

REGULAR MEETING CITY COUNCIL
February 1, 2010

The City Council of the City of Albemarle met in a regular session on Monday, February 1, at 7:00 p.m. in the City Hall Annex. 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.

Mayor Whitley delivered the invocation.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the minutes of the January 19 regular session and January 20 adjourned session were approved as submitted.

Ms. Wendy Burleson, ADDC Beach Blast Committee came before City Council as an announced delegation to request street closings and to request use of the City Hall restrooms for the Beach Blast on Saturday May 8. City Council was provided with a copy of a map showing the requested street closings and schedule.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of North Second Street from Courthouse Square Park to North Street at 12 noon until midnight and to close Main Street from First Street through Third Streets and South Second Street from the Square to King Avenue at 1:00 pm until 12 midnight

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the use of the restrooms at the City Hall with a monitor being provided on May 8, 2010 for the Beach Blast.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a

hospitality booth for the Beach Blast on May 8 at the corner of N. Second Street and North Street with the use of two off duty law enforcement officers.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved having a child activity at the Beach Blast of sidewalk chalk art using washable chalk created by children.

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

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

(Ordinance 10-03, To adopt a Street Tree Ordinance.)

The Mayor and City Council were requested by Union Chapel Church AME Zion Church for a memorial and picnic area on Church owned property.

Councilmember Townsend stated that this item is to be removed from the agenda and to be held over until the City receives word from Reverend Washington of Union Chapel AME Zion Church.

The Mayor and City Council considered a recommendation from the Planning and Zoning Board to subdivide a 1.2 acre tract at Ash Street and Snuggs Park Road. The Planning Board on January 26th unanimously approved a request from Mike Snyder (Snyder Real Estate Holdings) to subdivide a 1.2 acre tract (Doug's Garage) at the southeast corner of Ash Street and Snuggs Road from a 24 acre tract. A plat showing the 1.2 acres was available for Council.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried the City Council approved a

recommendation from the Planning and Zoning Board to subdivide a 1.2 acre tract at the southeast corner of Ash Street and Snuggs Park Road from a 24 acre tract.

The Mayor and City Council considered a recommendation of the Planning and Zoning Board to approve a Conditional Use Permit for the construction of buildings at Prospect Baptist Church. A copy of this site plan which includes a new sanctuary and office building to replace the current sanctuary and an education building was available for Council, along with a copy of the request from Prospect Baptist Church. A conditional use permit is required to construct these buildings, and a public hearing can be set.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried the City Council set public hearing for March 1 to consider the approval of a Conditional Use Permit for construction of buildings at Prospect Baptist Church.

The Mayor and City Council considered a request of the Albemarle Downtown Business Association to reschedule consideration of the proposed downtown sign ordinance changes to the City Council meeting on Monday, February 15. The City Council had previously laid over consideration of this ordinance to the February 1 meeting and had requested that the ADDC solicit input from downtown businesses and property owners about these proposed changes.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried the City Council approved rescheduling the consideration of sign ordinance changes until the City Council meeting on Monday, February 15.

The Mayor and City Council considered the adoption of revised City Ordinance 10-04 changes to Parking Ordinances, Ordinance 10-05 changes to Commercial Freight Parking and 10-06 changes to Handicap Parking and Crosswalks. The City Manager noted that these proposals originated with the ADDC Parking Task Force and the recommendations of the consultant that the City paid to conduct a downtown parking study. Police Chief Michael reviewed the City's current parking designations and made additional recommendations to City Council to clear up some designations that are no longer in use or are no longer applicable.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried the City Council unanimously opposed the motion approving Ordinance 10-04, Ordinance 10-05, and Ordinance 10-06 in one motion. The motion did not carry.

Councilmember Neel asked Police Chief Ronnie Michael questions concerning Ordinance 10-06 changes to Handicap Parking and Crosswalks. He did not want to remove the first parking space located immediately south of the intersection of King Avenue and South Second Street. Councilmember Neel was in opposition of striking this particular parking space due to need in that location.

Upon a motion by Councilmember Neel seconded by Councilmember Townsend, and unanimously carried, City Council approved:

An Ordinance entitled (Ordinance 10-04) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE REGULATING PARKING OF MOTOR VEHICLES ON PUBLIC STREETS IN THE CITY OF ALBEMARLE,” passed first reading.

An Ordinance entitled (Ordinance 10-05) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED TO ABOLISH DESIGNATED COMMERCIAL FREIGHT LOADING ZONES ON PUBLIC STREETS OF ALBEMARLE,” passed first reading.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, City Council approved not removing the parking space south of King Avenue on South Second Street from the strike list as amended below in Ordinance 10-06. Voting for the motion were Councilmembers Alexander, Hall, Napier, Neel, Townsend and Underwood. Voting against this motion was Councilmember Holcomb.

An Ordinance entitled (Ordinance 10-06) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF ALBEMARLE REGULATING HANDICAPPED PARKING OF VEHICLES AND PEDESTRIAN CROSSWALKS ON THE PUBLIC STREETS IN THE CITY OF ALBEMARLE,” passed as amended first reading.

The Mayor and City Council reviewed the proposal by NC Department of Transportation for cost sharing arrangements to install railroad crossing signals and gates on Old Charlotte Road. NCDOT sent a similar proposal to the City in 2008, and the City Council voted unanimously not to participate due to the initial cost to the City and the ongoing expense. Police Department records do not show any accidents at this location.

Councilmember Hall stated that she feels like the City should not take action on this item. She said that City Council depends highly on Police Chief Michael for information when making decisions on items of this nature and she feels this should be left alone.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried the City Council approved not taking any action on the proposal of NCDOT for cost sharing arrangements to install railroad crossing signals and gates on Old Charlotte Road.

The Mayor and City Council reviewed the proposal of NC Department of Transportation to close or signalize Auten Avenue railroad crossing. The City has received correspondence from NCDOT regarding the status of the Auten Ave Railroad Crossing.

The City has three choices:

- 1) Close the crossing
- 2) Install protective devices and do not close the crossing
- 3) Do not close the crossing and do not install protective devices.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried the City Council rejected the request of NC Department of Transportation to close or signalize the railroad crossing at Auten Avenue.

The Mayor and City Council considered Bid 2009-07 for Electric Transformers. The City of Albemarle received bids for transformers on January 11, 2010. The transformers are all used in the Electric Division of the Public Utilities Department. Five companies submitted bids for consideration. The bid tabulations with extended bid evaluations were given to Council. The difference in the bid tabulation and the extended bid tabulation is the corrected price or the

Total Evaluated Cost (TEC). There are sufficient funds in the account of the FY 2009/2010 Public Utilities budget to cover the cost of this expenditure.

Public Utilities Director Ernie Borders and Special Projects Coordinator Jonathan Misenheimer came before Council to explain the acronyms represented in the bid for transformers.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried the City Council approved the low bids for Electric Transformers for the Electric Division of the Public Utilities Department.

(Bid Tabulation)

The Mayor and City Council reviewed information of the City receiving a federal grant in the amount of \$16,000 for vehicle replacement for improved vehicle emissions. The City Manager noted that the City was notified last week that the City will be receiving a \$16,000 federal grant to pay 25% of the cost of replacing the wire truck in the Electric Division. The replacement of this vehicle was budgeted in the current budget. As noted by the City Manager, this grant is administered by Mecklenburg County, and is intended to replace older high emissions vehicles with lower emissions vehicles. The unit we will be purchasing is a used vehicle, but qualifies for the grant. The City Manager commended the Public Utilities Department for seeking this grant.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried the City Council approved a federal grant in the amount of \$16,000 for a vehicle replacement for improved vehicle emissions in the electric division of the Public Utilities Department.

The Mayor and City Council considered a change order with CM Black Construction Company for the NCDOT asphalt index change from bid date. This Change Order is in the amount of \$2,754.00. The City Manager noted that early after the City Hall bid was awarded, CM Black requested that City Council approve using the NCDOT asphalt index in the event that asphalt prices changed before paving, which was scheduled late in the contract. This was due to the fluctuating asphalt prices that has been seen over the past couple of years. City

Council approved using this index, and this has resulted in a small change order of \$2,574.00.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried the City Council approved the change order from CM Black Construction Company concerning the NCDOT asphalt index change since the bid date resulting in an amount of \$2,754.00.

Councilmember Alexander stated that he is surprised that this index has increased especially since the cost of petroleum prices have decreased.

The Mayor and City Council considered an appointment to fill the expiring term on the ABC Board. The term of Mr. Jeffrey Flake on the ABC Board is expiring in March and Council should make an appointment to this three-year term.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried the City Council approved reappointing Jeffrey Blake to another three-year term on the ABC Board.

Councilmember Holcomb asked if there was a limit to the number of terms a board member could serve on any of the City boards. The City Manager stated that this had been looked at by Council in the past, but no term limits have ever been placed on board members for any of the City boards.

Councilmember Townsend asked that since there are only three members of the ABC Board, does it affect conducting business if one member is absent. Councilmember Neel stated that two members are able to have the meeting and conduct business since there are the majority of members present and a quorum is met.

Councilmember Hall stated that she has a concern about the privatization of ABC boards by the state and commends our local ABC Board.

The Mayor and City Council considered attendance at the Centralina COG Board of Delegates Meeting on February 10, 2010.

Councilmember Hall stated that the COG meeting will be at the Pine Island Country Club in Mount Holly and she would be delighted if any of the Councilmembers would like to go with her. Upon questioning, Councilmember Hall stated that the reception would begin at 6 pm and then dinner to follow at 7pm. She asked that if anyone is interested in attending with her, to just let her know.

The Mayor and City Council considered an invitation from the Stanly County Chamber of Commerce to host Business Before Hours at City Hall. The City Manager noted that Chamber of Commerce President Tom Ramseur had contacted him to ascertain whether the City Council would be interested in hosting a Business Before Hours event to showcase the City Hall. Mr. Ramseur had suggested a Thursday morning in March, April or June if City Council is interested. The City would be responsible for providing the continental breakfast for the event.

Councilmember Neel stated that he thinks this is a good idea. The Mayor asked the City Manager to get in touch with Mr. Ramseur and discuss dates within those months that is needed.

Councilmember Holcomb stated that she feels City Council should take a look at the salary range again for the Director of Information Technology during the budget work session.

Councilmember Townsend asked Councilmember Neel if he had any additional information on the Albemarle High School Bulldogs celebration for the football team. Councilmember Neel stated that the ADDC and the school Boosters Club is working on a program and a tentative date of Saturday, March 20 has been set. The ADDC is discussing this at their meeting on February 8 and the Boosters Club is also meeting this week for this purpose. Councilmember Neel stated that the signs need to be up before the celebration takes place. He also said that he had talked with the City Manager and NCDOT is still in the process of approving the signs. These signs will recognize the school for their state championship and any other type of recognition that the City would like to place on them.

Councilmember Underwood stated that he would like to see the City place a large clock in the Council Chambers.

Councilmember Hall thanked all the City employees for their hard work during the snow storm this past weekend.

Councilmember Alexander stated that at the intersection of Montgomery Avenue and Tenth Street there is a problem with some of the pavement coming up.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11(3) to consult with the City Attorney.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318.11(3) to consult with the City Attorney and stated that he needed a motion from Council that the City hire legal counsel to handle a problem where a City water line was struck by a subcontractor working for Windstream at the Anderson Ridge subdivision.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the City hiring legal counsel to handle a problem where a City water line was struck by a subcontractor working for Windstream at the Anderson Ridge subdivision.

The Mayor stated that he needed a second motion for the City to hire a surveyor.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved the City engaging in hiring a surveyor.

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