

REGULAR MEETING CITY COUNCIL
August 2, 2010

The City Council of the City of Albemarle met in a regular session on Monday, August 2, 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, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Martha Sue Hall.

The Mayor delivered the invocation.

The Mayor was presented with a Certificate of Appreciation to the City from the US Census Bureau. This certificate was presented to the City for serving as a partner for the 2010 Census. As the City Manager noted, the Assistant City Manager Michael Ferris served as the Census Coordinator for the City and Director of Engineering Services Jon Mendenhall served as the Complete Count Coordinator. Michael Ferris was responsible for numerous reports and contacts related to the 2010 Census, and the City helped to promote a complete count in Albemarle through the use of utility bill stuffers and the City's website. Jon Mendenhall was the City's liaison with the 2010 Census for the complete count including updating the addresses and mapping. The Census Bureau used Fire Station One as an office during this effort.

Michael Ferris presented the City's certificate to the Mayor, and Jon Mendenhall presented the Engineering Services Department certificate to the Mayor. Mayor Whitley thanked Mr. Ferris and Mr. Mendenhall in their efforts on the 2010 Census.

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

A public hearing was held to review and hear public comment on the City of Albemarle's Hazard Mitigation Plan Update. This is an update to the City's existing

Hazard Mitigation Plan, and is required by FEMA and the State. Jon Mendenhall presented a brief PowerPoint presentation to explain the highlights of the HMP and update to City Council and the public. He stated that the hearing had been advertised in the newspaper and the HMP update had been available in his office. No one from the public spoke for or against the proposal.

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

Councilmember Neel asked if the report would be available on the City website. Mr. Mendenhall stated that the report will be made available.

Councilmember Alexander said that he remembered when Hurricane Hugo came through and several of his neighbors that were bed bound, had a very trying time getting help. Mr. Alexander asked if this type of situation would be addressed. Mr. Mendenhall stated that the plan recognizes special needs of the City, but exact measures will not be addressed in this plan. Council would need to adopt exact measures for these types of needs in the plan.

City Manager Raymond Allen stated that this is the 2005 Hazard Mitigation Plan and the 2010 supplement update will be added.

Mr. Mendenhall stated that the old plan page is then followed by the new plan page. The old page will then be eliminated. He also stated that the HMP will now be presented to the state, and they will have their review and approval before the City adopts the final plan. It can be viewed at the Engineering Services Department during normal business hours.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the City Council approved the Albemarle Hazard Mitigation Plan update for 2010.

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

The Mayor and City Council received a status report on the Bobby Rorie property at Gibson St. and Arey Ave. As noted by the City Manager, the City Council approved another 90 day extension at the July 6 meeting to bring this property into

compliance. At that time Councilmember Napier requested that City Council be given a status report every 30 days. Planning and Community Development staff have looked at the property and they report that additional brick work has taken place on the front and west side of the structure. There does not appear to have been any activity on the rear or east sides.

Planning and Community Development Director Bob Sasser came forward and stated that if the brick work is completed on all four sides of the structure, there may be less vandalism occurring. Mr. Sasser stated Council may want to wait until that point and may want to consider an inspection at that time.

Councilmember Neel stated that at the July 6 Council meeting, Councilmember Underwood had addressed the possibility of Mr. Rorie spending all of this money to renovate and then Council not continuing an extension or approval. Also, Mr. Rorie spending money on the structure and then the building inspector not approving because it does not meet code. Councilmember Townsend stated that Council determined at the July 6 meeting to approve another 90 day extension and Mr. Rorie to complete enough improvements to have an inspection by the Stanly County Inspections office by October 5, 2010.

Mr. Sasser stated that he can ask Central Permitting to look at this. Councilmember Townsend stated that Councilmember Napier had asked at the last meeting for Council to receive a report every 30 days on the progress. If the brick work is completed on the outside, this will make a definite improvement to the community.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-27) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AN ORDINANCE TO AMEND FY 2010-2011 BUDGET" passed first reading.

The Mayor and City Council considered setting a public hearing for August 16 to consider amending the Morrow Chase Housing Development Grant by transferring \$31,154 from Water Improvements to Street Improvements. As noted by the City Manager, the developer installed and paid for the water line and the funds are needed for the street construction bid. Bids were taken for the street improvements on July 29, but the City only received one bid which was in excess of available funds. Bob Sasser and

Jon Mendenhall are discussing this with the engineer on the project to determine what steps the City can take to address this.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved setting public hearing for August 16, 2010 to consider a Morrow Chase budget amendment.

The Mayor and City Council considered the approval of bids for Landfill equipment financing. The City of Albemarle requested bids from 10 lending institutions for the purchase of used Caterpillar Articulated Truck and Dozer costing \$221,733. The City Manager noted that the purchase of these for the landfill was approved by the City Council in the FY 2010-2011 Budget. The City received 5 bids and recommend RBC Bank's proposed Build America Bonds at an effective interest rate of 1.6965%. This type of financing provides a rebate from the federal government that makes the effective interest rate paid lower, in this case 1.6965%.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the City Council approved low bidder, RBC Bank, with a proposed Build America Bonds at an effective interest rate of 1.6965%.

(Bid Tabulation)

The Mayor and City Council considered a recommendation to hire Davenport Lawrence to assist with pole attachment negotiations. Public Utilities Director Ernie Borders discussed with the Mayor and City Council in his budget presentation the need to begin the process to negotiate an increase in the pole attachment fees the City charges other utility provider to co-locate on the City's electric poles. The City Manager noted that this process can be a very lengthy, legal and confusing. The current fee is \$5.00 per pole and the fee has not been increased since at least the late 1970's. During the budget process Council indicated their desire to pursue and increase.

Assistant City Manager Michael Ferris, Mr. Borders, and Assistant Director of Public Utilities Judy Redwine have been working on this matter and are recommending the City contract with Davenport Lawrence to assist with negotiations.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved hiring Davenport Lawrence to assist with pole attachment negotiations.

The Mayor and City Council considered a resolution honoring the life of Henry C. Doby, Jr. At the July 19 meeting of City Council, the Council requested that a resolution honoring the late Henry Doby be drafted.

Upon questioning, the City Manager stated that if Council approves and signs the resolution tonight, then staff will invite Mr. Doby's family members to a future Council meeting and present the resolution at that time.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the City Council approved a resolution honoring the life of Henry C. Doby, Jr. and to present the resolution to his family members at a future Council meeting.

The Mayor and City Council considered participation in an Early Retirement Reinsurance Program. The federal government has appropriated \$5 Billion to assist employers such as the City of Albemarle that provide post retirement health benefits. As the City Manager noted, the City's program covers employees who are eligible through years of service until Medicare eligibility. This will provide an opportunity for the City to receive reimbursement for the next couple of years for 80% of claims between \$15,000 and \$90,000 per year. This means that reimbursement for just one claim will more than cover the cost of participating in the program.

Upon questioning, the City Manager stated that the City currently pays 100% of the claim costs, but would be reimbursed 80% under this program. Human Resource Director Robert Whitley stated that Blue Cross and Blue Shield will charge the City \$8,500 to administer this program.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved an Early Retirement Reinsurance Program in which the federal government has appropriated \$5 Billion to assist employers who provide post retirement health benefits.

Councilmember Neel asked how a proposal to extend the social security retirement age could affect police officer benefits being extended from age 65 to age 70. Chief of Police Michael stated as proposed that police benefits will still end at age 62 and would only be for full benefits, not early retirement.

The Public Utilities Department currently has approximately 4,200 pounds of scrap copper wire that is surplus located at the City of Albemarle Warehouse Complex. City Council is being asked to consider approval to declare the copper wire scrap surplus and to sell this by sealed bid. The bids would come back to City Council for approval.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council declared surplus approximately 4,200 pounds of scrap copper wire and ordered sold by sealed bid.

The Mayor and City Council considered the approval of an employee Red Cross Blood Drive. This Blood Drive is proposed for Thursday, August 26, 2010 at Fire Station One. This proposed blood drive is being coordinated by employees in the Public Works Department. Council received a flyer regarding the event.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a City Employee Red Cross Blood Drive for Thursday, August 26, 2010 at Fire Station One.

The Mayor and City Council reviewed information on 25 MPH speed limits in closed subdivisions. City Council reviewed a sample DOT policy. The City Manager noted that as a result of the request from the Homeowners Association in the Anderson Ridge Subdivision, City Council had asked Chief Michael to investigate further possible speed limit reductions in residential subdivisions of this type. Engineering Services Director Jon Mendenhall found a policy used by NCDOT for closed subdivisions.

Police Chief Michael stated that he is continuing to look at possible policies for adoption but right now this is the only one found that could be used in closed subdivisions in Albemarle.

Upon questioning, the City Manager stated that he sent a letter to the homeowners association of the Anderson Ridge Subdivision as requested by Councilmember Hall at the June 21 Council meeting. Ms. Hall had said that Anderson Ridge may want to consider Children at Play signs.

Chief Michael stated that Grandview and Parkwest subdivision would fall under this proposed policy.

Councilmember Townsend stated that this is a step in the right direction by Chief Michael and Jon Mendenhall. He asked that staff come back with a formal proposal. Mr. Townsend said that other subdivisions will come later, but right now we need to get the policy in place.

Councilmember Holcomb asked if the signs would have to be changed to post a speed limit other than 35 mph. Chief Michael said probably changing only the sign coming into the subdivision at Anderson Ridge. He said any other way could be very costly. Upon discussion, Chief Michael said that presently the only 25 mph speed limit is on Martin Luther King, Jr. Drive.

Councilmember Townsend stated that most subdivisions have a homeowners association and they could pay to change the signs.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved staff returning with a formal proposal for a 25 mph speed limit in closed subdivisions and the subdivisions to pay for the signs.

The Mayor and City Council reviewed statistics on the payment history of the City's largest utility customers. This report was requested by Councilmember Hall at the July 19 meeting of City Council. This report was prepared by Revenue Collections Supervisor Elizabeth Boyle in the City's Finance Department.

Mayor Whitley stated that this is information only to make Council aware of the largest utility customer's payment history.

Mayor Whitley asked Public Works Director Mike Lambert to come forward and make Council aware of what is taking place at the landfill.

Mr. Lambert stated that the storm water rain flaps in Phase II are scheduled to be finished by the middle of this week and the storm water management bid package was completed today. Mayor Whitley stated that things are being completed sooner than he expected.

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