that he make a report on the facility's first year of operations at this anniversary.

Mr. Ayscue came before City Council and stated that the homeless shelter opened on September 8, 2009. There have been around 10,000 volunteer hours given by churches which involve staying overnight, supplying meals, and visits to the shelter. Without this, it would not have been possible. He said on average they have 7 people each night. They have turned away only 40 people this first year. From January to April of this year there was an extension allowing them to house more people during the cold months. Mr. Ayscue stated that the staff at the shelter work with the residents to help them locate jobs and move into permanent housing.

Councilmember Alexander asked about the expansion needed and if it included a storage area and Mr. Ayscue said yes. Councilmember Hall asked if the use of the Niven Center will help with storage needed and he said yes.

Mr. Ayscue requested using the warehouse facility at the Niven Center soon if possible. The City Manager stated that the City has constructive possession of the center and the homeless shelter could use the warehouse facility if Council is so inclined.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the homeless shelter using the warehouse facility at the Niven Center for storage.

Ms. Cindy Conner, Rocky River Vineyards came before City Council requesting permission to use the City fire department logo and apparatus photo for wine bottle label.

Councilmember Townsend stated that he is hesitant due to this looking like the City is endorsing one winery over another.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved permission to use the photo of the 1922 LaFrance engine for a wine bottle label.

Mayor Whitley stated that City Council has a copy of the monthly departmental reports in their agenda packets and asked if there were any questions.

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

(Ordinance 10-32. To Grant a Non Exclusive Franchise to Green Pieces Recycling for collection of recyclables.)

The Mayor and City Council considered a resolution to set public hearing to consider a petition for annexation from Stanly Community College. This resolution would set a public hearing for October 18 to consider this petition. This public hearing was originally set for October 4. However, it was set by motion of City Council and it should have been set by resolution.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved a resolution to set a public hearing for October 18 to consider this petition.

(Resolution 10-30. To set public hearing to consider a voluntary annexation of parcels for Stanly Community College property.)

The Mayor and City Council considered a request of Ms. Linda Francis, 1012 Pee Dee Avenue for City Council letters regarding littering. Ms. Francis has requested that the City Council consider sending a letter to the principal of each school in Albemarle requesting that their students not litter on the way to and from school. Ms. Francis called the City Manager last week to discuss her concerns over littering in the City.

Councilmember Townsend stated that he thinks the letter should be sent to the school superintendent and he can address the issue with his principals.

Councilmember Alexander stated that the superintendent should know that the littering is not all from the school kids.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved the City Manager sending a letter to the school superintendent requesting that their students not litter on the way to and from school.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 10-33) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT PROJECT BUDGET ORDINANCE RELATING TO THE DEST FAMILY DENTISTRY RURAL CENTER LOAN/GRANT" passed first reading.

The Mayor and City Council discussed the status of a proposal to sell water to Concord and Kannapolis. Councilmember Townsend requested that this item be placed on the agenda for City Council discussion. The City Manager noted that the Concord City Council approved these agreements in August. A vote on the agreements by the Kannapolis City Council was delayed as a result of questions raised by Senator Fletcher Hartsell of Cabarrus County about any effect on the agreements from the proposed seizure of the Yadkin Project by the State of North Carolina.

Mayor Whitley asked City Attorney David Beaver to come forward. Mayor Whitley read from the Water Sale and Purchase Agreement, Page 4, Article Three

– Purchase and Sale of Water, Section 3.3 and recommended changes to be done by the City Attorney.

Councilmember Neel stated to also add a statement including by FERC.

Councilmember Holcomb moved that the wording from the Water Sale and Purchase Agreement, Page 4, Article Three – Purchase and Sale of Water, Section 3.3 be changed by City Attorney David Beaver as requested by Mayor Whitley.

Councilmember Underwood seconded the motion. Councilmember Neel offered a substitute motion to also add a statement including by FERC. Councilmember Holcomb seconded the motion, and upon a vote, the substitute motion passed unanimously.

Also, Section 4.6, 4.7 and 14.8 may need some changes. City Attorney David Beaver stated his concerns on Section 14.8 where Albemarle needs to be included as being able to terminate the agreement as well as Concord and Kannapolis. Also, Mr. Beaver asked who gives the notices and who sets the terms of 30 days, 90 days, and 120 days.

Mayor Whitley stated that there is no emergency to approve this wording tonight. He asked David Beaver to correct the wording and bring back to Council at its next meeting if possible.

Mr. Beaver stated that he will get with the City Manager and Public Utilities Director Ernie Borders. The City Manager stated that he will call the Concord City Manager. Mr. Beaver stated that having a meeting with the attorneys that drafted the water agreement would be in order.

Mayor Whitley asked Mr. Beaver to reword the agreement sections and then get with the attorney in Concord/Kannapolis. Mr. Beaver said that he would set up a time to meet with the City Manager and Ernie Borders.

The Mayor and City Council reviewed a draft State Transportation Improvement Plan for Rocky River RPO Area. Councilmember Hall received this information at the Rocky River RPO TAC meeting. This is an excerpt from the draft STIP that excerpts the projects in the RRRPO area. She asked that this be placed on the agenda for Council to review.

Councilmember Hall stated that this is the most recent TIP meeting they have had and Albemarle has projects on this schedule. She also stated that on November 18 there will a Public Officials meeting concerning NC 24-27 widening at Stanly Commons. She stated that the widening of US 52 should be completed this year.

Ms. Hall said that our participation in the RPO will be beneficial to us, being there and being a part of it. She asked that Council attend on November 18 and let their voices be heard. The RPO meeting is the same night at Stanly Commons.

The Mayor and City Council received a request to declare equipment surplus for sale. Police are requesting that Council approve the surplus of these items. The sale of the police motorcycles would be contingent upon a minimum sales price.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the City Council declared equipment surplus and ordered sold.

(Surplus List)

The Mayor and City Council considered approval of the 2010 Employee Christmas Luncheon. This luncheon is proposed for Thursday, December 16 from 11:30 am to 1:30 pm. If any members of City Council would like to help serve or clean up afterwards you are welcome to do so.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the 2010 Employee Christmas luncheon for Thursday, December 16 from 11:30 am to 1:30 pm.

Councilmember Hall asked the result from the last Council meeting where Mr. Rick Mullis requested City funding to establish a drop off recycling collection center. Mayor Whitley stated that Council did not make a decision and wanted to talk with Green Pieces before a decision is made.

Councilmember Hall stated that she had been asked about the day of celebration for Halloween this year since October 31st falls on Sunday. She said that two churches asked if trick or treating would be allowed on Sunday or if this could be done on Saturday instead.

The City Manager stated that usually the City lets the calendar determine Halloween or we end up with trick or treaters on Saturday and Sunday. Police Chief Michael agreed with this.

Councilmember Hall gave the updates on Public Power Week which starts on October 4. She stated that on September 14 an energy efficiency presentation for public housing residents was held and there was a lot of participation. She stated that Leon with WZKY asked her to come and give information of the events being held for this celebration that will be broadcast.

She stated that Council needs to determine if a Town Hall meeting will occur because there are only two weeks until October 4. No one responded on having a Town Hall meeting that week.

Councilmember Hall stated that eight names of City residents were received from Becky Weemhoff of the Senior Center who meets the need for financial assistance and will have their homes be a part of Day of Caring on Wednesday, September 29. Ms. Hall stated that Representative Justin Burr and Senator Purcell would be present for this event. Also, Representative Larry Kissell will be there if his schedule permits.

Councilmember Neel asked if the night depository had been redone. He stated that it is too high to reach sitting in your car, you have to get out of the car. The City Manager stated that the signage had been ordered but he was unaware of the height of the night depository being too high. Mr. Neel stated that it needs to be 8-10" lower. The City Manager stated that he would address this concern.

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