

REGULAR MEETING CITY COUNCIL  
December 21, 2009

The City Council of the City of Albemarle met in a regular session on Monday, December 21, 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: Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Troy E. Alexander.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of December 7, 2009 regular session and December 7 closed session minutes were approved as submitted.

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Mr. Ken Anderson CPA has audited the financial statements for the City of Albemarle for the fiscal year ending 6/30/2009. The audit had no findings and is an unqualified opinion, the highest possible audit opinion. A copy of the audit was mailed to the Mayor and City Council on Thursday of last week.

Mr. Ken Anderson CPA came before City Council to present and discuss his report and answer any questions Council may have. He gave each Councilmember a copy summarizing the financial report which included:

- 1) Available fund balances
- 2) Tax Collection percentages
- 3) Net change in fund balance
- 4) Changes in long term liabilities- debt
- 5) Compliance audits

Mr. Anderson asked that the City look into changing the downward trend on the general fund fund balance, on credit card transactions, to retain the receipts with the monthly statements and noted bookkeeping issues in public housing.

Councilmember Holcomb thanked Mr. Anderson for taking time to break down the report into this summary so as to have a better understanding.

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

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried the following Ordinance passed second reading and was duly adopted:

(Ordinance 09-42. To amend the sign ordinance to allow the reuse of changeable face portable signs.)

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-01) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING SECTION 82.40 RELATING TO LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY IN THE CITY OF ALBEMARLE, NORTH CAROLINA." passed first reading.

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The Mayor and City Council discussed authorizing an ordinance to change the designations of US 52 and US 52 Business due to construction of the new section of US 52. The US Department of Transportation had proposed that the US 52 Business designation be eliminated, but the City Manager noted that he had advised Mr. Barry Moose with NCDOT, and he concurred that there is a perceived value among downtown businesses in keeping the US 52 Business designation. The changes proposed would designate the portion of NC 24-27 from South Second Street over to US Hwy. 52 as US 52 Business to bring motorists back to US 52 after traveling through the downtown area.

The City Manager also noted that it would remove the US 52 designation from the existing US 52 from NC 24-27 South down to where the new section of highway intersects, and then designate the new section of highway US 52. We would also need to name the section of road south of NC 24-27 down to the City limits that will no longer be US 52. The City Manger noted that he would recommend Council consider naming this South Second Street since it is a continuation of existing South Second Street.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved designating the portion of NC 24-27 from South Second Street over to US Hwy. 52 as US 52 Business, remove the US 52 designation from the existing US 52 from NC 24-27 South down to where the new section of highway intersects, and then designate the new section of highway US 52.

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The Mayor and City Council reviewed the 2010 Bridge Inspections Municipal Agreement between the City of Albemarle and NC DOT for the 2010 Municipal Bridge Inspections.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the 2010 Bridge Inspections agreement between NCDOT and the City of Albemarle.

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The Mayor and City Council considered a resolution to request that the ARRA Funding Application be used by NCDENR for the State Revolving Loan Fund. This was provided by Emily Flynn of Municipal Engineering at the request of NCDENR. NCDENR is requesting this in support of the City's application for the \$3 million loan from the State Revolving Loan Fund.

The City Manager stated that the City had originally applied for money to assist in funding this project in the amount of \$3 million from the NC Department of Environment and Natural Resources through the American Recovery and Reinvestment Act (ARRA) allocation and was not awarded this funding. The City is now requesting that this same project and application be considered for a loan through the regular State Revolving Fund (SRF) in the same amount of \$3 million.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution to request that ARRA Funding Application be used by NCDENR for the State Revolving Loan Fund.

(Resolution 09-55. To use ARRA application to apply for State Revolving Fund (SRF) to construct a wastewater or drinking water system.)

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The Mayor and City Council received a presentation on the status of water quality review. Public Utilities Ernie Borders came before Council and stated that

recently the City of Albemarle's water system has been seeing elevated levels of Disinfection By-Products (DBPs). The City has been experiencing an upward trend in HAA5s over the past year. Mr. Borders said that the City is taking a comprehensive approach to this issue and this briefing is to share with Council our efforts to date.

The Public Utilities Department has been looking at all aspects of how this can be addressed, including water treatment, distribution, and storage. Municipal Engineering is looking at our system to determine what changes can be made to address this problem. Mr. Borders explained that when chemicals are used for disinfecting the drinking water, it reacts with natural organic matter in the source water. The disinfectant the City uses in the treatment of drinking water is chlorine. Mr. Borders noted in his letter to Council that the treatment of water will likely require changes to our water treatment process to include the more user friendly chloramines which disinfect as well as keep the development of HAA5s and TTHMs at lower levels.

At this time, Mr. Borders had a question and answer session with Council on their concerns.

Upon questioning, the Mayor stated that with the Stanly News and Press, the local radio station representatives present, and the recording for the television audience, this is being made public for their awareness of this situation.

Councilmember Holcomb thanked Mr. Borders for his presentation and asked that he keep the Council informed.

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Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the City Council approved Councilmember Holcomb being excused early from the meeting.

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The Mayor and City Council considered honoring the 2009 Albemarle High School 1AA Championship Football Team. Councilmember Neel requested that this item be placed on the agenda for discussion. Mr. Neel has suggested that the City Council consider having a meal function for the football team and cheerleaders, and that the Council consider placing signs at the main entrances to the City similar to what was done several years ago. The City Manger noted that we would need NCDOT approval to install these signs, unless they are installed on private property off of the right of way. Also, the City Manager stated that at the ADDC Board of Directors meeting on Monday of this week, Chairman Chris Bramlett suggested that the ADDC should consider hosting

or co-hosting a meal event with the City, and that they could seek sponsorships to defray some of the costs of the function.

Councilmember Neel stated everything should be coordinated through the Albemarle Boosters Club. The players will be receiving rings which will be paid for by the boosters club. ADDC has mentioned a dinner for the football team and cheerleaders at the senior center. Mr. Neel also said that it would be nice to have this dinner at the time the rings are given to them and the City Council, ADDC and the boosters club all participate having this in February.

The City Manager was asked to contact NCDOT about placing the signs at the main entrances to the City.

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The Mayor and City Council considered attendance at Dr. Martin Luther King, Jr. Prayer Breakfast on January 16, 2010. This annual event is sponsored by the Stanly County NAACP and will take place from 8 am to 10 am at Stanly Regional Medical Center. The guest speaker for this breakfast is Congressman Larry Kissell. The City Manager noted that he can purchase tickets for any member of the City Council interested in attending.

The Mayor and Councilmembers Hall, Napier, Neel, Townsend and Underwood stated that they would be attending the prayer breakfast.

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The Mayor and City Council received a status report on repairs to a street in Phase II of Anderson Ridge Subdivision. Councilmember Townsend requested an update on the status of these repairs, where a subcontractor for Windstream hit a water line resulting in damage to the street.

Engineering Services Director Jon Mendenhall reviewed for Council this incident creating a water line break in Phase II of Anderson Ridge Subdivision. Mr. Mendenhall handed out a map to Council of the area involved and stated that the City made the repair to the damaged water line on October 24 but surface water is continuing to cause a problem. He stated that the subcontractor has been contacted and they stated that this is a legal issue and that they will be contacting their attorney this month.

Mayor Whitley asked that Mr. Mendenhall to get with the City attorney about this matter.

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The Mayor and City Council received a status report on the City Hall project. The City Manager noted to Council that he is very pleased to report that the City received the Certificate of Occupancy from the Stanly County Building Inspector this week. The contractor has worked hard to complete the paving and all of this is complete except the separate section south of the former fire station. The parking lot striping was also completed this week. The furniture deliveries are anticipated beginning next week through the first of January. The storm drain between City Hall and CUMC has been raised to ground level as requested by Councilmember Neel, and the fence requested by Mr. Neel has also been installed.

The City Manager also noted that invitations to the dedication and open house on January 3 were being mailed today, and plans are being finalized for the dedication. The City Manager suggested having a reception with desserts, coffee and punch in the community room as part of the open house. Employees will be stationed throughout the building to answer questions and direct visitors.

Councilmember Neel stated that the fence between the City Hall and CUMC looks good and the storm drain is also okay. He stated that this past Sunday, people were parking in the City parking lot where evidently the barricades had been removed.

Councilmember Hall stated that she would like to get accustomed to the new Council Chambers in the new City Hall before the first meeting on January 4. Mayor Whitley stated that maybe everyone could come in early on January 4 before the 7 pm meeting.

The City Manager said that once everything is operational, each one can come in and be shown everything. Staff will be moving in starting Tuesday, January 5.

Public Utilities Director Ernie Borders stated that Monday, January 11 will be the first day of business in the new City Hall.

The Mayor reminded everyone that the open house will be on Sunday, January 3, 2010.

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The Mayor and City Council discussed filing the upcoming vacancy of the IS Manager Position. For some time staff has discussed making this a separate department head position due to the increasing importance and complexity of technology. This area is now critical to every aspect of the City's operations. Michael Ferris and Colleen Conroy have recommended moving this out of the Finance

Department, and it would be a separate department reporting to the Assistant City Manager.

Assistant City Manager Michael Ferris came before City Council and stated that IS Manager Gabe Dimeglio will be leaving and staff is looking at plans for the future and if IT should be a separate department answering to the Assistant City Manager. This position is currently under the Finance Department. He explained how IT has evolved over the past decades and how this department handles all departments and functions related to pcs, laptops and phones. Mr. Ferris asked for Council's feedback on this issue.

Councilmember Townsend asked the number of employees currently in IT. Mr. Ferris stated that there are currently 3 employees but that this area may expand in the future.

Councilmember Neel asked the number of department heads we currently have and which ones answer to the Assistant City Manager and which ones answer to the City Manager. The City Manager replied that there are currently 10 departments. Public Works, Public Utilities, Parks and Recreation , Police and Fire report to the City Manager and Finance, Public Housing, Human Resource, Planning and Community Development, and Engineering Services answering to the Assistant City Manager. Mr. Neel also stated that he would like a copy of the City's organizational chart.

Upon questioning, Mr. Ferris stated that Gabe Dimeglio's last day is January 3. The Mayor and City Council thanked Mr. Dimeglio for his service to the City.

Upon a motion by Councilmember Neel, seconded by Councilmember Napier and unanimously carried the City Council approved making the Information Systems Manager an independent department.

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The Mayor and City Council considered attendance at the Stanly County Chamber of Commerce Annual Meeting. This will take place on Thursday, January 14, 2010 at 6:00 PM at the Stanly Regional Medical Center Family and Education Center. The meeting announcement was available for Council to review. The City Manager stated that he can RSVP for any member of the board who is planning to attend.

Mayor Whitley and Councilmembers Neel and Townsend stated that they would be attending.

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The Mayor and City Council discussed attendance at the National League of Cities Congressional City Conference for March 14-17, 2010. Council received a copy of this meeting brochure.

Councilmembers Hall and Townsend stated that they would be attending. The Mayor asked that if anyone else was interested in attending, to please let the City Manager know.

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The Mayor and City Council received a report about the culvert on Northbrook Drive and that it has been extended and road shoulder widened, pursuant to concerns expressed by Councilmember Neel a few weeks ago.

Councilmember Neel thanked the staff for this effort.

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The Mayor and City Council received information on a Notice of Permit Application for a Soil Borrow and Gravel Operation. Council received a copy of this notice and accompanying map. The City Manager noted that he wanted City Council to be aware of this in case they received any questions from neighboring property owners, who also received notification. This property is zoned Heavy Industrial District, which permits this type of activity.

Councilmember Neel asked how this area would look once they have completed this operation. The City Manager stated that his information did not address this but he can make an inquiry to the state. Councilmember Neel asked the City Manager to make the inquiry.

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The Mayor and City Council reviewed information of Hospice of Stanly County's acknowledging the donation from Mayor and City Council. The Mayor and City Council made personal donations to sponsor this tree.

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The Mayor and City Council received an invitation to attend a ribbon cutting for NC Air National Guard 145th Combat Operations Group Headquarters



Building. The City Manager stated that they could RSVP directly to the National Guard, or he can RSVP for them.

The Mayor and Councilmembers Hall, Neel and Townsend stated that they would be attending the ribbon cutting.

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Mr. Shawn Gould came before Council as an unannounced delegation. This was a criminal situation where he had a vehicle confiscated due to items being stolen.

The Mayor explained to Mr. Gould that Council cannot make a legal decision on something like this. He told Mr. Gould he would have to let the legal system determine the outcome of this situation.

The City Manager let Mr. Gould know that he could file a complaint through the City of Albemarle Chief of Police. Chief Michael would do an internal investigation to see if the officers were in the wrong in this case.

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Parks and Recreation Director Toby Thorpe was asked to come forward and give an update on the countywide comprehensive plan. Mr. Thorpe said that the online survey will stay online until the end of the year for response. He said that the written survey had been sent and returned and the numbers crunched. There will be the first draft of the plan by February 2010.

Mr. Thorpe stated that he had talked with the subcommittee of the Carolina Thread Trail and mentioned the 3 routes that connect to Rowan, Anson and Union counties.

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Councilmember Napier asked that Council send a fruit basket to Councilmember Holcomb's mother and Councilmember Alexander's wife due to illness.

Upon a motion by Councilmember Napier, seconded by Councilmember Underwood and unanimously carried the City Council approved sending fruit baskets to Councilmember Holcomb's mother and Councilmember Alexander's wife.

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Councilmember Townsend asked when the next Council retreat would take place. Mayor Whitley stated that this is usually done in January or February. The City Manager stated that typically this occurs in February each year. Staff and management will have their retreat the end of January 2010.

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Councilmember Hall wished everyone a Merry Christmas. She asked that information be brought before Council at some point, of the possibility of selling water to other entities.

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The City Manager said that per conversation with Mr. Doby of Doby and Beaver, the documents for the Street Tree Ordinance public hearing will not be ready in time for the January 4 Council meeting and the public hearing will have to be reset for the second meeting of the month on Tuesday, January 19.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, City Council reset the public hearing to consider adopting a street tree ordinance to Tuesday January 19, 2010 at 7 PM.

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Mayor Whitley stated that Councilmember Holcomb's mother is sick in the hospital causing her to have to leave the meeting early tonight and Councilmember Alexander's wife is in the hospital also causing him not to be here. He also stated that this is the last Council meeting of 2009 and the next meeting will be in the new City Hall on Monday, January 4, 2010 at 7 pm. The Mayor wished everyone a Merry Christmas and a Happy New Year.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Neel, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318 (a) 4 and 5 to discuss economic development and real estate transactions.

Upon a motion by Councilmember Hall, 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) 4 and 5 to discuss economic development and real estate transactions and there was nothing to report at this time.

Mayor Whitley stated that there is a request by Henry Farmer that the City grant him permission to use the walking trail at Rock Creek Park as access to his property for purposes of harvesting timber on his property.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council agreed to have the City Attorney draw up an agreement allowing access to Mr. Henry Farmer the use of the walking trail at Rock Creek Park for purposes of harvesting timber on his property with a \$10,000 bond in case of damages to the road occur.

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There being no further business, the meeting was adjourned.