

REGULAR MEETING CITY COUNCIL
February 15, 2010

The City Council of the City of Albemarle met in a regular session on Monday, February 15, 2010 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.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the minutes of February 1 regular session and February 1 closed session were approved as submitted.

A public hearing was held to consider the voluntary annexation of 2.01 acres of Anderson Grove Baptist Church Property. No one from the public spoke for or against the proposal.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 10-08) "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ALBEMARLE, NORTH CAROLINA." passed first reading.

Ms. Mia Bailey, Electricities of North Carolina was scheduled to come before City Council to solicit input and requests for assistance from Electricities and to address any issues or questions City Council may have regarding Electricities. Ms. Bailey had a conflict this evening and will be rescheduled to appear at the next Council meeting on March 1.

Ms. Lori Kirkingburg, 1623 Arbor Way, came before City Council to discuss an application to the State of North Carolina for a Mining Permit on Riley Street.

Ms. Kirkingburg is a resident of Ashley Heights behind the property where the mining permit has been applied. A public hearing was held by the State on this issue at Stanly Commons on February 8, which Ms. Kirkingburg and some other nearby residents attended. She indicated that she still has concerns about this proposed permit, particularly the blasting that will be associated with it.

Ms. Kirkingburg briefed Council on the February 4 meeting at Stanly Commons by the Division of Land Resources. Below are listed some of the concerns of neighbors located near the blasting.

- 1) Zoning
- 2) Buffer zone
- 3) Are the personnel using the blasting material licensed?
- 4) How often will they be state inspected?
- 5) Where are these explosives stored?
- 6) Who is going to be responsible for any mishaps, City or State or J.T. Russell?
- 7) How will these explosives affect the gas stations and other businesses on 52 North?
- 8) Should it be in our best interest to hire our own representative?

She said that when they blast, their windows rattle, the ground moves. She also stated that when they start to blast, someone is suppose to knock on the nearby residents' doors or call them and no one has ever been contacted.

The City Manager reiterated his comments to Council from several weeks ago about the blasting on Riley Street by NCDENR and Council's concerns of the property owner restoring the areas when the mining is complete. He also stated that Ms. Kirkingburg would need to contact NCDENR for an answer to these questions or if Council prefers, the City could send a letter to NCDENR on the resident's behalf. Mayor Whitley asked Council if they opposed sending a letter to NCDENR.

Councilmember Hall asked that Council incorporate all of the concerns listed by Ms. Kirkingburg in the letter they send to NCDENR.

Upon questioning, the City Manager stated that J.T. Russell has been blasting under a NCDOT permit which has now lapsed and no longer in effect.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the Council approved sending a letter to NCDENR on behalf of Ms. Kirkingburg and nearby residents concerning an application to the State of North Carolina for a Mining Permit on Riley Street.

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.

The Mayor and City Council were to consider changes to the sign regulations in the Central Business District.

Consideration of this proposal was previously deferred by City Council to allow the ADDC an opportunity to solicit opinion from downtown businesses and property owners about these proposed changes, which would allow more types of signs in the downtown. The City Manager noted that this was laid over from the February 1 meeting at the request of the Albemarle Downtown Business Association which is working in conjunction with the ADDC to provide this feedback to City Council. The City Manager noted that at the ADDC Board of Directors meeting on Monday of this week, the Board asked that the City Council continue to defer consideration of this proposal until they can assemble a presentation of the results of their inquiry.

The Mayor stated that Council will wait until they hear from the ADDC to schedule this for consideration.

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

(Ordinance 10-4, To amend various parking regulations of Motor Vehicles on Public Streets.)

(Ordinance 10-5. To abolish various designated Commercial Freight Loading Zones from the traffic schedules.

(Ordinance 10-6. To amend the traffic schedules for Handicapped Parking and Crosswalk designations on public streets.

The Mayor and City Council considered a request of Ms. Cynthia Thompson, 27242 Crystal Road, for an outside City sewer tap. Ms. Thompson is a resident of Crystal Park, which is outside the City limits. The City Manager noted that

since her lot is outside the City limits and since the sewer is not immediately adjacent to her lot (it is one lot over); this requires City Council approval under the City's policy. City Council has previously approved two taps in Crystal Park onto a line that was constructed by a property owner at their expense. If approved by City Council, the property owner would be required to run and maintain their connection to the tap, which would be made by the City at the manhole, would have to pay the outside City tap fee of \$1175.00 for the tap, sign an intent to be annexed, and pay the flat outside City sewer rate of \$31.82 per month for not being connected to the City's water system.

Councilmember Neel stated he is concerned why the residents on Crystal Road are not asking to be annexed into the City. He said receiving taps such as this are the benefits of the City residents and non-resident are not paying taxes for these benefits.

Councilmember Townsend asked how many outside residents have been approved for taps in the past. Councilmember Neel stated that there had been 2 or 3. Mayor Whitley stated that the outside residents that are approved for a tap have to sign an intent to be annexed. Councilmember Neel said that if any outside of City residents need a sewer or water tap, it should involve satellite annexation including this particular one and the others previously approved at Crystal Village. We should say no more of these will be approved until they are annexed. Councilmember Alexander asked that Council delay a decision on this item and discuss further at their budget work session on Saturday, February 20.

Mr. Corey Lawhon, a contractor who has been assisting Ms. Thompson, came before Council to answer any questions. He stated that Ms. Thompson is willing to pay the tap fee and pay the flat outside sewer rate of \$31.82 per month. Ms. Thompson was told that she could connect onto the City sewer system when the manhole was placed next door to her lot, but she did not connect at that time.

Councilmember Hall asked exactly how long ago that she was told that she could connect. Mr. Lawhon stated that this was when the sewer line was installed. He stated that recently she had paid her tap fee but was refunded the money when it was determined this had to be approved by City Council first.

The City Manager stated that the sewer line is nearby, not in front of her house and her money was refunded.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the Council approved an outside of City sewer tap for Ms. Cynthia Thompson residing at 27242 Crystal Road paying the tap fee of \$1175, signing an intent to be annexed, and paying the flat outside City sewer rate of \$31.82 per month, and following full policy for outside of City residents.

The Mayor and City Council considered approving a budget amendment to allocate the proceeds from the installment debt for the telephone system and core switch. The payments of this debt service are already budgeted in this fiscal year.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 10-07) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND FY 2009-2010 BUDGET," passed first reading.

The Mayor and City Council considered an Ordinance to create the project budget for the Snyder Greenway (Phase 2) using ARRA funds administered by the NCDOT.

Councilmember Hall moved to pass Ordinance 10-09. Councilmember Napier seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Townsend and Underwood. Voting against the motion was Councilmember Neel. The motion carried and passed first reading as follows:

An Ordinance entitled (Ordinance 10-09) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO A GREENWAY PROJECT FUNDED BY ARRA ADMINISTERED BY NC DEPT OF TRANSPORTATION."

Councilmember Neel suggested that a letter to be sent to NCDOT about them funding the remaining costs of \$15,480 for the required inspections by the federal government that neither the local NCDOT staff nor the City staff were aware of until the process had started. No action was taken on the suggestion.

The Mayor and City Council considered amending the 2009-2010 General Fund Budget using fund balance to pay for the destruction of the ADDC's Silos and the City's portion of the Greenway Project. The Greenway funding is from the American Recovery and Reinvestment Act administered by the NC Dept of Transportation in the amount of \$225,000. The bids for the project came in higher than the amount of the Grant so the City must pay the difference.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-10) "AN ORDINANCE TO AMEND FY 2009-2010 BUDGET." passed first reading.

The Mayor and City Council reviewed a letter from Handy Sanitary District regarding potential water sales. The City Manager noted that he had reported several weeks ago that the City had submitted some information regarding the City's water rates to Hobbs and Upchurch Engineering on behalf of Handy Sanitary District. Council received the letter indicating that Handy is requesting additional clarification regarding potential rates and the arrangements for any take or pay requirements.

The City Manager also noted the preliminary discussions the City had previously discussed of some kind of additional surcharge on out of Stanly County sales, possibly in the 3% to 7% range, but the Council has never established what that might be. Also discussed at that time was a range for the take or pay requirement, such as between 30% to 50% of the maximum allocation.

Councilmember Neel said that Council needs to discuss a proposal for the Handy Sanitary District as well as Concord, but the City is not ready at this point to make a decision.

Mayor Whitley asked if Council could view agreements from other cities and use information found to determine the answers to the surcharge question and the take or pay requirement. The City Manager stated that he would check with other government entities that sell water in bulk.

Councilmember Neel asked that Council consider a meeting on the 2nd or 4th Monday night to discuss these items. Councilmember Hall stated that if we sell our water in bulk, this will improve conditions of our water system.

The Mayor and City Council reviewed a letter from the Stanly County Planning Director regarding the proposed revised County Land Use Plan. The City Manager noted that he had received a letter via email soliciting input regarding the draft revised Stanly County LUP. The letter indicates that the City will receive a copy of this at City Hall, which will include comment sheets that can be returned to the County. The City received the bound copy of that draft and it is available should any one wish to review it. The letter indicates that a public input session is scheduled for March 8 at Stanly Commons.

The Mayor and City Council considered change order #2 for the EE Waddell Community Center Project. Although the change orders total \$59,530, this will not require additional City funds be expended, since this amount falls within project allowances. The City Manager noted the request is to extend the contract period by 30 calendar days to April 7, 2010. This is for a variety of items, with the largest amounts to replace the existing ceiling tile in the front of the building, which is old, damaged and discolored; and to paint and carpet the large meeting room on the right as you enter the classroom building.

Upon questioning by Councilmember Neel, Parks and Recreation Director Toby Thorpe came forward and stated that this is an instance where necessary changes are made to allow for circumstances and nothing will be removed to allow for these changes.

Councilmember Townsend asked about an outside area where there is a problem with mud and if there would be grading performed on this area. Mr. Thorpe stated yes there would be at the end of the project.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved change order #2 for the EE Waddell Community Center Project costing no additional funds, but extending the contract period by 30 calendar days to April 7, 2010.

The Mayor and City Council reviewed a report on Albemarle area results from Stanly County Comprehensive Recreation Plan. These results will be included in the County wide study that is nearing completion. At the Council meeting several weeks ago, Councilmember Hall had requested that these results be provided to City Council when they were available.

Parks and Recreation Director Toby Thorpe came before Council and he stated that he and his staff had extracted the results for the immediate Albemarle area (28001 zip code on responses) from the Stanly County Comprehensive Plan. He briefly summarized information based on the following:

- Demographic Information
- Activities and Interest
- Opinions on Parks and Recreation Issues
- Barriers to Participation

Usage by Park Type.

Mr. Thorpe stated that he noticed people wanting programs involving fitness indoors and that 96% view parks and recreation as an essential service.

Councilmember Hall said that she was surprised so few people responded to the survey.

Mr. Thorpe stated that there would be follow up meetings held throughout the County to look at the entire County as a whole. On February 25 at the Norwood Community Building, March 2 at West Stanly High School Cafeteria and March 4 at the New London Community Building all of which start at 7 pm. The public can attend any one of the meetings held throughout the County and not just in their particular jurisdiction.

Councilmember Hall thanked Mr. Thorpe for all of his hard work on this project.

Councilmember Neel stated that the group that least responded was the 19-24 year olds which is the group who has kids.

The Mayor and City Council considered a recommendation of the Tree Commission to plant *Cryptomeria Japonica* for the City Hall Christmas Tree. The City Manager noted the City Council had considered planting a permanent tree in the location but was unable to find a suitable recommendation at that time, so a cut tree was purchased for this past season. The Tree Commission upon a recommendation of Horticulturalist Terry Ferguson, has recommended that the City plant a *Cryptomeria Japonica*, or Japanese Cedar as it is known in this location. Terry Ferguson has indicated it can be pruned to have the general shape of a Christmas tree, and this would eliminate the expense of purchasing a new tree each year. Mr. Ferguson has advised that this tree does do well in our climate and he has located a tree for sale at a nursery in the region we can plant before spring.

Councilmember Hall moved that City Council approve planting a *Cryptomeria Japonica* for the City Hall Christmas tree. Councilmember Napier seconded the motion.

Councilmember Neel stated that the Tree Commission should come before Council and discuss this with the Council.

Councilmember Holcomb said that she does not want to see a permanent tree there at this time.

Councilmember Neel offered a substitute motion to delay this decision until Council can look further into this. Councilmember Holcomb seconded the motion, and upon a unanimous vote, Council delayed decision on planting a Cryptomeria Japonica for the City Hall Christmas Tree until Council can look further into this.

Mayor Whitley asked that Horticulturist Terry Ferguson come before Council and answer any questions Council may have.

The Mayor and City Council considered the proposed FY 2010-2011 Budget Preparation Schedule.

The City Council decided to discuss this budget preparation schedule further at their budget work session on Saturday, February 20.

The Mayor and City Council considered a request from Stanly County Economic Development Commission to assist in sponsoring Industry Appreciation Month. The City Manager noted that the EDC would like to recognize the existing industries in Stanly County that provide jobs and that are an important part of the tax base. They plan to recognize employers during the month of April culminating in a golf outing and dinner the fourth week of April. They are requesting that the City help sponsor this event since many of these are City taxpayers and utility customers. The City Manager stated that he has spoken with Brenda Daniels at ElectriCities and she has indicated that if City Council would like, ElectriCities can sponsor this at the \$1,000 level. If the City Council also approves \$1,000 this would provide \$2,000 for the event. The City Manager stated that the EDC is seeking multiple sponsors for this month long event.

Kevin Gullette, Stanly County EDC Director, came before Council and stated that they have budgeted \$10,000 for this event. He also said that Duke Energy, Piedmont Natural Gas, Waste Management, ElectriCities, and the Electric Cooperatives have favorably responded.

Upon questioning, Mr. Gullette stated that other municipalities in the County have been approached and he is waiting to hear back from them.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander, and unanimously carried, the City Council approved sponsoring Industry

Appreciation Month in April by donating \$1,000 to Stanly County Economic Development Commission and asked that ElectriCities donate the same amount.

The Mayor and City Council discussed Welcome to Albemarle signs at corporate limits on major highways. Pursuant to City Council's request the City Manager stated that he made additional research into these signs, and obtained an electronic version of the NCDOT policy which is more clear than the fax version we originally received. He stated that he had discussed this process with a couple of folks at NCDOT as well as the City Engineer for Indian Trail, who just went through this process. Because of the 45 mile an hour approach speed limits on NC 24-27, US 52, and NC 73, we can utilize the logo sign and have two message signs underneath.

The City Manager noted that City Council will need to make a decision tonight if they plan to have a sign available for display at the AHS Football banquet. The signs are approximately \$352.00 each, which means the total cost for 5 locations is approximately \$1,750.00.

Councilmember Neel stated that he would like to see both lines on the signs dedicated to the bulldogs and their once in a lifetime achievement as state champions of only 4 times in 10 years.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, the City Council approved purchasing five logo signs for the City in the amount of \$352 each for a total cost of \$1,750.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved dedicating both lines on the sign to the Albemarle High School Bulldogs with wording for the signs being provided by Councilmember Neel.

The Mayor and City Council reviewed opportunities for State mandated Ethics Training for Local Elected Officials. The City Manager noted that the General Assembly has mandated ethics training for all local elected officials which must be taken by January 1, 2011. The League and the UNC School of Government are providing opportunities for this training, and Council received information regarding these opportunities. These opportunities include a webinar on March 25, and various classes in April throughout the state.

The City Manager noted that if Council chooses the webinar, everyone can meet at City Hall and do this for one registration fee of \$95. The City Manager noted that everyone will need to take the mandated Ethics Training except Councilmember Hall.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, and unanimously carried, the City Council approved taking the State Mandated Ethics Training for Local Elected Officials by webinar via the internet on March 25 at the City Hall between 4-6 pm.

The Mayor and City Council confirmed a date for the Chamber of Commerce Business Before Hours at City Hall. Pursuant to City Council's request at the February 1 meeting, the City Manager contacted Tom Ramseur at the Chamber of Commerce, and Mr. Ramseur suggested either Thursday, April 8 or Thursday, April 22 for the Business Before Hours. The function would begin at 7:30 am.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, the City Council approved hosting the Chamber of Commerce Business Before Hours at City Hall on Thursday April 22 starting at 7:30 am.

The Mayor and City Council considered attendance at Stanly County Council of Governments meeting on Tuesday, February 23. This meeting will be hosted by the Town of Norwood, and will be held in the Norwood Community Building located at 247 West Turner Street. The meeting will begin at 6:30 pm, and Senator Purcell and Representative Burr have been invited to speak at the meeting.

The Mayor stated that Councilmembers Alexander, Napier, Neel, Underwood and Townsend confirm their attendance.

Councilmember Townsend stated that he is aware that the applications for the Information Technology (IT) Director is now closed. He asked if it is possible for the new incoming Director to work on creating archived versions of each Council meeting and making them available to the public online.

Councilmember Hall stated that she had read in a newspaper over the weekend about new carts for curbside recycling in Charlotte and asked Public Works Director Mike Lambert if he could further investigate and see exactly what Charlotte did to accomplish this.

Councilmember Hall asked Public Works Director Mike Lambert about the contaminated soil at the old feed mill site and if we could dispose of this material at our City landfill. He stated that we are not permitted by the State to accept the contaminated soil at our landfill. This is in regards to the contaminated soil that needs to be removed and disposed of at the demolition site located at the old feed mill on Railroad Street. Mr. Lambert stated that he had already reported this information to the Mayor and City Manager.

Councilmember Hall also stated that she had spoken with two people that reside on Pee Dee Avenue that are filtering their water. She was concerned about their feeling the need to do this and asked that the public be mindful of the latest water analysis results.

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 4 to discuss an agreement for economic incentives.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318.11 (a) 4 to discuss an agreement for economic incentives and stated that there was nothing to report at this time

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to Saturday, February 20 at 8:30 am in the City Hall for a City Council Budget Work Session.