

REGULAR MEETING CITY COUNCIL
March 3, 2009

The City Council of the City of Albemarle met in a regular session on Tuesday, March 3, 2009, at 5:30 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 Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the February 16 regular session were approved as corrected and the February 16 closed session were approved as submitted.

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

(Ordinance 09-08, To amend Ordinance 08-30, to set the meeting dates for the Parks and Recreation Advisory Board as second Monday of the month.)

Upon a motion by Councilmember Underwood, seconded by Councilmember Hall and unanimously carried, the following Resolution was duly adopted on March 3, 2009:

(Resolution 09-09, To donate two foam eductors to the West Stanly Volunteer Fire Department.)

Councilmember Townsend asked if the value of the eductors was known and also if there is a possibility of the City receiving publicity on this donation.

City Manager Raymond Allen stated that he did not realize this being a request at the last City Council meeting, but would gather this information on the eductor value and get back with Council. Mr. Allen stated that Fire Marshal Brian Taylor had talked to someone from the West Stanly Volunteer Fire Department about publicity of the donation. Mr. Taylor also said that the foam eductors were 20 years old and they do not carry an extreme value.

The City Manager provided an update on the status of the City Hall construction and renovation project. One item in particular is the construction of the exterior masonry walls on the south and east elevations of the addition. Mr. Allen stated that since the Council tour of the site this past Saturday, he had nothing new to add at this time.

The Mayor and City Council were provided with a presentation of a City of Albemarle water system model. Mr. Jim Woodie and Mr. Ben Clawson with Municipal Engineering Services of Garner, NC came before Council to present this model.

Mr. Woodie stated that this system is for collecting flow data and mapping results to use as a decision making tool. Mr. Clawson gave the demonstration and explained the pressure zones throughout the City that were labeled on the map. Several items mentioned were 1) information and layout of the system including the lines sizes, ages of pipes, diameter of tanks, overflows, the fluctuation of the levels and pump station information. 2) Also displays the estimate of water demands of larger companies versus residential. He also said that this model allows the user to see existing changes that need to take place or what you need to do for future planning of capital programs.

Councilmember Hall asked if the red dots represented an intersection of a street or a pipe. Mr. Clawson stated that this represented the intersection of pipes.

Councilmember Neel said that any engineer can gather information needed from this model. Councilmember Hall asked about the updating of this system model. Mr. Clawson stated that new data points can be added to adjust the accuracy up to 90-95%. He also stated changes in a particular zone would allow you to see if the pressure changes. Mayor Whitley said that this model would be very helpful and a simpler way to isolate problems and changes needed.

Mr. Clawson said that the work has been done and the model expansion can be input in and the model updated to simulate the present model.

Councilmember Neel stated the City would have to think about replacing the older cast iron pipes. Mayor Whitley thanked Mr. Woodie and Mr. Clawson for coming and presenting this water system model.

The Mayor and the City Council considered an agreement with Centralina Council of Governments for the administration of a Brownfields Grant. The City is part of a coalition along with Morven and Polkton, with Albemarle being the lead agency.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved an agreement with Centralina Council of Governments for the administration of a Brownfields Grant.

Mayor Whitley stated that there would be a meeting on Thursday, March 12 at 1:30 pm at the City Annex along with Polkton and Morven participating in this coalition.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council set a public hearing for April 6 to consider the recommendation of the Planning and Zoning Board to approve the request of First Assembly Church of God for a Conditional Use Permit to construct a parking lot on their property in an R10/Single Family Residential District.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council set a public hearing for April 6 to consider the recommendation of the Planning and Zoning Board to approve the request of Kent and Dale Newport to rezone a lot on the west side of Leonard Avenue from R8/Two Family Residential to GHBD/General Highway Business District.

The Mayor and City Council considered the proposed sale of the building at 167 North Second Street to the Bank of Stanly. The City and the Bank of Stanly have negotiated a sale of this building which is currently leased to the Bank for a retail banking operation. The sales price for the building is \$300,000 with a third of the sales price due at closing and with four payments of \$50,000 over the next four years with

interest on the unpaid balance at the same rate as the City Hall loan. The sale will have to be formally approved by City Council and then this transaction will be advertised for upset bids as required by NC law.

City Manager Raymond Allen stated that City Attorney David Beaver had staff shortages in his office and also that Attorney Henry Doby had been out of the office due to health problems. Mr. Allen said that it would be better to postpone this matter to Monday, March 16 Council meeting.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, City Council approved postponing a decision of the sale of the building at 167 North Second Street until the Monday, March 16 meeting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council authorized the completion of the design and survey for Phase II of the greenway system.

Councilmember Hall asked if this project needed to be shovel ready for stimulus funding. The City Manager stated that this is correct and the reason for the proposal. Upon questioning, the City Manager explained the location of Phase II.

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

(Resolution 09-10, Authorizing a Clean Water Management Trust Fund Grant application for proposed Salisbury Avenue water line project.)

Councilmember Neel asked if this application would be for a loan or grant. The City Manager stated that any water and sewer projects would only be for a loan. It would be for a 20 year term with no interest. Mayor Whitley stated that this is a \$2.1 million dollar project.

The Mayor and City Council discussed the status of the federal government stimulus package. The City Manager stated that the City is looking in all potential areas and does not know exactly what the City will receive. Mr. Allen also said that he viewed a web cast through the National League of Cities on stimulus funds. Councilmembers may go to <http://www.nclm.org/stimulus.htm> for general information and links to more information on the stimulus package.

The City Manager stated that the City is looking at:

- 1) Replacing Fire Station #2 on NC Hwy 73 and hopefully creating a combined Police and Fire Station there like Fire Station #1
- 2) Street resurfacing
- 3) And any other projects to take advantage of this funding.

Councilmember Hall thanked the City staff and the City Manager for getting these shovel ready projects ready.

The City Manager said that Council could go to the NC League website to look at updated information about individual programs and availability of funds. This information will be updated frequently.

The Mayor and City Council reviewed a list of streets proposed for resurfacing if the City is able to receive federal stimulus funds for street projects. Most of the streets proposed are larger projects that it would take the City several years to fund and complete, but that are all in need of resurfacing.

Public Works Director Mike Lambert stated that his staff had prepared a list of streets needing paving for Council discussion and approval in case of stimulus funding.

Councilmember Townsend asked Mr. Lambert how his department determined the list of streets in most need of repavement. Mr. Lambert stated that they use public input, staff input, repair work already completed, and the City Manager and Assistant City Manager and himself looking at the street status. Once all of this is analyzed, choosing streets in need of repair equally throughout the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved a list of streets for resurfacing pending the availability of federal stimulus funds.

(street resurfacing list)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council reappointed Mr. Joe Calloway to a three year term on the Albemarle ABC Board.

Bids for the sale of surplus scrap metal were presented to the Mayor and City Council. Bid tabulation is as follows:

(Bid Tabulation – Scrap Metal Sale)

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council awarded the bid for the scrap metal to the highest bidder in each category of bid received.

The Mayor and City Council discussed 2009 State legislative issues. The City Manager discussed several items now in the legislature and also information on the electronic league bulletin with North Carolina League of Municipalities. Some of the important topics are:

- 1) Challenges to Annexation
- 2) Legislation introduced to lift prohibition on collective bargaining between labor unions and city, county or state government

Mr. Allen asked Council to think about how they would like to communicate to the legislative group, individually or as a group. He stated to Council that administration could send out letters from Council and Council agreed. Mr. Allen also encouraged Council to attend the legislative breakfast on Monday, March 23, 2009 at Stanly Regional Medical Center in the Family and Education Center starting at 7:15 am. Mayor Whitley and Councilmembers Underwood, Holcomb, Neel and Napier agreed to attend.

The Mayor and City Council were advised that the City of Albemarle has been designated a Tree City USA for the second consecutive year.

Councilmember Holcomb stated that she would like to see Council try having the Council meetings for the summer starting at 5:30 pm in May. She said this would save energy by using power less hours after dark and it would be convenient to stay and not go home and come back to the meeting at 7:00 pm. She requested Council to look at having the meetings at 5:30 pm starting with the first meeting in May 2009.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, the Council voted on beginning the City Council meetings at 5:30 pm starting with the first meeting in May. Voting for the motion were Councilmembers Alexander, Holcomb, Napier, Townsend, Underwood. Voting against the motion were Councilmembers Hall and Neel. The motion carried.

Councilmember Townsend asked the Assistant City Manager if there had been good response from the new E-Gov Action Line service request system for the City. Mr. Ferris stated that the City had been getting the word out to the public about this service such as by the bill stuffer. He said that the City is getting responses for items such as street improvements and utility (street lights) and will receive more as time goes on and the public has full awareness of the service.

Councilmember Neel mentioned a request of Representative Justin Burr relating to a problem of speeding on South 3rd Street near Main Street in front of his business. Mr. Burr described the problem to Councilmember Neel as people seeing the countdown on the pedestrian crosswalk signals and drivers trying to beat the changing of the traffic signal. Mr. Burr was requesting if something could be done about this. The City Manager stated these are NCDOT pedestrian crossing signals and that he would refer this request to NCDOT.

Councilmember Hall asked Public Utilities Director Ernie Borders if he had received any contact with Catawba Nuclear Station about surplus property for sale. Mr. Borders stated that he had not but he had been in contact with Karen Moore with Duke Energy.

Mayor Whitley asked if there was any one in the audience that needed to speak or make comment and there was no one.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 2, 3 and 5 to prevent the premature disclosure of an honor or award, to consult with the City Attorney and to discuss real estate matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318(a) 2, 3 and 5 to prevent the premature disclosure of an honor or award, to consult with the City Attorney and to discuss real estate matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council voted to rescind previous action of postponing a decision of the sale of the building at 167 North Second Street until Monday, March 16 Council meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the selling of property located at 167 North Second Street to the Bank of Stanly for the sum of \$300,000 with one-third of the sales price due at closing, then with four equal installment payments of \$50,000 over the next four years with interest on the unpaid balance at 3.43%, subject to the advertising requirements for the opportunity to submit upset bids.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council adjourned to Tuesday, March 10 for a budget work session at 5 pm in the City Annex conference room.