

REGULAR MEETING CITY COUNCIL
March 16, 2009

The City Council of the City of Albemarle met in a regular session on Monday, March 16, 2009 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, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Councilmember Martha Sue Hall.

Mayor Whitley made a presentation of a retirement certificate to Gary E. Dick for 28.2 years of service.

Mayor Whitley presented a memorial resolution 09-04 honoring the service of Councilmember T. E. White. Mrs. T.E. White and members of her family were present to receive a framed copy of this resolution, which was adopted by City Council on January 5.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the minutes of February 28 adjourned session, March 3 regular session; and March 3 closed session were approved as submitted. The minutes of February 26 adjourned session was approved as corrected.

Councilmember Neel stated that Councilmember Hall was not present at tonight's meeting due to being in Washington, DC at the National League of Cities meeting serving on an advisory committee representing the City.

Public Housing Director Garry Lewis informed Council about the Strive to Save the Community March on Friday, March 27 between 7:00-9:00 pm.

Mr. Sam Smith, Cub Master, and Cub Scout Pack 191 were in the audience to observe the City Council meeting. This Cub Scout troop meets at Central United Methodist Church. Councilmember Underwood requested they be placed on the agenda as an announced delegation to observe the meeting as part of their requirements.

Mr. Smith thanked City Council for allowing the scouts to visit the meeting. He said they were working on their citizenship badge and visiting a government office would be a part of achieving this badge.

Councilmember Neel stated that Mr. Smith is a fine man and would be a great leader for these scouts to learn from.

Ms. Angela Barbee, Pleasant Grove Baptist Church was not present to request waiver of field use rental fees for a charity softball tournament on May 1-2, 2009 to benefit Relay for Life. She had contacted the Parks and Recreation Department, and the field at Rock Creek Park is available for this event.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a request to waive field use rental fees for a charity softball tournament on May 1-2, 2009 to benefit Relay for Life.

Ms. Carrie Lyerly came before City Council as an unannounced delegation to request the renaming of Center Street to T.E. White Sr. Drive in recognition of his life service.

Mayor Whitley said that he had already spoken to Ms. White about this and Ms. White had requested to name Center Street Timmie E. White Sr. Drive. This street runs between Dr. Martin Luther King, Jr. Drive and East Main Street.

Upon a motion by Councilmember Townsend, seconded by Councilmember Neel and unanimously carried, the City Council approved renaming Center Street to T.E. White Sr. Drive in honor of the life service of T.E. White, Sr.

Mayor Whitley stated that City Council had a copy of the monthly departmental reports in their agenda packet and asked if there were any questions.

Councilmember Townsend asked if there were any updates of NCDOT placing a traffic island on NC Hwy. 740 for customers going into the new Waffle House. The City Manager said that he does not know the answer to these questions but would follow up with NCDOT.

City Manager Raymond Allen provided an update on the City Hall construction and renovation project. The monthly Owner/Architect/Contractor meeting was held on March 5, and the new architectural team for the City project was introduced to the contractors and subcontractors. The project schedule was reviewed and the project completion date continues to be the end of September. Mr. Allen stated that he had nothing new to report.

Councilmember Neel asked about the new architect team with Creech. Mr. Allen explained the reassignment of new people from layoffs due to the economy. Krista Karlson and John Davis will be the lead team members, and will be assisted by Sam Deadmon.

The Mayor and City Council considered a resolution to accept federal stimulus funds for the Department of Public Housing. The Department of Public Housing has been awarded \$458,477 federal stimulus funds for Capital Improvements. The City's Department of Public Housing has received these capital funds as part of the federal economic recovery package. These will be used to help fund capital repairs at Amhurst Gardens.

Public Housing Director Garry Lewis came before City Council to request authorization of this resolution for acceptance of federal stimulus funds for the Department of Public Housing.

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

(Resolution 09-12 - To accept \$458,477 in federal stimulus funds for capital improvements in the Department of Public Housing.)

Public Housing Director Garry Lewis and Mr. Wayne Stogner with Stogner Architecture, PA of Rockingham, NC came before Council to explain the bid tabulation and to review the funding sources. After reviewing the bids with Gene Rehuba of HUD, Mr. Stogner has deemed that three bidders are to be considered Non Responsive per the project manual. The lowest responsible bidder is Central Builders, Inc. of Rocky Mount, NC for a total of \$906,957. The low bidder, Colmar Contracting failed to bid three of the alternates and Mr. Stogner said that each bidder had to bid on all alternates to be considered responsive. Colmar Contracting has appealed their disqualification and stated that Council had received a copy of the letter from Colmar Contracting. Mr. Stogner explained the alternates and exactly how the bids were calculated and that HUD requires deduct alternates. He stated that he feels really good about the bids received.

Councilmember Neel stated that with the post offices cutting costs due to the economy, older houses in the City that have door to door delivery may be a thing of the past for other structures and the post office will probably require a mailbox at the curb. He also stated that cluster mailboxes at Amhurst may need to be considered. Mr. Neel also stated that in his calculations of the bid, he had Black as the low bidder. Mr. Stogner stated that he would check on this or rerun the calculations now if Council preferred.

City Manager Raymond Allen stated that Public Housing Director Garry Lewis and Mr. Stogner could be excused to recheck the calculations on the bids after Mr. Lewis appeared before Council for the upcoming item on the agenda.

Mr. Stogner came back before Council and stated the calculations were correct as stated after checking them again. Councilmember Neel stated that he had found his error in his calculations and Mr. Stogner was correct.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved awarding the contract for improvements at Amhurst Gardens to Central Builders, Inc. of Rocky Mount, NC recommended by Stogner Architecture.

(Bid Tabulation)

The Mayor and City Council reviewed the proposed updates to the Department of Public Housing 2009 Agency Plan. HUD allows housing agencies to update policy and also submit Capital Fund requests and a public hearing is required prior to City Council approval of the updates.

Public Housing Director Garry Lewis stated he wanted to make Council aware of proposed policy changes. Mr. Lewis reviewed the agency plan updates with Council. The proposed budget is to be sent to HUD, including an update of agency plans. Mr. Lewis stated that he would be talking with the residents at Amhurst Gardens at a public hearing on April 1. He will then come back before Council at its April 6 meeting to report back to Council.

The Mayor and City Council discussed the proposed update of Parks and Recreation Fees and Charges Policy. In 1993, City Council adopted a fees and charges policy for the Parks and Recreation Department that determines how fees are computed for programs and activities. Adoption of the proposed policy will increase revenues and help offset costs of Parks and Recreation programs and facility use. This proposal has been reviewed and approved by the Parks and Recreation Advisory Commission. This would require the users of Parks and Recreation programs to pay more of the costs of these programs, which are currently heavily subsidized by property taxes and other tax revenue.

Parks and Recreation Director Toby Thorpe came before City Council and presented the new fees and charges policy for his department. Mr. Thorpe stated that since 1993 there had been no review of how the City determines the amount of increases for the department. He stated that the City wants to charge fair costs and consistency of fees by having a plan. He explained the need for this policy. Basic services and basic facilities used were defined and the charges for these services. Also, special services and special facilities may cause extra personnel, supplies and recreation fees to be charged.

Mr. Thorpe reviewed the Parks and Recreation proposed schedule of fees and charges revised from 1993. Mr. Thorpe reviewed the athletics and the percentage of direct cost recovery by the department for the adult and youth programs and residents versus non residents. Classes with outside instructors set their own fees and pay the department back 25% of the gross revenue. Recovery for these classes are 75% for the youth classes and 100% for the adult classes.

Also, Mr. Thorpe talked about the refund policies in place and used examples demonstrating how they would be applied.

Councilmember Holcomb asked if someone had a terminal illness, would they be able to receive a refund. Mr. Thorpe stated he and his department would use common sense and this type of situation would be considered.

Councilmember Napier asked Mr. Thorpe about the charges for using the picnic shelter at City Lake Park for ½ day. Mr. Thorpe stated that for ½ day residents would be charged \$15 and non residents would be charged \$25. For a full day the resident charge would be \$25 and the non resident charge would be \$35 based on memory without having the fee chart in front of him.

Councilmember Neel responding in reference to no charge for churches and charity events, stated that if the City sets aside fees charged for certain teams and activities, someone always wants to be excused from fees for some reason or another. He said that the City needs to do this for all or not do it.

Councilmember Holcomb said they need to have an effective date of this and notify the public of this change. She also agreed with Mr. Neel that it should be all or none of the free services to churches and charity events.

Mayor Whitley asked Mr. Thorpe how many charity events were approved in the course of one year. Mr. Thorpe stated that probably around 4 to 5 charity events were approved last year.

City Manager Raymond Allen stated that Mr. Thorpe had mentioned at the budget work session of charging a reduced fee for the charity events. Mr. Thorpe asked that Council give the department authority to adjust over time as economy changes. Mayor Whitley said the City should change the charitable policy to half price and have a motion supporting this and to notify the public about this.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved changing the Parks and Recreation schedule of fees and charges, including the changing of the policy relating to charitable fees to half price of actual costs and to notify the public of this change.

The Mayor and City Council considered a proposal of a Summer Day Camp Program For some time, the Parks and Recreation Department has

explored the feasibility of offering a summer day camp program. Current economic conditions will likely result in many families not having an affordable daily summer activity option for school age youngsters. Recreation Superintendent Oliver Webster has researched community partnerships and alternative revenue sources and presented a proposal for such a program in which Albemarle Parks and Recreation would be the lead agency. Mr. Webster and Parks and Recreation Director Toby Thorpe met with City Manager Ray Allen and Finance Director Colleen Conroy regarding this concept on February 18. It was decided that the program could only be offered if it was self-supporting.

Parks and Recreation Director Toby Thorpe came before Council and stated that Parks Superintendent Oliver Webster has worked very hard on this proposal and would be giving the presentation tonight. Mr. Oliver gave a PowerPoint presentation explaining all details of the proposed Summer Day Camp Program. This camp would be for 10 weeks during the summer months from June 15 to August 21. The camp would be held Monday through Friday from 8 -5pm at Central Elementary School for ages 6-12 years of age. The camp would be open from 6:45 am until 6:15 pm and would also supply lunches and a snack each day for the kids. Mr. Webster stated that this involves an inexpensive way to meet the needs of working families by creating a safe and learning environment for the kids participating. The camp will focus on outdoor sports and education and instill healthy habits and provide a safe environment. Mr. Webster lastly went over the budget expenses and budget revenues for this non profit camp and the sponsors that would be involved in this program.

Mayor Whitley asked about the liability of the City on injury. Mr. Webster stated that a parent would sign a waiver just like any other parks and recreation program.

Councilmember Holcomb stated that the parents could receive insurance through the school for \$2-3 a month. Mr. Thorpe stated that many parks and recreation departments use a company endorsed by NRPA (National Recreation and Parks Association) in which a participant can purchase excess coverage at the time of registration, and that the City could provide that if needed.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved the Summer Day Camp Program of the Parks and Recreation Department.

The Mayor and City Council per request of Councilmember Neel decided to lay over the discussion about the Annexation Feasibility Report

presented on February 26, 2009. A detailed presentation on this report was provided to City Council by Benchmark, Inc. on February 26, and the consultants answered questions from City Council regarding the report.

The Mayor and City Council considered acceptance of 2009 Recycling Grant from NC Department of Environment and Natural Resources. Public Works Director Mike Lambert and Special Projects Officer Darren Preslar with the Department came before City Council recommending the acceptance of the 2009 Recycling Grant of \$30,000 from NCDENR. This will require a \$6,000 match from the Solid Waste Fund. Mr. Lambert stated that Mr. Preslar had researched and wrote the grant.

Mr. Preslar stated that a \$30,000 grant from NCDENR had been received to establish a facility to recycle items such as latex paint, cardboard, oil filters and wooden pallets that come into the landfill and will help with the Hazardous Waste Event offered by the City and County. Mr. Preslar said that he had talked with Jerry Morton, Director of Maintenance with Stanly County.

Mayor Whitley asked about the timeline and when it would be open. Mr. Preslar stated that NCDENR had given the City one year from applying to completion to open this to the public. Mr. Lambert stated that this is a 2009-2010 budget year grant and that no construction will start up until after July 2009. Mr. Preslar stated that the grant includes an insulated and conditioned metal building, a metal carport, and a vertical baler. These structures and machinery would be utilized to help facilitate the collection and recycling of used oil filters, later paint, corrugated cardboard and wooden pallets. The total projected project budget is an estimate of \$36,000.

Councilmember Holcomb asked if they would charge people to bring this to the City. Mr. Lambert stated that he and Mr. Preslar would be back before Council with the specifics.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved acceptance of the 2009-2010 Recycling Grant from the NC Department of Environment and Natural Resources for \$30,000 and a \$6,000 match.

The Mayor and City Council considered the approval of a sealed bid for surplus firearms. Notices of these bids were sent to several firearms dealers,

but the City only received bids from one company. Police Chief Michael advised that this is an acceptable bid based on the age and condition of the weapons, so he recommended award of the bid. He stated that for the lump sum amount for the first 14 items, the department will receive a credit to purchase new items for the APD from this company.

(Sealed bid for Firearms)

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved acceptance of the sealed bid for surplus firearms.

The Mayor and City Council considered acceptance of a Capital Improvement Grant from NC Department of Environment and Natural Resources. No local match is required in receiving this grant. Darren Preslar with the Public Works Department stated that this grant provides for the purchase of an industrial band saw for \$7,268 and a BACE bailer for \$13,875 to be used 100% of the time for the City's white goods program. Mr. Preslar stated that there would be 100% reimbursement from NCDENR available immediately

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council approved the acceptance of a Capital Improvement Grant from NCDENR to be used to purchase a band saw and a BACE bailer for the City's white goods program.

The Mayor and City Council considered the request to set public hearing for a Justice Assistance Grant. Police Chief Michael discussed this grant during the budget work session on March 10.

Police Chief Ronnie Michael came before City Council and stated that this grant is for purchasing new video cameras and replacing existing cameras for patrol cars. The department will be applying for this grant in cooperation with the Sheriff's office. Chief Michael said that a public hearing needs to be set for the first meeting in April to allow comments on the proposed application.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council set a public hearing for April 6 to allow comments on the Justice Assistant Grant.

The Mayor and City Council received a report on the estimated value of foam eductors declared surplus and donated to West Stanly Fire Department. Members of City Council had requested an estimate of value for these eductors. Fire Marshal Brian Taylor has estimated these are worth approximately \$50 each for a total value of \$100. These would have cost between \$450-\$500 new, but they are more than 20 years old.

The Mayor and City Council delayed discussion of a proposal to issue citations to pedestrians and runners in the street who do not use sidewalks when they are available. Councilmember Neel brought up this issue at the February 16 Council meeting, and Chief Michael investigated the possibility of a local ordinance.

The Mayor and City Council considered rescheduling the May 18 City Council meeting due to conflict with Stanly County Sports Hall of Fame Banquet. Councilmember Hall had noted that these two meetings are in conflict with each other, and that several members of City Council typically attend this event. If members of Council are interested in attending this event, the City Council meeting can be rescheduled. Councilmembers that will be able to attend the Stanly County Sports Hall of Fame Banquet were asked to let the City Manager know.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved rescheduling the City Council meeting to Tuesday, May 19 at 5:30 pm in Council Chambers.

The Mayor and City Council considered attendance at the YMCA Community Prayer Breakfast-April 8, 2009. This event will be held at Stanly Regional Medical Center at 6:30 a.m. The City Manager stated if anyone on City Council was interested in attending this event, he can order tickets for them. Mr. Allen stated that a table can be reserved for parties of 8 or more. Councilmember Neel and Underwood confirmed attendance.

Councilmember Townsend stated that he attended a Charlotte Bobcats game and the East Albemarle Elementary jump rope team performed at the half time of the game. He said that Council and the City would be very proud of them.

Councilmember Holcomb said that the Public Works road crew performed a great job on paving the end of Montgomery Avenue. She said that there is still a hole in the pavement at Peachtree Street at the intersection of Montgomery Avenue.

Councilmember Neel stated that NCDOT should be notified about a large hole that is around 6 inches deep at the corner of Ridge Street and Pee Dee Avenue.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 3 and 5 to consult with the City Attorney and to discuss real estate matters.

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 NCGS 143-318(a) 3 and 5 to consult with the City Attorney and to discuss real estate matters and that there was nothing to report at this time.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council adjourned to Wednesday, March 18 at 6:30 p.m. for a joint meeting with Planning and Community Development, the Planning Board and the Board of Adjustment.