

REGULAR MEETING CITY COUNCIL
April 6, 2009

The City Council of the City of Albemarle met in a regular session on Monday, April 6, 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, 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 March 10 adjourned session; March 12 adjourned session; March 16 regular session; March 16 closed session and March 18 adjourned session were approved as submitted.

A public hearing was held to consider the request of First Assembly of God for a Conditional Use Permit to construct a parking lot in a R10/Single Family Residential District.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, City Council opened the public hearing. No one from the public spoke for or against this matter.

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

The City Council considered the following findings of fact as read by Mayor Whitley:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #2.

3. The use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved finding of fact #3.

4. The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved finding of fact #4.

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

(Resolution 09-13. To approve the request of First Assembly of God for a Conditional Use Permit to construct a parking lot at the church in a R10/Single Family Residential Zone.)

A public hearing was held to consider a request to rezone the former RJ Tucker Property from LID/Light Industrial District to CBD/Central Business District.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council opened the public hearing. No one from the public spoke for or against.

In further discussion, Councilmember Holcomb stated the land is owned by the Norfolk Southern Railroad. City Attorney, David Beaver stated that ADDC Director Vicki Coggins had been in contact with Norfolk Southern Railroad about this matter and has given them information about the public hearing and there has been no response from them.

Councilmember Hall asked Mr. Beaver about the description of the property and Mr. Beaver said that this had been changed and the new description should be sufficient. Councilmember Neel stated that it should describe the exact footprint of the building.

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

(Resolution 09-14. To rezone the former RJ Tucker property from LID/Light Industrial District to CBD/Central Business District.)

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, an Ordinance entitled (Ordinance 09-11) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA” passed first reading.

Mayor Whitley thanked Mr. Nance for attending the meeting.

A public hearing was held to hear comments on the Application of Justice Assistance Grant in accordance with the American Recovery and Reinvestment Act of 2009. No one from the public spoke for or against.

Mayor Whitley explained that the City of Albemarle will apply for the grant of \$94,192 and if awarded will then forward \$24,253 of this to the Stanly County Sheriff’s Office.

Councilmember Hall asked if this motion would be approving the grant application between the City and County and also the agreement which was affirmed.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the Interlocal Agreement between the City of Albemarle, NC and County of Stanly, NC.

A public hearing was held to consider a request to rezone a 2-acre tract on Leonard Avenue from R8/Residential to GHBD/General Highway Business District. No one from the public spoke for or against this matter.

In further discussion, Councilmember Townsend asked Mr. Cavin Holbrook the intended use of the property. Mr. Holbrook stated that there was not an intended use for this property at this time and he did not see anyone building a new house there. Councilmember Townsend said that he had spoken with most of the neighbors near this property and they were in favor of this rezoning.

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

(Resolution 09-15. To rezone a 2-acre tract on Leonard Avenue from R8/Residential to GHB/General Highway Business District.)

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

The Mayor and City Council considered a request of The Reverend Scott Shaffner, Grace Baptist Church, that a portion of Edgemont Street from Salisbury Avenue to Spruce Street be closed on May 16, 2009 from 7 am to 4 pm for a church event. Pastor Shaffner was unable to attend the meeting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the closing of a portion of Edgemont Street from Salisbury Avenue to Spruce Street from 7 am to 4 pm on May 16, 2009 for a church sponsored event.

Councilmember Neel stated that he wanted to comment on the approval of street closings in general. He said that at a street closing recently on N. Third Street, he could not get through the area and that there were no detour signs warning of a street

closing ahead. With a detour sign, the public will be aware and not drive into an area that is closed. Chief of Police Ronnie stated that this can be done and he will take care of it.

Ms Ginny Frick, 823 North Sixth Street came before City Council as an announced delegation to request closing a portion of North Sixth Street between East Street and Yadkin Street from 3 pm to 8 pm for a neighborhood block party on April 25, 2009. The purpose of this block party is a reunion for current and former residents of this area.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved the closing of a portion of North Ninth Street between East Street and Yadkin Street on April 25, 2009 from 3 pm to 8 pm for a neighborhood block party.

Ms. Sarah Bivens, ADDC Beach Blast Committee came before City Council as an announced delegation to request permission to have a hospitality garden in conjunction with Beach Blast 2009.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved a request of the ADDC to have a hospitality garden in conjunction with Beach Blast 2009.

Ms. Emily Zunino, Stanly County Area Antiques Dealers Association came before City Council as an announced delegation to request waiver of business license fees for the downtown Albemarle Antique Festival on May 15-17, 2009.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the request to waive business license fees for the downtown antique festival.

Mr. Cavin Holbrook came before City Council to request the City abandon its interest in the unopened ROW of Biltmore Street. This is the section from the end of

City maintenance all the way through the KFC property. Staff recommended that it be abandoned all the way through to Morton Street.

Councilmember Holcomb stated that the Assistant City Manager Michael Ferris had recommended that the City reserve its rights for this water line. Councilmember Neel stated that this needs to be said in writing. City Attorney David Beaver stated that if approved, this would be recorded for at the Register of Deeds Office.

Councilmember Neel stated that Crook Motor Company built their business on the right of way over the water line next to Morton Street. Mr. Ferris stated the water line extended just 100 feet onto the unopened portion; just enough to supply KFC water according to Water/Sewer Systems Division Superintendent Mike Bunting. Mr. Ferris said that it is believed this ROW was abandoned years previously, but no official record of this action could be found. He stated that instead of delaying this, the City should go ahead and have this officially done.

Attorney Beaver asked if this is an official public street and does the City maintain or has a formal resolution been adopted. Councilmember Neel stated that the City paved a portion of the dedicated right of way and accepted as a City street the paved portion and that 35 approximately years ago Crook received permission to close the section where their business property is located. Mr. Beaver stated that this would have occurred in the 1980's and he would get a copy for City Council. Councilmember Neel stated that if approved, it should be specified that the City's maintenance of the water line will end at the property line.

Councilmember Hall asked Mr. Beaver if approved, would he be able to create this document. Mr. Beaver said that he would draw up an indenture and it would only consist of 1-2 pages and then Mr. Holbrook could record this document.

Councilmember Hall moved that the City abandon its interest in the unopened ROW of Biltmore Street. Councilmember Underwood seconded the motion. Councilmember Neel offered a substitute motion. Councilmember Alexander seconded the motion, and upon unanimous vote, the City Council approved the City abandon its interest in the unopened ROW of Biltmore Street and that the maintenance of the water line terminate at the southern property line of the former KFC property.

Mayor Whitley stated that Council had a copy of the municipal reports in their electronic agenda packet.

The Mayor and City Council discussed a proposal to adopt a law to prohibit pedestrians from walking in the street when sidewalks are available. Councilmember Neel brought up this issue at the February 16 Council meeting, and Chief Michael was asked to investigate the possibility of a local ordinance.

Councilmember Neel stated that he accepts the comments and recommendations of Chief Michael to conduct an outreach through local runner's organizations and place this request in the utility bill stuffer to educate the public about the concerns the Council may have about this matter. He also said that Council should ask the YMCA to place a notice on their bulleting boards and the City place in one of its bill stuffers. He said that it is sometimes very hard to see runners in the early morning or late in the evening when driving.

Councilmember Hall stated that she agrees with Councilmember Neel and the YMCA could place this notice on their bulletin boards. Mr. John Lowder with the YMCA could be asked to place this in their quarterly newsletter.

Councilmember Neel said that Peter Ascuitto with Vac and Dash can get in contact with all the runners and clubs they may attend about this matter.

The Mayor and City Council discussed an Annexation Feasibility Study. 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.

Councilmember Hall stated that based on where the General Assembly presently is pertaining to annexation and the fact that the City is still in budget work sessions, maybe Council should wait on making a decision and see what the state will or will not allow.

Mayor Whitley stated that maybe moving forward, Council could request staff to develop options to consider for future water and sewer extensions that would be more cost effective. Councilmember Neel agreed with this.

The Mayor and City Council considered a request of South Central Oil Company for a 1.27 acre lot subdivision on Charter Street in the Brookwood Industrial Park. This is at the inside corner where there is a curve in Charter Street. This subdivision was approved by the Planning and Zoning Board at its meeting on March 24.

Councilmember Neel asked if this is the lot that had previously been subdivided several months ago. Planning and Community Development Director Bob Sasser stated that the lot previously subdivided is the lot that is south of this lot.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the request of South Central Oil Company for a 1.27 acre lot subdivision on Charter Street.

The Mayor and City Council reviewed the 2009 Agency Plan Updates & Board Resolution. On March 16, 2009, City Council was presented the 2009 Agency Plan updates for the Department of Public Housing which included additional wording to the plan and a copy of the 2009 Capital Fund Budget proposal. An administrative public hearing was held on Wednesday, April 1, 2009.

Councilmember Neel asked where the April 1 public hearing was held. Public Housing Director Garry Lewis stated that it was held at the Public Housing Administrative Office. Mayor Whitley asked Mr. Lewis if there would be any problems moving forward on this matter. Mr. Lewis stated there would be no problem moving forward.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved the 2009 Agency Plan Updates & Board Resolution as follows:

(Resolution 09-16. To approve updates to the Department of Public Housing Agency Plan.)

The Mayor and City Council considered a request of Stanly County YMCA to close a portion of Glenn Street on April 18, 2009 for YMCA Healthy Kids Day. The YMCA is requesting to close Glenn Street between First Street and Second Street and also the parking lot for the building at 500 North First Street currently leased by the City from 10 am to 1 pm on this date.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a request of Stanly County YMCA to close a portion of Glenn Street and also the parking lot for the building at 500 North First Street on April 18, 2009 for YMCA Healthy Kids Day.

The Mayor and City Council discussed a proposal to ElectriCities Board of Directors for feasibility studies for methane gas recovery projects in High Point and Albemarle. ElectriCities is seeking authorization to move forward with a project to explore the feasibility of recovering methane gas produced by decomposition of solid waste in the City's landfill. Councilmember Neel stated that this is a part of green energy movement by using renewable energy sources.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a proposal to the ElectriCities Board of Directors for feasibility studies for methane gas recovery projects.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, an Ordinance entitled (Ordinance 09-10) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING SECTION 22-01 OF CHAPTER 22, TITLE TWO. "GOVERNMENT AND ADMINISTRATION" OF THE CITY OF ALBEMARLE, NORTH CAROLINA, TO ESTABLISH THE HOUR OF 5:30 PM OF THE STANDARD OF TIME IN EFFECT AS THE TIME OF REGULAR MEETINGS OF THE CITY COUNCIL FOR THE MONTHS OF MAY, JUNE, JULY, AUGUST AND SEPTEMBER, 2009" passed first reading. Voting for the ordinance were Councilmembers Alexander, Holcomb, Napier, Townsend, and Underwood. Voting against the Ordinance were Councilmembers Hall and Neel.

Councilmember Neel stated that this new time would be inconvenient for the public who may want to attend the meetings. Councilmember Holcomb said that if that is determined, then Council can change back to the previous meeting time of 7:00 pm.

Councilmember Hall stated that if Council meets at 5:30, then the public hearings need to be near the end of the scheduled meeting. Councilmember Holcomb said that she had only had positive comments about moving the Council meeting to the 5:30 pm time slot.

City Manager Raymond Allen stated that the present order of the agenda had been voted on and approved by Council. If the order is to be changed again, there will need to be a motion and vote to approve the new order of the agenda.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, an Ordinance entitled (Ordinance 09-12) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA. TO CHANGE THE NAME OF CENTER STREET TO "T.E. WHITE, SR. DRIVE": AND BY REVISING TRAFFIC SCHEDULE XIV-A AND SCHEDULE XX1 TO CONFORM WITH THE AFORESAID NAME CHANGE", passed first reading.

Councilmember Townsend stated that there will be a ceremony for placing the new street signs. The time will be established and he will let all Councilmembers know.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 09-13) " AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AN ORDINANCE TO AMEND FY 2008-2009 BUDGET, A BUDGET AMENDMENT TO RE-APPROPRIATE REVENUE FROM CANOE SALE TO RECREATION EXPENSES", passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 09-14)" AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA. AN ORDINANCE TO AMEND FY 2008-2009 BUDGET TO APPROPRIATE THE NCDENR GRANT FOR EQUIPMENT AND CONTRIBUTIONS FOR EARTH DAY", passed first reading.

Councilmember Neel stated that he thought the grant to do recycling at the landfill was for \$30,000. The City Manager stated that this grant for equipment is for a band saw and baler and that the 2009 Recycling Grant from NC Department of Environment and Natural Resources was for \$30,000 from NCDENR to establish a

facility to recycle items such as latex paint, cardboard, oil filters and wooden pallets that come into the landfill. Public Works Director Mike Lambert stated that the grant from NCDENR to recycle items such as latex paint, cardboard, oil filters and wooden pallets is for this next fiscal year.

The Mayor and City Council discussed a proposal to study the feasibility of a community broadband system in Stanly County. Stanly County has proposed that each municipality include funds at \$1.50 per capita in their FY 2009-2010 budgets to finance a feasibility study for a county wide broadband system. The County would budget the same amount for all residents of unincorporated areas. Stanly County hosted a meeting on February 19 and 20 to which all local governments in Stanly County were invited to hear several consultants discuss the benefits and logistics of a community high speed internet system. The County has received a proposal from CCG Consulting to conduct a county wide survey and then if warranted an engineering study of a broadband system.

Mayor Whitley asked what the time frame on this would be. The City Manager commented that it would be for the 2009-2010 budget. He also stated that all municipalities are presently considering this and the County would budget the amount for all residents outside of unincorporated areas.

Councilmember Neel stated that he would like to allow this but wait until the 2009-2010 fiscal year and should not make appropriations until this bill is decided upon. Councilmember Hall asked that this be held and considered during the May budget work sessions. She also said that appropriations of \$24,000 could be made and see if the state sets significant and prohibitive requirements on cities providing services like this.

City Manager Raymond Allen upon questioning, stated that this would involve a residential survey and preliminary engineering to understand the cost of building a broadband network or using a commercial partner to build it.

Councilmember Holcomb asked about the monies to do the survey and engineering. Councilmember Neel said this is the same project as the WiFi project, they are one and the same. Councilmember Townsend asked if this is a county-wide approach and Councilmember Neel said that it is all one and the same and has been a county-wide approach.

Mayor Whitley stated that the City initiated this and now the county is considering this and which municipalities want to participate.

Councilmember Townsend asked if Stanly County was the first county to approach this in the state and Councilmember Neel affirmed and stated that some cities have approached this individually on their own.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved participating in a feasibility study of a community broadband system in Stanly County.

The Mayor and City Council discussed the National League of Cities Discount Prescription Card Program. Councilmember Hall had requested that City staff investigate this initiative by the National League of Cities. It is a program designed to provide lower cost prescriptions for residents that do not have prescription drug insurance coverage.

Councilmember Hall stated that she had given this information to the City Manager from the National Conference and it looked like a good idea initially. She also stated that she had heard from some pharmacists that this has not been a good idea for them. Stanly County has already been distributing ID cards for the past 6-8 weeks. Councilmember Hall stated that this program is for residents without health insurance, a pharmacy benefit plan, or have prescriptions not covered by insurance. Councilmember Alexander stated that it allows a reduced rate for certain medications based on his personal experience.

Human Resource Director Robert Whitley stated that the card is free to the resident and that this program was developed and administered by CVS Caremark.

Councilmember Hall stated that since the County is already involved in doing this county wide, does the City need to also do this. Councilmember Neel asked Mr. Whitley to contact the human resource department with Stanly County and determine the extent of participation the county has with this program.

Mayor Whitley asked Mr. Robert Whitley if the City participated, would there be any cost to the City. Mr. Robert Whitley stated that the City would be responsible for four steps in launching this as follows with no initial costs:

1. The City would only promote the program using local media, materials that would be provided, placing in bill stuffers, etc.
2. Provide City wide ID cards distribution points with stands being provided

3. Provide a dedicated web page on the City site to include a list of card pick-up locations and a link to the Caremark website.
4. The City would have to answer questions in person or by phone explaining about the program and where to pick up an ID card.

The Mayor and City Council discussed legislative issues of significance to municipalities. There are several issues of significance to local governments that the League is seeking support from local elected officials to become active in. One key issue is annexation and the League has set up a system to bring local officials and citizens to Raleigh over the next six weeks on either a Tuesday or Wednesday. They are calling this "bring 5" and they are asking for a couple of elected officials and 2 or 3 citizens to come to Raleigh on this issue. On another legislative matter, Councilmember Hall asked that the City Council also discuss legislation that has been introduced that would make changes to local ABC systems, including merger of local systems.

City Manager Raymond Allen stated that there are several issues of significance that Council may need to discuss including annexation changes, ABC legislation and possible modernization of the ABC System, and collective bargaining. Mr. Allen stated that Don Frey with the ABC Board came by this past week and brought additional information and a resolution to consider in opposing this legislation. He also said that Council may want to contact legislators on this matter.

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

(Resolution 09-17 - To oppose Senate Bill 839/HB 768
"Modernization of the ABC System".)

Also, Mr. Allen stated that the League has set up a system related to the annexation issue to bring local officials and citizens to Raleigh over the next six weeks called "bring 5". The City can provide transportation for all those who would like to participate.

Councilmember Neel stated that the Council needs to respond to the bill about collective bargaining.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, Council approved writing letters to state representatives and US House Representatives and Senators to oppose SB 839/HB 768, the Modernization of the ABC System.

The City Manager provided an update on the status of the City Hall construction and renovation project. Significant progress continues on the building and the completion date remains late September. Almost all of the drywall has been installed in both the historic and new buildings. They have also begun to install molding and baseboard, and built in cabinetry. They have also installed ceramic tile in some of the restrooms, and the heating and air conditioning are installed and working for the second floor.

Mr. Allen also said that the brick and cast stone are complete for the areas above the historic building, the southwest wall, and the entire south wall except for the cast stone cap. We are really pleased with the way that the design has turned out. The wet and cold weather have delayed some of the masonry, but they will be able to catch up now that warmer weather is here.

The City Council considered the appointment of two members to the Brownfields Coalition. The City is participating in a regional brownfields coalition with the municipalities of Morven and Polkton and each municipality will designate two representatives to this coalition. These can be the Mayor or members of City Council, or can be staff members. This can also be a combination of elected officials or staff. City Manager Raymond Allen stated that if Council appoints members of staff, he would recommend Council considering Michael Ferris, Bob Sasser, or Keith Wolf for these two positions.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, approved appointing Assistant City Manager Michael Ferris and Planning and Community Development Director Bob Sasser to be designated as representatives to represent Albemarle in the Brownfields Coalition.

The City Manager stated that some of their duties will include directing the budget, approving project items, and directing James Luster with Centralina Council of Governments in this coalition.

Mayor and City Council reviewed a report on the installation of a traffic barrier by NCDOT on NC 740 near Northeast Connector. Councilmember Townsend inquired about the installation of this barrier at the March 16 meeting of City Council.

This will prevent left turns into and out of Waffle House onto NC 740. A median has been constructed in the Waffle House driveway, but the median in NC 740 has not yet been constructed. This will be constructed by NCDOT at the expense of Waffle House.

Councilmember Neel stated that this has already been completed.

The Mayor and City Council reviewed a report on the sale of surplus equipment. This is a report of the sale of previously declared surplus equipment.

Mayor Whitley stated to Council that this information is in their agenda packet. The City Manager asked Council if they had any questions concerning this report and that no action is required on this item.

Councilmember Neel asked how many vehicles were sold. The City Manager stated that there was one 2001 Ford Crown Victoria sold for \$2,410.

Mayor and City Council considered their attendance at NCLM Town Hall Day on May 6, 2009. This is the annual legislative day for the NC League of Municipalities. There is no cost to register for this event, and a meal will not be served in an effort to make this affordable for all municipalities.

Councilmembers Neel, Holcomb and Napier agreed to attend. Councilmember Hall stated that she would not be able to attend due to being out of state with her job. The City Manager stated that if anyone else would like to go, just to let him know.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel 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 the status of real estate negotiations.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb 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 the status of real estate negotiations and that there is nothing new to report at this time.

Councilmember Hall mentioned the accident and death of a motorist on the NE Connector and Mountain Creek Rd. She said that members of her church and citizens that she had spoken with asked that Council continue to follow through on the studies going on about the NE Connector. Ms. Hall also mentioned the speeding in school zones and that more radar checks by the police department may help slow people down.

Mayor Whitley talked about the completion of the airport may help and City Manager Raymond Allen stated that this will not change the configuration of Ridge Street and the NE Connector. Adding a stoplight at this intersection will be looked at by the NCDOT.

Councilmember Hall mentioned the survey by the Albemarle Downtown Development Corporation. Ms. Hall stated that results of these surveys were supposed to come back to the public. Ms. Hall said that non personnel related information has been revealed but why has the entire report not been made available. She also said that she was afraid that because this survey was to be candid to the community, some people may be angry if they do not see all the results. Councilmember Hall stated that she had called Dr. Chris Bramlett, Chairman of the ADDC with no answer, but would get back with him.

Councilmember Holcomb stated that people who filled out the survey know that all of the results of the survey have not been revealed.

Councilmember Hall stated that the National League of Cities is sponsoring the Homeland Security training at the National Guard in Albemarle.

Councilmember Neel mentioned the sidewalks at the intersection of South Second Street and South Street are in need of repairs. The City Manager asked if this is near the residence of Dr. Hill's residential property and Mr. Neel affirmed.

Councilmember Neel also stated that someone is going to fall when walking between Central United Methodist Church and the new City Hall building.

Their church members are parking in the gravel construction parking lot on City property and walking across the construction site and he is afraid someone is going to fall and that the City would be liable. Mayor Whitley and Councilmember Neel agreed that there should be a temporary fence placed there.

There being no further business, the meeting was adjourned.