

REGULAR MEETING CITY COUNCIL
May 19, 2009

The City Council of the City of Albemarle met in a regular session on Tuesday, May 19, 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.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of May 4 regular session; May 4 closed session; May 11 adjourned session; and May 12 adjourned closed session were approved as submitted.

A public hearing was held to consider the Fiscal Year 2009/2010 City of Albemarle Budget which has been available for public inspection and review since May 4.

The City Council can make any changes they choose between first and second readings, and can have second reading on the ordinance at either the June 1 or June 15 Council meetings, at their option. The City Manager provided additional information that City Council requested at the May 11 and May 12 budget work sessions. No one from the public spoke for or against the proposed 2009-2010 budget.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 09-17) “2009-2010 BUDGET ORDINANCE FOR THE CITY OF ALBEMARLE, NORTH CAROLINA” passed first reading.

Upon further discussion, the City Manager stated that Council would find a handout at their desk of answered questions that were previously asked at the budget work sessions on May 11 and May 12. He said to review this until the

next meeting and if there were any more questions they could be discussed at that time.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved passing second reading of the proposed 2009-2010 budget on June 15.

The City Manager stated that any questions could be discussed at the June 1 City Council meeting.

Ms. Cynthia Pope, 1012 East Main Street came before City Council as an announced delegation to discuss concerns about speeding on East Main Street.

Ms. Pope contacted the City Manager's office a couple of weeks ago to express concerns about the traffic volume and speeds on East Main Street. She indicated that traffic volumes have increased significantly in the last several months. She had suggested several options such as lowering the speed limit to 25 mph, prohibiting truck traffic and creating a four way stop intersection at Cotton Avenue and East Main Street. She stated that the speed only decreased while the traffic trailer was present. The City Manager stated that on NCDOT maintained streets, any such measures would require the approval of City Council and the concurrence of NCDOT.

The Police Department placed the traffic information trailer on the street to advise motorists of their speed, and to count the volume of traffic. Using the traffic information unit, only a relatively small number of vehicles exceeded the speed limit enough to warrant a citation. Also, the traffic volume was less than in 1994 or 1996 for the same 6 hour period.

Councilmember Napier asked Ms. Pope if she had contacted NCDOT and she stated that she had not. Councilmember Holcomb asked Ms. Pope how long she had resided on East Main Street and she replied that she had lived at 1012 East Main Street for seven years. Ms. Pope stated that the excess speeding had gotten worse since the stop signs were placed on Pee Dee Avenue, causing more traffic to filter over onto East Main Street.

Mayor Whitley stated that there is a speeding problem on a lot of other streets in the City also. He stated that he is aware that people will slow down while being monitored. Police Chief Michael came forward and reviewed

the report given to Council on the concentrated enforcement effort on East Main Street.

Councilmember Townsend asked how long the street had been monitored. Chief Michael stated that the monitoring was over a two week period. Chief Michael stated that the traffic had previously been heavier on East Main before the NE Connector and the NC Highway 24/27 Bypass were created. Councilmember Hall reiterated that the Pee Dee Avenue stoplights now in place were a big cause of this problem on East Main Street and that this route using East Main Street was the old NC 73 route.

The City Manager stated that City Council along with NCDOT would have to agree before the speed limit could be lowered on this street. He also said that if tickets are written for less than 10 miles over the speed limit that they are usually thrown out of court. So, he said that the speed limit of 35 is really 45, before anything is usually done by the court system.

Councilmember Neel stated that most city streets in the State of North Carolina are uniformly 35 mph. Chief Michael stated that a letter could be sent to NCDOT asking them to recommend what would be best to do in this situation. Ms. Pope asked that City Council send a letter to NCDOT for their recommendation. Mayor Whitley stated that a letter would be sent and they would keep Ms. Pope informed.

Ms. Helen Hutchinson, 800 East Main Street, stated that she has lived there a long time and is home most all day and is very aware of the speeding on her street. She said once they are at the top of the hill coming from Five Points, some vehicles are speeding like on a drag strip. She asked that City Council try to do something about this.

Mayor Whitley stated that no one on City staff is a traffic engineer and this needs to be analyzed by a traffic specialist with NDCOT. A letter will be sent to NCDOT for their recommendation and the City will keep the residents informed of the progress.

Mr. Clinton Black, CM Black, came before City Council as an announced delegation to provide the status report on the City Hall project. Mr. Black stated that on the second floor, the case work had been completed, walls are primed, ceilings are in, acoustical panels are being placed and there is fresh paint on some of the door frames. The floor covering and medallions will be complete in the next couple of weeks. He also stated that on the first floor that all the trim work was complete and the walls primed. In the old part, the hardwood floors are

in but not stained and finished yet, in the process of finishing loose ends on both floors.

Mr. Black stated that if Council would like to take another tour, to get in touch with Jon Mendenhall and he would in turn, contact the superintendent to set up a tour. He said that he would be glad to come down and take Council on a tour himself.

Mr. Black stated that he would like to give Council an update on the steel situation. He said that he had been pleased with Palm Steel's bonding company in dealing with these issues with Palm Steel. He noted that one subcontractor had raised issues about the certifications of some of the employees working on the steel, but he felt confident this would be resolved. He said that he would keep everyone updated on what is going on with this issue.

Councilmember Neel asked if the elevator is up and running. Mr. Black said that it would not be ready until the elevator company does the final inspection. Councilmember Hall asked the estimated time of completion and Mr. Black stated that it is still the September date.

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.

The Mayor and City Council considered a budget amendment to appropriate Police Department funds received from several sources throughout the year. This ordinance appropriates unbudgeted funds we have received during the fiscal year. These funds are from a grant for bulletproof vests, the sale of fixed assets and surplus property, insurance settlements and miscellaneous revenue such as court judgments. The amendment will permit the purchase of an additional police car this year, and other equipment.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, and Ordinance entitled (Ordinance 09-18) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AN ORDINANCE TO AMEND FY 2008-2009 BUDGET" passed first reading.

The Mayor and City Council considered an agreement with Synagro for cleaning of aeration basins at Long Creek WWTP. This proposal is to clean accumulated sludge out of the aeration basins at the wastewater treatment plant.

Stephen Chambers of Chambers Engineering, PA came before City Council stating that he had solicited and received proposals from two qualified firms that deal exclusively in sludge removal services. They would remove the sludge from the basins, dewater it, and haul it to the City of Albemarle Landfill and the Water and Sewer Fund would pay the per ton fee to the landfill for disposal. The project would begin in the current fiscal year, and would be complete early in FY 2009-2010. Funds are budgeted in both fiscal years for this project. This project is a very high priority in the recommendations that NCDENR made to the City for improvements at the WWTP.

Mayor Whitley asked Mr. Chambers how the sludge would be dried. Mr. Chambers said that a belt press would be used to extract the water. Each truck load would be sampled by Synagro with the City receiving a sample for testing every 5th load. This sludge will go to the landfill wet, opposed to paying someone to completely dry it.

Upon questioning, Mr. Chambers stated that the consistency is like a cooking dough or play dough cake. Mr. Neel stated that the sludge will dry completely over a period of time. Councilmember Hall said that she is concerned of the excess tonnage of liquid being payed for disposal. She asked Mr. Chambers if there were any proactive measures being taken and Mr. Chambers stated that this sludge cannot set out to dry, it has to go to the landfill.

Mr. Chambers stated that he will keep Council updated on the tonnage involved. He stated that this was a cumulative problem and should not happen again if preventive measures are taken.

Mayor Whitley asked Mr. Chambers if there should be any concern over the odor at the landfill. Mr. Chambers stated that he would check on this and see what control measures will take place.

Mr. Chambers stated that Synagro also offers a residuals management program which would help to prevent this type of thing from happening. This would be a turn key package in which they handle everything and assume all risks, making sure everything is within compliance. This would involve an every 4-8 weeks of disposal of sludge which would then be land applied, not going into the landfill. Mr. Chambers stated that Charlotte as well as Oakboro are already contracting with Synagro for this service.

Councilmember Hall stated that Council should look at this closer in the next couple of months. Mr. Chambers stated that Council could continue this process and then decide in the future to handle it this way with someone like Synagro to handle the residuals management. He stated that this should cost, based on the sludge removal cost of 8 million gallons at \$.04 per gallon of up to \$320,000.

Councilmember Alexander stated that the City should look at the cost of running this type of program for ourselves versus having it contracted. Mayor Whitley asked Mr. Chambers if he would come back with a proposal of companies that handle residuals management based on our needs.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, City Council approved the proposal with Synagro to clean accumulated sludge from the aeration basins at the Long Creek Waste Water Treatment Plant.

The Mayor and City Council decided to review the update on the EGov Citizen Request System at the next City Council meeting due to wanting the public to see this demonstration. This Council meeting was not being filmed for television broadcast tonight.

The Mayor and City Council considered a request of Central Council, Boy Scouts of America to use Chuck Morehead Park and for a waiver of the City's firearms ordinance to conduct archery and bb classes for the Cub Scout day camp to be held at Morehead Park. This is the same request that City Council has approved in previous years. The day camp is scheduled from June 22 through June 26, and they have agreed to file a certificate of insurance with the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, City Council approved the request of Central Council, Boy Scouts of America to use Chuck Morehead Park and to waive the City's firearms ordinance to conduct archery and bb classes for the Cub Scout day camp to be held at Morehead Park scheduled from June 22 through June 26.

The Mayor and City Council considered a resolution to express concerns about the American Clean Energy and Security Act of 2009 introduced by Congressmen Waxman and Markey. The City Manager drafted a resolution using information provided by ElectriCities of North Carolina as requested by Councilmember Neel and approved by City Council at one of the budget work sessions last week.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution to express concerns about the American Clean Energy and Security Act of 2009 introduced by Congressmen Waxman and Markey.

(Resolution 09-21 - To express concerns about the American Clean Energy and Security Act of 2009 introduced by Congressmen Waxman and Markey.)

The Mayor and City Council reviewed a report on the Bobbie Rorie properties at 1136 and 1138 Gibson Street. These properties are deteriorated and need to be rehabilitated or torn down. There have also been numerous reports of illegal activities taking place there.

Planning and Community Development Director Bob Sasser came before City Council and stated that Council had read his letter explaining the situation on Gibson Street. He stated that a letter had been sent to Mr. Rorie in February of 2008, Mr. James Luster with Centralina Council of Governments talked with Mr. Rorie's sister in March 2008, and Mr. Luster talked with Mr. Rorie twice more later in 2008 and nothing had been done to improve the property. This property is in a much deteriorated condition, and the City has gotten complaints from neighbors about this property. Mr. Sasser said that he has requested that James Luster proceed with the process for condemnation as soon as possible.

Chief Michael stated that there had been a couple of arrests with a murder at this location. He said that the site needs to be revitalized with good owners and then something can be done with the neighborhood.

A neighbor, Ms. Maske came before Council and said that she had also contacted Mr. Rorie with no response. She said that the owner lives out of state and that all of his properties here are run down and full of drug problems. She asked that City Council condemn this property and tear it down.

Councilmember Hall stated that Council needed to look at Mr. Rorie's other properties if in this same condition and do the same for those. Councilmember Holcomb stated that the City should have someone watching these properties from the Police Department. Chief Michael stated that he already has officers watching these properties, but for the officer to intervene, illegal activity has to be observed by an officer. Councilmember Townsend stated this is terrifying not only to the neighbors, but drivers and people walking, as they stop or pass by the intersection of Gibson Street and Arey Avenue.

Mr. Sasser stated that he knows how important this issue is and he and Mr. Luster of CCG will be staying behind the process and that they would fast track the condemnation and should have an ordinance to City Council for demolition by September 2009.

The Mayor and City Council reviewed expiring terms on City Boards and Commissions.

Councilmember Hall stated that maybe the City should notify the Stanly News and Press and the local radio station and supply a list of commissions with the openings on each board for public announcement for citizens interested in serving. She also said that appointments should be made by the June 15 Council meeting, since some terms expire July 1, 2009.

Councilmember Neel stated that the City should check the attendance of each appointment that expires in July 2009 before reappointing any existing members. Also, he stated that the City should contact the members with appointments expiring to see if they would be interested in serving another term.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, City Council approved the contacting of board members with appointments expiring terms to see if they would like to serve another term.

Dr. Chris Bramlett, Chairman, ADDC came before City Council as an announced delegation to present a Certificate of National Main Street Accreditation. The Albemarle Downtown Development Corporation has been reaccredited by the National Main Street Center.

The Mayor and City Council reviewed a letter of thanks to Albemarle ABC System for after profit distributions. The City Manager drafted a thank you letter to the ABC Board pursuant to a suggestion from Councilmember Holcomb at the May 4 Council meeting and the concurrence of the City Council.

Councilmember Holcomb stated that Joe Calloway along with the other two board members were instrumental in this profit distribution and would like to send a thank you letter to all members, as well as the store manager, Ms. Cranford. The Mayor stated that this would be no problem and the letter would be drafted.

The Mayor and City Council discussed the City Employee Picnic. As a cost savings measure, the annual employee benefits fair and luncheon has been eliminated, which had a catered meal. The management team would like to recommend a cookout at City Lake Park for employees, with the City Manager, Assistant City Manager, and Department Heads preparing, serving, and cleaning up after the meal, with some assistance from other employees.

The City Manager stated that since the recommended budget does not include any provision for merit or cost of living salary increases this year, this would be a small gesture to show appreciation to our employees. He also stated that this is proposed to be held on Thursday, June 18, if approved by Council.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, City Council approved a cookout at City Lake Park for employees on Thursday, June 18.

The Mayor and City Council reviewed information on the approval of the transfer of voters for the 2009 municipal elections. The City has received notification that the transfer of voters in the municipal election requested by City Council has been approved by the Stanly County Board of Elections and the State Board of Elections. The Mayor and Council were given the notification from the Stanly County Board of Elections. This will apply to the 2009 municipal elections. A letter to voters notifying them of their polling place change was also given to City Council for review.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, City Council approved the transfer of voters for the 2009 municipal elections.

The Mayor and City Council were reminded of the renaming ceremony for T. E. White, Sr. Drive that will be on Saturday, May 30 at 2:00 p.m. This ceremony will take place at the intersection of Center Street and Ruby Street near Kelsey Funeral Home. The Public Works Department will install the new street signs on Friday, May 29, and will cover them until the unveiling ceremony the next day.

Councilmember Townsend wanted to thank the City for the pavement repair on Arey Avenue at the East Main Street intersection. He stated that he had received great comments from the public about the Public Works Department.

Councilmember Neel commented on the tree and sidewalk at the northeast corner of East South Street and South Second Street. The tree roots were pushing up the sidewalk and causing numerous cracks and the tree is now gone and the sidewalk is under repair by the Public Works Department.

Councilmember Underwood commented on the downtown sidewalk projects and how nice they look.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 5 to discuss real estate matters.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318(a) to discuss real estate matters and that there was a report at this time.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the purchase of a parcel of land at 244 Concord Road, located at the northeast corner of the intersection of Concord Road and Bost Street for the operation of a fire station

(Resolution 09-22 - To purchase property at 244 Concord Road.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved contracting with Garner & Brown Architects, PA to provide the architectural services for the proposed Fire/Police Station, option A, Building Concept for Federal Stimulus Application: This consists of site plan, floor plan, and primary elevation in the amount of \$12,500.

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