

REGULAR MEETING CITY COUNCIL  
February 16, 2009

The City Council of the City of Albemarle met in a regular session on Monday, February 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, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

-----

Mayor Whitley made the presentation of retirement certificates to the following retired City employees:

Charles "Rusty" Beaman - 32.17 years of service  
William Gary Burris - 27.58 years of service

-----

Upon a motion by Councilmember Napier, seconded by Councilmember Underwood and unanimously carried, the minutes of the February 2 regular session was approved as submitted.

-----

Mr. Travis Morehead, Community Coordinator for the Carolina Thread Trail (CTT) came before City Council with a presentation and requested support for the Carolina Thread Trail initiative. The CTT is a proposed regional network of greenways and trails that will reach 15 counties and 2.3 million citizens in south central North Carolina and northern South Carolina. Mr. Morehead is an Albemarle native and several members of City Council saw a presentation of Mr. Morehead's on this topic at the January 27 Stanly County COG meeting in Badin. Mr. Morehead requested that City Council consider a resolution of support for this initiative. There is a possibility that the trail if developed would pass through Albemarle, where it would terminate at Morrow Mountain State Park.

Mayor Whitley asked Mr. Travis Morehead once this is established, who will be responsible for the upkeep of the trails. Mr. Morehead stated that based on the location of the trails, each municipality and county within that district participating would be responsible for maintaining those trails.

Councilmember Holcomb asked Mr. Morehead about the financial responsibility of each municipality participating. Mr. Morehead stated that some of the ways would be with help of planning grants and a 10% match from the municipalities and counties participating, municipalities including greenways in their Capital Improvement Programs, and also applying for grants through the Clean Water Management Trust Fund.

Councilmember Hall asked if the participation in this initiative would be redundant or an added bonus for the City. Parks and Recreation Director Toby Thorpe stated that making the City trails part of Thread Trail would only enhance what they already have in place or are working on.

Councilmember Holcomb asked if the Albemarle Downtown Development Corporation (ADDC) already agreeing to support the initiative, would be a duplication with the City participating. Dr. Chris Bramlett with ADDC stated that the ADDC is just supporting the initiative not to include monetary contribution. Mr. Morehead stated that approving this resolution, would only be signing as support in the planning effort of Phase I for the CTT.

Councilmember Alexander stated that it would be the best interest for Stanly County if all municipalities planning to support the CTT, could work together throughout the entire process from Phase I through Phase III. Mr. Morehead said that all municipalities and Stanly County would work together and go through the process at the same time.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, Council adopted a resolution to support the Carolina Thread Trail initiative.

(Resolution 09-06, To support the Carolina Thread Trail initiative.)

-----

Dr. Chris Bramlett, Chairman, Albemarle Downtown Development Corporation came before City Council to present the update to the Downtown Master Plan on behalf of the ADDC. The City funded this update to the master plan and has been completed by the consultant. Dr. Bramlett stated that he wanted to point out a couple of things including:

1) Emphasizing the concept of leakage which is the loss of local retail sales that occurs when people shop in an area other than the one in which

they live. He stated to Councilmember Holcomb, if Stanly County residents bought all their jewelry in Stanly County, the jewelers would not be in an economic crunch. If residents would buy from local merchants, this would solve a lot of the economic problems.

2) Dr. Bramlett also talked about signage, particularly parking signs in the City, allowing people coming in from out of town to know where they can park.

Dr. Bramlett mentioned the ADDC retreat scheduled for March 14 and he stated that he hoped City Council will be able to participate. They will be looking at a plan for next year. He stated that this year they will look at how they are doing and what people expect. A survey will be distributed to gather information. Dr. Bramlett stated that the state had been contacted in hopes of using instruments that are already in use. They found out that no community had done this, so they created a survey and handed this out to Council to fill out and return to the City Manager and that they will remain anonymous.

Councilmember Hall asked who would be filling out the survey and where would they would get a copy of the survey. Dr. Bramlett stated that around 70 people would be filling out the survey including City Council and 25-30 businesses downtown. He said that the surveys would be picked up from ADDC and returned back to the City Manager.

-----

The Mayor stated that the monthly departmental reports were included in the agenda packet and asked if there were any questions from Council.

Councilmember Neel asked when would they receive the study of the water distribution system. The City Manager asked Public Utilities Director Ernie Borders and Mr. Borders stated that the model is complete but the flow data from the lines and the pressures through the whole system had to be added. The City Manager asked when this might be completed. Mr. Borders stated that they were meeting on March 2 to talk about adding the detailed information.

Councilmember Neel asked about getting the number of electric, water, and sewer customers the City has added to the Public Utilities monthly report. The City Manager stated that this information could be acquired fairly easily.

-----

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

(Ordinance 09-07, An Ordinance To Amend FY 2008-2009 Budget to increase appropriations in the Water and Sewer Fund for the engineering of a water line along Salisbury Avenue and in the General Fund for the financing of a Street Sweeper.)

-----

City Manager Raymond Allen provided an update on the City Hall construction and renovation project. Progress on the project continues at a good pace, with a large crew on site each work day. As reported previously, there is a dispute between the contractor, subcontractor and second tier subcontractor regarding the fabrication and erection of steel, which experienced delays at the beginning of the project. Contractor Clinton Black was present to answer questions from City Council. The monthly Owner/Architect/Contractor meeting was held last week, and the contractor has indicated that the completion date for the project remains the end of September.

Mayor Whitley asked Mr. Black how he feels about the progress at this time. Mr. Black stated that the project is coming along well and there have been hurdles to get through and a dispute with a subcontractor. He said that the project should be getting back on schedule by the middle of March and completed on time.

Councilmember Alexander stated that someone commented to him that if Mr. Black was the contractor, he would have the project ready ahead of schedule.

Councilmember Neel said that he was looking forward to the walk through of the project after the City Council budget retreat on Saturday, February 28. Mr. Black stated that anytime that Council wanted to walk through to just let him or Engineering Services Jon Mendenhall know.

-----

The Mayor and City Council considered a request to engage Southeastern Consulting Engineers to provide engineering services for the development of a new 24.9 KV Delivery Station for the City of Albemarle electric

system. To design a third substation for the City on City owned property across Central Avenue from the City warehouse complex and adjacent to the Duke transmission line. This recommendation is due to the City's current load and anticipated future electric demand, the City will need a third delivery station in the next few years. There is a possibility that there may be funds in the federal stimulus package that could be used for this purpose, and if so this can be designed in time for consideration for this funding. If funding is not available, we would recommend establishing a capital reserve fund so that we can accumulate funds to construct this delivery station within the next 3-5 years.

Public Utilities Director Ernie Borders came forward with Southeastern Consulting Engineering Robert E. Vice, President to answer questions from City Council.

Councilmember Hall asked if the economic stimulus package is passed, would this project be one that needs to be shovel ready. Mr. Borders stated that this is just to provide the engineering services and that electrical projects are not being considered for the economic stimulus package.

Southeastern Consulting Engineers President Robert E. Vice came forward and said that there are two proposals. The first one is adding a 3<sup>rd</sup> delivery station for the City. He stated that the two existing delivery stations cannot serve the City if either were to lose a transformer. At this point, customers would have to wait until the repair was made which would be between 8 hours up to 3 days. Mr. Vice stated that the Carolina Avenue delivery station has a 46 MVA transformer and the Lee Lynn delivery station has a 60 MVA transformer and neither would be able to handle all of the City customers if one of the stations went down.

Mayor Whitley asked Mr. Vice, why not just upsize the transformers at the existing delivery stations. Mr. Vice stated that Duke Power owns the power brought through these delivery stations and the City would have to provide transformation. The City serves a large geographic area and the City would have to upgrade both of the delivery stations. The cost would be between 1.2-1.7% per month.

City Manager Raymond Allen stated that there were two proposals. The first one is for engineering services for the development of a new 24.9 KV Delivery Station and the next is for engineering services to construct electric distribution facilities.

Upon questioning, Mr. Vice with Southeastern Engineering said that there is a Part A and Part B for each proposal. The City Manager stated that it is

budgeted for Part B for \$35,700 for the engineering services only. The other items not incurred until the City decides to move ahead.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, approved contracting with Southeastern Consulting Engineers to provide engineering services for the development of a new 24.9 KV Delivery System for the City's electric system in the amount of \$35,7000.

-----

The Mayor and City Council considered a request to engage Southeastern Consulting Engineers, Inc. services to construct electric distribution facilities as part of the City of Albemarle's Capital Improvement Program for the City's electric distribution system. The cost for engineering services will be \$53,900.00. This money is available in the FY2008/2009 budget. This contract with Southeastern is proposed in the event that federal stimulus funds are available to communities for electric system improvements.

All of these projects were planned for construction within the next few years. If stimulus funds are available, they could all be bid on in one package and performed by a contractor. In the event stimulus funds are not available, the City would not execute the contract but instead fall back to our original plan to construct these in house over the next few years, which will not require these design and contract administration services.

Mr. Robert Vice, President of Southeastern Consulting Engineers stated that there are 6 different items within Part A to be considered and all six of these items were presented in the Electric Capital Improvement Plan in 2002. He said that if there is economic stimulus funds available, this could be done along with the first proposal.

Councilmember Hall asked the City Manger if funds were appropriated for this project. The City Manager said that if there are no economic stimulus funds, the City would not execute the contract but fall back to the original plan to construct these in house over the next few years.

Councilmember Townsend talked about leakage and the City should consider electric system components that are manufactured locally. Mr. Vice stated that City contracts specify materials made by local company Preformed Line Products.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, approved the contract with Southeastern Consulting Engineers, Inc. to construct electric distribution facilities for the City's electric distribution system.

-----

The Mayor and City Council considered a resolution to authorize applying to the NC Clean Water Management Trust Fund for grant Funds to make improvements to the Long Creek Wastewater Treatment Plant. These funds will be used in conjunction with the NC Rural Center Clean Water Partners' Infrastructure Program Supplemental Grant that the City is currently seeking. The City's commitment to this project will be \$350,000 for FY 2009/2010 and \$350,000 for FY 2010/2011. This grant application is part of the City's effort to make capital repairs and improvements at the wastewater treatment plant. The repairs to be funded by the Rural Center application are primarily at the head end of the WWTP. This application is to renovate the tertiary filters which are at the end of the treatment process before the effluent is discharged into the creek.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, adopted a resolution to authorize applying to the NC Clean Water Management Trust Fund for grant funds to make improvements to the Long Creek Wastewater Treatment Plant.

(Resolution 09-07, Authorizing a Clean Water Management Trust Fund Grant application for improvements at the Wastewater Treatment Plant.)

-----

The Mayor and City Council reviewed the recommendation to begin accepting credit and debit card payments for City utility bills. A staff committee has been working on this project and Assistant City Manager Michael Ferris has organized a staff committee that includes Colleen Conroy, Ernie Borders, Jerry Bradsher and Jonathan Misenheimer to review this matter and they are ready to make a recommendation to proceed. Assistant City Manager Michael Ferris came forward to provide an overview of the process and he and all other committee members will answer any questions that Council has.

Assistant City Manger Michael Ferris stated that the acceptance of these types of electronic payments is now common place from the largest of retailers to the smallest. It is also customary for utility providers, such as phone, gas, electric, and cable to accept payment in the form of credit and debit cards.

The City's utility customers routinely try to pay with credit and debit cards and are surprised to find that we cannot accept this form of payment. Approval of the recommendation will allow staff to begin the testing phase to ensure all will work as expected when the system goes live. It is anticipated that the month of March would be used for set-up and testing and we can go live and begin providing this needed service to our customers in April.

Councilmember Holcomb asked if the charge per transaction would be a certain percentage plus the assessment fee. Mr. Ferris said that if he could go ahead and address and review the security issues first, then he would continue to discuss the costs per transaction.

Mr. Ferris stated that the City would be using the virtual merchant through Wachovia Bank which is similar to Pay Pal. He stated that the City would not capture the credit card information from the customer, only wait for verification and approval from virtual merchant that the funds were available for payment. The City would only receive a yes or no that the transaction can take place.

As far as the costs, Mr. Ferris stated that the typical cost per transaction for a retailer is between 2.0-2.5% but the City would receive a reduced flat fee per transaction plus assessments. Mr. Ferris explained this using information from the handout that had previously been given to City Council. The handout used as an example of an average \$200 utility payment to explain the fees and charges that would be incurred. The current major objective is for the City to be able to accept in person or online credit or debit payments from customers for their utility bill and hopefully later accept payments in other areas. The costs of the collection software and utility customer management software would be a one time fee of \$5,000 which is scheduled in the current budget. This is 30% of the totals cost, with ElectriCities of NC paying the remaining 70%.

Councilmember Neel asked if MasterCard, Visa and Discover were going to be the only accepted credit cards and Mr. Ferris affirmed this.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, approved the recommendation to begin accepting credit and debit card payments for City utility bills.

-----



The Mayor and City Council considered a resolution with BB&T for the financing of a street sweeper. BB&T requested this resolution be adopted for the financing of the Street Sweeper. Council approved BB&T with the lowest interest rate of 2.83% at the regular City Council meeting on January 26, 2009.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, approved a resolution with BB&T for the financing of a street sweeper.

(Resolution 09-08, Resolution with BB&T for the financing of a new Street Sweeper.)

-----

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, (Ordinance 09-08) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, REVISING ORDINANCE 08-30, ADOPTED AUGUST 18, 2008, RECORDED IN CITY COUNCIL MINUTE BOOK 245, PAGE 224, (CODIFICATION PENDING), RELATING TO MEETINGS OF THE PARKS AND RECREATION ADVISORY BOARD", passed first reading.

-----

The Mayor and City Council discussed ownership and property description for the Nance rezoning of former RJ Tucker Property. City Attorney David Beaver wanted to discuss with Council how the property for the rezoning should be described. It appears that the Nance family who requested the rezoning owns the building but does not own the property underneath the building. Tax records indicate it is owned by the railroad. The City Attorney stated that from the map, Council could see that this involves a large parcel and he recommended Planner II Keith Wolf asking the building owner to have a survey completed and then rezone that part only.

Planning and Community Development Director Bob Sasser stated the land belongs to the railroad and the new owner has a deed to the building. City Attorney David Beaver said that this was an unusual situation and should have Mr. Nance survey the building and enough land around the building, notify the railroad and then have the public hearing.

Councilmember Underwood asked exactly what is the building going to be used for. Mr. Wolf stated that the first floor would be used for retail

and the second floor for apartments or condominiums. A legal description is needed of the building. Mr. Beaver stated that this is similar to Progress Energy's land at the river front with the owner's boathouses sitting on their land. Mr. Beaver also said that the zoning flows with the land.

Councilmember Hall asked when the building was leased, just recently or last year. Mr. Wolf stated that Mr. Nance leased this a year ago.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, approved proceeding with the recommendation of City Attorney David Beaver. The City Manager stated that there would not be enough time to request a survey of the land and be able to hold the public hearing previously set for March 2

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, City Council approved rescinding the original public hearing date of Monday, March 2 for the rezoning of the former RJ Tucker property.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, Council approved resetting the public hearing from Monday, March 2 to Monday, April 6.

-----

The Mayor and City Council considered the donation of two surplus foam eductors to West Stanly Volunteer Fire Department pursuant to NCGS 160A-280. The West Stanly Volunteer Fire Department is planning to establish a second foam unit to serve Stanly County and has requested the donation of this surplus equipment. There is a foam unit housed in the Albemarle Fire Department that is available for use by any of the departments in Stanly County. This unit is only needed very rarely.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, approved the donation of two surplus foam eductors to West Stanly Volunteer Fire Department.

-----

The Mayor and the City Council Consider request of Green Pieces recycling to bid on City recycling bins. Green Pieces Recycling has requested the

opportunity to bid on the recycling bins that were not distributed when the City operated a curb side recycling program. Some of these bins have been distributed to City departments for our internal recycling program, and some were approved for distribution at Endy School for a project school recycling program. The City cannot legally sell the bins directly to Green Pieces, but the City Council can declare these surplus and they can be sold by sealed bid in one lot. Green Pieces can then bid on the bins. Public Works has estimated there are approximately 360 bins remaining, and they have asked to retain 110 bins for future distribution. That would leave 250 bins to declare surplus and sell by sealed bid.

Councilmember Neel asked what Green Pieces was going to do with the containers. Councilmember Holcomb stated that they would be used for private individuals and given to schools. Councilmember Alexander asked if Green Pieces would be donating these to schools and Councilmember Hall affirmed this. Councilmember Holcomb stated that these would be donated to schools with Green Pieces logo on the containers.

The Mayor asked the value of each container and Public Works Director Mike Lambert stated that the containers are valued at \$5-6 dollars each new. The Mayor stated that they should be placed for bid at that price.

Councilmember Alexander asked if these containers placed at curbside with the trash pickup, were both picked up the same day. The City Manager stated that Waste Management knows not to empty these containers as they do the trash pickup. The containers are emptied on Tuesday and Wednesday biweekly by Green Pieces.

Mr. Megson with Green Pieces stated that these containers are donated to schools and is saving the landfill. The Mayor asked the location of Mr. Megson's business and Mr. Megson stated that he is out of his truck presently with no fixed business location.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council to declare surplus 250 recycling containers and ordered sold by sealed bid.

-----

Police Chief Ronnie Michael came before Council to report on surplus equipment sales and a request to declare additional equipment surplus. He stated there were additional items requested to be declared surplus including a

number of weapons which would be sold only to firearm dealers. The City does not hold a license to sell firearms to individuals.

Councilmember Holcomb asked if Council could go to the auction and the City Manager stated that City employees cannot buy from the City because it is a conflict of interest. Councilmember Napier asked about the sale of the firearms and Chief Michael stated that it would be a sealed bid sent out to all firearm dealers in the area.

Councilmember Neel asked why the canoes were being sold if they were in good shape and Parks and Recreation Director Toby Thorpe stated that some of these were not suitable to programs currently offered through the Parks and Recreation. He also stated that new canoes had been purchased that do suit the current program needs.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, to declare additional equipment items surplus and ordered sold.

(Equipment Surplus items)

-----

The Mayor and City Council considered a request of Rocky River Rural Planning Organization to submit a letter to NCDENR regarding air quality attainment in the RRRPO area. The Rocky River RPO has asked that its member jurisdictions send a letter to the Department of Natural Resources and Economic Development regarding the potential designation of Stanly and Anson Counties as non-attainment. NCDENR has recommended that Stanly and Anson County retain their current status of meeting air quality standards, but this will be up to EPA. The EPA will be reviewing air quality for this area and Union and Mecklenburg Counties are already non-attainment for air quality.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, approved a request of Rocky River Rural Planning Organization to submit a letter to the North Carolina Department of Environmental and Natural Resources (NCDENR) regarding air quality.

-----

The Mayor and City Council discussed Home Internet Service. Information Systems Manager Gabe Dimeglio was present at the meeting to hear concerns regarding this service. At the last Council meeting there were several concerns expressed about difficulty in accessing the Novus program or with slow internet service.

IT Systems Manager Gabe Dimeglio stated that he had talked with or visited several members of City Council to try to resolve any issues that they had been having and would answer any questions still of concern tonight. Councilmember Neel stated that his system freezes up sometimes and he needs to know what to do. Mr. Dimeglio advised that he would need to shut the system down by pressing and holding down the power button for 5 seconds until it shuts down, then turn the system back on.

Mr. Dimeglio stated that the City's server had been under security attack and the server places users on hold while it is first trying to protect the data on the system. The antivirus software detects up to 98% of attacks.

Councilmember Hall and Councilmember Townsend stated how slow their system was and talked about the cost of using Time Warner Cable Roadrunner at this slow pace. Mr. Dimeglio stated that he had worked from Friday through today on the security vulnerability of the server.

-----

The Mayor and City Council considered attendance at a community broadband meeting on February 19th and 20th at Stanly Regional Medical Center. Stanly County has convened a meeting with experts on community broadband to discuss the issues involved with establishing a community fiber to the premises initiative. The City Manager received an email from Stanly County Manager Andy Lucas on Friday, February 6 concerning this meeting. Councilmember Townsend confirmed his attendance and Councilmember Hall stated that she hopes to attend.

-----

The Mayor and City Council were reminded of the Stanly Community College commemoration of its first campus at the EE Waddell Community Center on February 17, 2009. This ceremony will take place at 11:00 a.m. on Tuesday, February 17 at the EE Waddell Community Center.

-----

The Mayor and City Council were reminded of the budget retreat on Saturday, February 28, 2009 at the City Hall Annex beginning at 8:00 am.

-----

Upon a motion by Councilmember Hall, seconded by Councilmember Napier 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 discuss real estate negotiations.

The City Council reconvened to open session. Mayor Whitley announced that a closed session was held pursuant to NCGS 143-318(a) 3 and 5 to consult with the City Attorney and discuss real estate negotiations and that there was nothing to report at this time.

-----

Councilmember Hall asked the City Manager about the meeting concerning the ElectriCities Public Power Grassroots Network and gathered the information she needed.

-----

Councilmember Neel stated that he had an item he would like to bring up for the second time. A problem of people walking and running in the road area in the early morning and evening when it is dark. Mr. Neel said that it is very hard to see people during these times of day when driving and it is not safe. Mr. Neel proposed creating an ordinance requiring that if there is a sidewalk when walking or running to use it. This would be enforced by the Albemarle City Police Department.

Councilmember Holcomb asked if this would be enforced. Police Chief Michael stated that if this is what Council wants to do that would be fine, but to let him check the legality of this type of ordinance and he will get back to Council on this matter.

-----

Councilmember Alexander asked if it was illegal to park on the wrong side of the road. Police Chief Michael stated that this is illegal and said that the City is issuing parking tickets on this matter. He also said that this situation is more pronounced in residential areas.

-----

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to Thursday, February 26 at 5:00 p.m. to review the annexation study in the City Hall Annex.