

REGULAR MEETING CITY COUNCIL
January 19, 2010

The City Council of the City of Albemarle met in a regular session on Monday, January 19, 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.

The Mayor made a presentation of Retirement Certificates to the following:

Eddie Baldwin, Parks and Recreation Department- 36.3 years of service
James B. Tucker, Jr., Police Reserve Officer- 32 years of service

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend and unanimously carried, the minutes of January 4, 2010 regular session were approved as submitted.

A public hearing was held to consider the recommendation of the Planning and Zoning Board to adopt a Street Tree Ordinance. No one from the public spoke for or against the proposal.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following Resolution was duly adopted:

(Resolution 10-04. To consider adoption of a Street Tree Ordinance.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 10-03) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING

THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BY ADDING TO CHAPTER 92, SECTION .091, "LANDSCAPING OF PARKING LOTS" A SECTION RELATING TO STREET TREE FRONT AND SIDELINE LANDSCAPING FACING CITY OR DOT STREETS IN THE CITY OF ALBEMARLE" passed first reading.

Mr. Peter Ascituo, Uwharrie Running Club, came before City Council to request street closings for two 5K Races. The City Council received a copy of a letter of request for each of these events with details about the location of the races and the requested times for closing as follows:

- 1) 6th Annual Beach Blast 5K Race- May 8, 2010 sponsored by Uwharrie Running Club
- 2) 1st Ever Vac & Dash April Fool's Day 5K Classic- April 1, 2010 sponsored by Vac & Dash.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, the Council approved the closing of Depot Street between North Street and Main Street for the finish line from 6:30 am to 9:30 am. for the 6th annual Beach Blast 5K race on May 8, 2010 at 8 am.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, the Council approved the closing of Glenn Street between First and Second Street from 6:15 pm to 8:30 pm for the Vac & Dash April Fool's Day 5K classic on April 1, 2010.

Dr. Chris Bramlett, Chairman, ADDC came before the City Council to request funding assistance for the demolition of the former All Star Mills Building. A portion of the former All Star Mills building south of Market Station which is owned by the ADDC has continued to deteriorate and has become an attractive nuisance to vandals and others. Due to concerns that someone could be injured in the building, the ADDC is attempting to raise funds to demolish the unsafe portion. The City Manager noted that they are requesting that the City consider assisting in this matter by partially funding the demolition.

Dr. Chris Bramlett stated that this is a multi- story wooden building which the ADDC received from an individual that had bought it at auction. This structure is in the process of falling down and is dangerous and may cause some type of liability. The warehouse and grain silos will remain. He stated that there are homeless individuals

sleeping there and if a fire is started, they would be responsible for the consequences. He handed out to Council a bid from Thompson Grading, Hauling & Crane Service, Inc. of the costs to remove the mill building and dispose of materials and the remediation of the soil for a total cost of either \$68,550 if disposed of at the Uwharrie Site and \$70,350 if disposed of at the Shelby site.

Councilmember Hall asked Dr. Bramlett how long had they had ownership in the mill building. ADDC Director Vicki Coggins stated that they had owned the property between 8-10 years. She stated that if the parts per million (ppm) of petroleum is too high, the Uwharrie Landfill site will not take the disposed material. That is why it may have to be taken to the Shelby site which increases the cost somewhat.

Councilmember Holcomb asked the City Manager if Council does aid the ADDC in these costs, where will the money come from. The City Manager stated that it would come from the General Fund Fund Balance.

Mayor Whitley asked Public Works Director Mike Lambert if it would be possible to handle this project at our City landfill. He stated that he would have to receive permission from the state and then possibly could consider doing this.

Councilmember Holcomb asked Dr. Bramlett is the \$86,000 they have in reserve is City money. Dr. Bramlett said that this is money accumulated to back up the loan from the USDA for the Market Station project. Councilmember Holcomb asked that ADDC go ahead and use this money and then ask the City to help if they get in trouble. She stated that the City has already been advised by our auditor that we have to increase our reserve status.

Mayor Whitley stated that ADDC will need to keep some of their monies in reserve in case one of their fund raising events does not produce the funds expected.

Dr. Bramlett stated that he intends to ask the County but without support of the City, he thinks they will be hesitant to contribute and participate.

Councilmember Alexander stated that primarily this is the City's problem and if there is some type of injury, it will be the City's problem. He said that he thinks ADDC and the City should go half and half in this.

Public Works Director Mike Lambert stated that he has a meeting in Mooresville with NCDENR and he will ask about the City handling this disposed materials in our own landfill.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved paying for half the costs

in the demolition of the former All Star Mills Building up to \$75,000 total project cost, or \$37,500 each.

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 considered the Planning Board recommendation for the process to fill board vacancies. The City Manager noted that on November 24th the Planning Board voted to recommend to City Council that as a standing policy, the First Alternate be appointed to a regular member status, that the Second Alternate be moved up to First Alternate, and that new appointees be designated Second Alternate. This matter was laid over from the December 7 meeting of City Council. At that time, the City Council discussed that if they decided to adopt such a policy, it may also consider adopting a similar policy for the Board of Adjustment, which is the only other City board that has alternates.

Councilmember Alexander stated that a standing policy ties our hands and attendance of the candidates may not then be considered.

Councilmember Neel stated that he feels Council should sit down and determine how many board members there should be, should there be any alternates and if so, how many and do a makeover on the organization of the board.

Councilmember Townsend stated that he thinks Council should revisit the situation and make an exception if attendance is low and that they can be removed by Council. He said that he thinks this is a good policy that is presently in place.

Mayor Whitley asked Council should this be discussed with the Planning Board.

Councilmember Hall stated that if we have alternates, alternates should move up as a new appointment is made.

Councilmember Holcomb said that Council needs to decide if they want to continue to have alternates or not.

Councilmember Hall made a motion to approve the recommendation of the Planning Board for the process to fill board vacancies. The motion was seconded by Councilmember Townsend.

Upon voting on the motion, to approve as standing policy, the First Alternate be appointed to a regular member status, that the Second Alternate be moved up to First Alternate, and that new appointees be designate Second Alternate, the motion did not carry. Voting for the motion were Councilmembers Hall and Townsend. Voting against the motion were Councilmembers Alexander, Holcomb, Napier, Neel and Underwood.

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, the City Council approved deciding on a new organization and methods for the Planning Board and Board of Adjustment.

Mayor Whitley asked the City Manager to send each Council member a copy of the Planning Board and Board of Adjustment present members and alternates to have and discuss at the Wednesday, January 20 joint meeting with the Planning Board and Board of Adjustment at 6:30 pm.

The Mayor and City Council considered filling the unexpired term on the Planning Board. This item was held over by City Council from the December 7 Council meeting. City Council had also requested that staff provide a copy of attendance records for the first and second alternates on the Planning Board, Mr. Horne and Mr. Moser. Council received a copy of their attendance records for the past two years.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council agreed to hold this item over until a decision is made concerning new policies for the Planning Board and the Board of Adjustment.

The Mayor and City Council considered a resolution to set a public hearing for February 15 to consider Voluntary Annexation of a portion of Anderson Grove Baptist Church. The City Manager noted that Mr. Darrell Shaver, the Chairman of the Board of Deacons of Anderson Grove Baptist Church appeared before City Council in November to request voluntary annexation of property owned by the church that is adjacent to property already inside the City limits. This petition has been drafted, executed, and returned to the City and Assistant City Manager Michael Ferris has signed

the Certification for the petition. A copy of the petition, certification, map of the property and the resolution to set the public hearing were available for Council review.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution to set public hearing for February 15 to consider Voluntary Annexation of a portion of Anderson Grove Baptist Church.

(Resolution 10-05. To set public hearing for February 15 to consider voluntary annexation of property owned by Anderson Grove Baptist Church.)

The Mayor and City Council discussed the Morrow Chase Housing Development Grant Policies. City Council needs to approve a Section 3 policy for the Morrow Chase Housing Development Grant which addresses identifying local suppliers, consultants and contractors which will have an opportunity to bid on this project.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a Section 3 policy which ensures that contracts for work are awarded to business concerns located or owned in part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968 for the Morrow Chase Housing Development Grant.

The Mayor and City Council considered bids for financing for a Telephone System & Core Switches. Finance Director Colleen Conroy noted that bids were sent to 8 banks requesting proposals to finance \$232,802 over 59 months to finance the purchase of a new telephone system and computer network core switch, which were included in the current budget. Finance recommends approval of the low bid from Sun Trust at an interest rate of 2.815%. City Council received a tabulation of the bids received.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the lowest bid from Sun Trust at an interest rate of 2.815% in financing \$232,802 over 59 months to finance the purchase of a new telephone system and computer network core switch.

(Bid Tabulation)

The Mayor and City Council considered authorizing a letter of support for Homes of Hope, Inc. Homes of Hope is requesting a letter of support from the City to include with a grant application to the Office of Economic Opportunity for Emergency Housing. Assistant City Manager Michael Ferris is a Homes of Hope Board member and upon authorization has provided the letter in the past. City Council received a copy of a previous letter of support from the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council authorized a letter of support for Homes of Hope, Inc. to include with a grant application.

The Mayor and City Council received a report on Surplus Equipment that had been sold showing the amounts received for the last sale of surplus equipment. This memo also requested some additional equipment be declared surplus for sale.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the following items were declared surplus and ordered sold:

(Surplus List)

The Mayor and City Council received information on the Police Department's 2009 Annual Report.

Police Chief Ronnie Michael came before City Council to briefly give an overview of the annual report. He reviewed the increase in arrests, a slight increase in calls for service, the replacement of mobile computers which are an essential part of an officer's duties, drug investigations, community involvement and training. He pointed out the charts in the report and that Council could review those and he would answer any questions they may have.

The Mayor thanked Chief Michael for the good job he has done.

The Mayor and City Council received information on a grant from the State Energy office from American Recovery and Reinvestment Act Funding. This is a

\$54,137 grant to replace all of the street lights on Main Street with energy efficient LED lights. This grant will pay 50% of the cost to replace all of the street lights on Main Street from the east corporate limits to the west corporate limits.

The City Manager noted that the current street lights are high pressure sodium and mercury vapor, and mercury vapor lights have been discontinued due to environmental concerns. The City will eventually have to replace all of our MVL lights with something else. The total project cost is \$108,000 with the grant providing \$54,000. The estimated annual energy savings of this project is \$25,000 which will give the City a payback of just over two years. He commended Ernie Borders and Jonathan Misenheimer for their work on this grant. The City was one of only 7 Main Street cities in NC to receive a grant.

Public Utilities Director Ernie Borders stated that the labor for this project of \$30,000 has already been budgeted for. He commented that from College Drive to Sweet Home Church Road would be affected and the project would start up in the spring of this year.

Upon questioning from Councilmember Alexander, Mr. Borders stated that there would be a \$25,000 savings in just over two years.

Councilmember Holcomb thanked Council for the fruit basket sent to her while her mother was ill.

Councilmember Townsend asked the City Manager about an email regarding the annual homeless counts. The City Manager stated that he was not very familiar with this email.

The Assistant City Manager came before Council and stated that he had sent a press release to the Mayor and City Council from Director of Public Housing Garry Lewis concerning this for awareness. The City of Albemarle Department of Public Housing Director Garry Lewis is the Point-in-time Coordinator for Piedmont Regional Continuum of Care for Stanly County which has Stanly, Union, Cabarrus, and Davidson and Rowan counties in its region. Mr. Lewis handles the homeless “Point in Time” count which is needed information when applying for housing vouchers, grants and funds for agencies such as Homes of Hope and the Community Inn.

Councilmember Hall extended an invitation to Council for the Centralina Council of Governments board of delegates meeting on Wednesday, February 10.

Councilmember Neel stated that the Public Utilities and Public Works street division had been very busy as of late due to problems with water lines and power over the Christmas holidays. He thanked and commended both departments.

Councilmember Neel stated that at the last City Council meeting on January 4, it was mentioned that the Community Inn was full. Councilmember Neel stated that City Fire Marshall Brian Taylor was instrumental in approving the emergency status which allows the Community Inn to increase the number of people they are able to take in. He stated that he would like to thank Brian Taylor for his efforts in this.

Councilmember Underwood stated that South First Street will be paved up to Main Street by NCDOT.

Councilmember Alexander thanked everyone for all their prayers during his wife's illness and his bereavement.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the City Council adjourned to Wednesday, January 20 at 6:30 p.m. for a joint meeting with the Planning and Zoning Board and the Board of Adjustment.