

REGULAR MEETING CITY COUNCIL  
January 26, 2009

The City Council of the City of Albemarle met in a regular session on Monday, January 26, 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.

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Mayor Whitley presented a Resolution to the Albemarle High School Football Team who were undefeated in the Rocky River Conference and were Champions of the 1A-2A Rocky River Conference. Head Coach Baxter Morris, the coaching staff and members of the football team were present for this presentation. This resolution was adopted by the City Council at the January 5 meeting. Coach Baxter thanked the Mayor and Council members.

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Mayor Whitley presented a Resolution to the Albemarle High School Men's Soccer Team who were the Western Regional Champions and were the Runners Up in the IA State Championship Game. Head Coach Shawn Graeff, the coaching staff, and team members were present for this presentation. This resolution was adopted by the City Council at its meeting on January 5. Coach Graeff stated that he was humbled and honored and he thanked the Mayor and Council members.

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

Douglas A. Morris – 29.08 years of service  
Howard Spencer – 26 years of service

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the January 5 regular session; January 5 closed session; and January 21 adjourned session; was approved as submitted.

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Ms. Rebecca Yarbrough, Centralina Council of Governments came before City Council to provide City Council with information regarding the Centralina Council of Governments CONNECT initiative and to request that City Council consider the adoption of the CONNECT resolution. Information regarding the CONNECT initiative was provided to City Council, along with the resolution proposed by CCOG. CCOG is requesting that the City Council consider adopting this resolution which outlines the responsibilities of the City for participation. This includes the appointment of a liaison from the City to the Connect initiative.

Ms. Yarbrough stated that she wanted to update City Council on the CONNECT status and that it was a work in progress. She asked City Council's endorsement by resolution. The CONNECT program involves 15 counties of which the Centralina Council of Governments and the Catawba Council of Governments are a part of. She explained that this program is to proactively address sustainable and well-managed growth, a healthy environment, a strong and diverse economy, high quality education, and enhanced social engagement. She asked that Council adopt the CONNECT resolution and participate in cabinets, workgroups, information sharing, and policy discussions. This will allow smaller jurisdictions to work together, and enable our region to speak with one voice on common issues in Washington, Raleigh or Columbia. This will also include the appointment of a liaison from the City to the CONNECT initiative. She stated the only cost involved would be the time and travel of the liaison chosen to attend the meetings. The meetings are from 4 pm- 6 pm, four times a year held at the COG office in Charlotte.

Councilmember Holcomb asked Ms. Yarbrough who pays for the attendance of the meetings. Ms. Yarbrough stated the City would be responsible for the costs of time and travel of the liaison chosen to attend the meetings. Ms. Yarbrough stated that they are looking for grants to support some of the costs. She also stated that some of the meetings will be via conference call or an e-meeting, creating further cost savings to each municipality that participates.

Councilmember Hall stated that there would not be any monies from any municipality participating unless they wanted to as of July 1.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, City Council to approve the adoption of the CONNECT resolution which outlines the responsibilities of the City for participation and to appoint a liaison to the initiative.

In further discussion, Councilmember Holcomb stated that she thinks Council should think about any cost associated with this and who would be chosen as the liaison for the City, before voting on the resolution.

Ms. Yarbrough said that the Town of Norwood had already adopted this resolution.

Upon voting the Council approved adopting the CONNECT resolution and to appoint a liaison from the City to the CONNECT initiative. Voting for the motion were Councilmembers Alexander, Hall, Neel, Townsend and Underwood. Voting against the motion were Councilmembers Holcomb and Napier.

(Resolution 09-05, To support and participate in the CONNECT Program through Centralina COG)

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Ms. Wendy Burleson, Chairman, Beach Blast 2009 came before City Council to request street closings and to use the City Hall Annex restrooms for Beach Blast on May 9, 2009. City Council was given a map of the proposed street closings requested.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of streets and the use of the City Hall Annex restrooms for Beach Blast on May 9, 2009.

Councilmember Hall stated that Ms. Burleson was also a co-chair for the Cruise-In which will start back up for 2009 on March 20.

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Ms. Jodi Carson, 303 Leonard Avenue came forward to request the closing of Leonard Avenue between Inger Street and NC Highway 24/27 on Tuesday, January 27 from 7:00 p.m. until 8:00 p.m. in order to hold a vigil for Daniel Brown who was struck by a vehicle and killed on January 19.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of Leonard Avenue between Inger Street and NC Hwy. 24/27 on Tuesday, January 27 between 7:00 and 8:00 pm in order to hold a vigil for Daniel Brown who was struck by a vehicle and killed on January 19.

Upon further discussion, Councilmember Neel said that Leonard Avenue should be closed just to the Holiday Inn and not all the way to NC Hwy. 24/27 so customers can enter and exit the hotel. The City Council concurred in this suggestion.

Police Chief Ronnie Michael stated that the road closing should stop at the edge of the Holiday Inn allowing for customers to enter and exit.

Mayor Whitley stated that there had been an arrest made by the City of Albemarle Police Department for the person responsible for the hit and run accident which struck 12 year old Albemarle Middle School student, Daniel Brown. Police Chief Ronnie Michaels said that charges had been filed and the arrest had been made and he was out on \$10,000 bond.

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Mayor Whitley stated that there was a Boy Scout troop in the audience and asked if they were attending for any particular reason.

Troop Leader, Rick Shawn stated that this was Troup 13 and they were working on their citizenship in community badge.

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Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 09-03, To Abolish the no parking on the north side of Gibson Street from the intersection of Arey Avenue westwardly a distance of 143 feet.)

(Ordinance 09-05, Amending Section 31.25-4 of the First Protection Code of the City of Albemarle to adopt by reference the 2009 edition of the International Fire Code.)

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City Manager Raymond Allen provided an update on the City Hall construction and renovation project. Mr. Allen stated that the project continues in many areas including roof repairs and installation of roof drains on the existing building; framing in the new building; and rough in for mechanical installation, electrical, and sprinkler system.

Councilmember Neel asked what were the rectangular items lying outside at the job site. City Manager Raymond Allen stated he thought these were insulation boards. Councilmember Neel stated he thought they were windows. Councilmember Underwood said that the crews had consecutively worked every day during the cold weather days that we had been having recently. Mr. Allen also said that they had not been able to lay very many brick due to the extreme cold weather as of late.

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The Mayor and City Council reviewed the agreement for design services for the Waddell Center Renovation. WHN Architects, PA has submitted a proposal for design services on the E.E. Waddell Center Renovation Project. The proposal for services totals \$92,500 and 50% of this amount will be reimbursed to the City by the NC Parks and Recreation Trust Fund. The City Council previously approved the selection of WHN Architects for the Phase I improvements at the Waddell Center. Joseph Hatem of WHN Architects came forward to present the proposal to Council and answered any questions.

Mr. Joseph Hatem with WHN Architects, PA stated that the WHN team would come in and measure the entire building, all but the gymnasium and place this into AutoCAD. They would verify the existing conditions and using information obtained, provide a design development set of documents which would include architectural, structural, plumbing, mechanical and electrical drawings indicating the proposed renovations. Once approved by the City, they would provide construction documents for permitting and bidding including a revised budget estimate. They would also assist in the bidding of the project and make recommendations to the City of the prime contractor to be selected. They would provide administration services during construction which would include a final inspection with a punch list and the appropriate closeout documents.

Councilmember Townsend asked about the structural aspects and Mr. Hatem said that pictures had been taken and he felt good about the structure and all seemed feasible. He noted that the proposal calls for the removal of a load bearing wall, but that this could be handled.

Councilmember Hall asked about the time frame of the project and Mr. Hatem agreed that this is about a 10 month project in total.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the proposed agreement for design services for the Waddell Center Renovation by WHN Architects, PA.

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The Mayor and City Council considered Salisbury Rd. 24inch Water Transmission Main Project. Adam Kiker with Hobbs Upchurch & Associates, PA came forward to discuss the proposed scope of work for contract for Engineering Services. The project is to update/prepare the existing Salisbury Rd. 24 inch Water Transmission Main plans to a "shovel ready" status. The design services are to upgrade construction design plans from May 2003. The contract price includes a Hydraulic Study and Design and permitting of the project. The contract also has added fees associated with Construction Administration (Inspection) Services. The fees associated with this project have not been budgeted in the FY2008/2009 Public Utilities Budget. Approval of this project will require a budget amendment.

Councilmember Neel stated that he thought the estimate was too high which is up \$1,000,000 from the original 2003 estimate. He expressed a concern over the number of butterfly values which might indicate the line has been over designed. Councilmember Holcomb stated that recently prices had been going down and Mr. Kiker agreed with Councilmember Holcomb and said that this bid was based on bid tabulations from other firms doing these types of projects.

City Manager Raymond Allen stated that Council would only be voting on the appropriation for engineering services tonight.

Councilmember Hall asked for confirmation that the funds would be taken from the water and sewer fund which the City Manager affirmed.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the proposed contract for engineering services by Hobbs, Upchurch & Associates, PA.

Mr. Hobbs stated that his firm had been in business for 25 years and the City of Albemarle was his first contract then and Councilmember Neel was the City manager at that time. He also thanked the Mayor and City Council.

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The Mayor and City Council considered corrections to the Northeast Connector water assessments due to an error in property listing.

Assistant City Manager Michael Ferris came forward and said that the property information from the County that the City uses to determine assessment amounts was incorrect and as a result, one property owner at the corner of NC Hwy 740 and the Northeast Connector was over-billed in the assessment.

City Attorney David Beaver stated that the state is taking absolute ownership on these properties acquired and the county never adjusted the square footage on this owner's lot. The tax mapping department somehow just missed it.

Mr. Ferris stated that the original square footage used in calculating the assessment was 150 feet but since corrected would be 91.5 feet.

Councilmember Neel asked how long the owner had owned the property and City Attorney David Beaver said they had owned the property since before the Northeast Connector was built.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the corrections to the Northeast Connector Water Assessment roll for the Donald and Nancy Fincher property at the northeast corner of the intersection of the Northeast Connector and Badin Road.

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The Mayor and City Council considered an agreement with NC Department of Transportation for relocation of electric utilities for Ridge Street Extension. This agreement is for the relocation of the City's electric system components that will be in conflict with the improvements and extension of Ridge Street to Airport Road. City Council was provided with a copy of this agreement. Southeastern Engineering has estimated the cost of these adjustments to be \$143,277. Under the proposed arrangement, the City would contract for the relocation of these facilities and NCDOT would then reimburse the City for these costs. This project is for the extension of Ridge Street to the airport area.

Councilmember Hall asked if the City pays these costs upfront and then NCDOT reimburses the City. City Manger Raymond Allen stated that this is correct and the City has several million dollars in the electric fund at any given time which would take care of these costs upfront until reimbursed by NCDOT.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved the relocation of the City's electric system components for the improvements and extension of Ridge Street, to be 100% reimbursed by NCDOT for the project.

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The Mayor and City Council considered the request of American Public Power Association for authorization to solicit for PowerPac. The American Public Power Association is requesting permission to solicit the City's elected officials and employees for its PowerPAC political action committee. It indicates that due to Federal Elections Commission rules, it is required to receive



permission from the City before it can solicit the City's elected officials or employees for this political action committee. The purpose of this PAC is to support congressional candidates who are supporters of the interests of public power.

Councilmember Holcomb said that this is solicitation and she would not approve this. Councilmember Neel said that this type of thing should be done away with.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council denied the request of American Public Power Association for authorization to solicit for PowerPac.

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The Mayor and City Council considered bids for the financing of a Street Sweeper. The purchase of the Sweeper was approved at the January 5 meeting and the Finance Department has received bids for the financing. BB&T has provided the lowest rate.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved BB&T to finance the purchase of a street sweeper for the Public Works Department.

(Financing Bids for Street Sweeper in Public Works Department)

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The Mayor and City Council considered a request of Mr. Steve Megson, GreenPieces Recycling to place an article in City utility bill stuffer about the new curbside recycling service. Council read Mr. Megson's email with supplementary information provided by him regarding state law prohibiting the disposal of certain items in landfills and also regarding the recycling of ABC system materials. Mr. Megson has requested that City Council consider making an exception since this service reduces the amount of waste and prohibited recyclables going into the City owned landfill.

Councilmember Holcomb stated that since GreenPieces Recycling is a private business, the City cannot allow this type of advertisement. Councilmember Neel said that if they placed this article in the City utility bill stuffer, it should be done for any other recycling business. Ms. Holcomb said that the City would have to allow this for all businesses or none to be fair.

The Mayor and City Council did not take any action on this matter at this time.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, (Ordinance 09-04) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE TO DESIGNATE THE CHIEF OF THE CITY OF ALBEMARLE POLICE DEPARTMENT, OR HIS DESIGNEE, THE OFFICIAL OF THE CITY OF ALBEMARLE AUTHORIZED TO ACCESS CRIMINAL RECORDS IN VARIOUS MATTERS AFFECTING THE GENERAL WELFARE OF ITS CITIZENS”, passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, (Ordinance 09-06) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE TO DESIGNATE THE ALBEMARLE POLICE DEPARTMENT THE AGENCY OF THE CITY OF ALBEMARLE AUTHORIZED TO ACCESS SBI/DCI CRIMINAL RECORDS INFORMATION ON THE SUITABILITY OF PERSONS OR LOCATION OF FACILITIES FOR AN ABC PERMIT”, passed first reading.

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The Mayor and City Council considered the request for amendment to Ordinance 08-30. This request from the Parks and Recreation Advisory Board that Ordinance 08-30 be amended to set its regular meeting day for the second Monday.

The Parks and Recreation Advisory Board has determined that the regular meeting date established in the authorizing ordinance does not work for some of its board members. The Advisory Board has requested that City Council consider amending this ordinance to establish the regular meeting date as the second Monday of the months of January, March, May, July September and November.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved if acceptable, the City Attorney to draft an ordinance to effect this amendment.

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The Mayor and City Council considered the recommendation for the Countywide Recreation Plan Steering Committee Representative. The City Council at its meeting on December 15 requested that the Parks and Recreation Advisory Board recommend one of its members to serve on this committee. At its January 12 meeting, the Parks and Recreation Advisory Board nominated Ben Davis who lives on Springhaven Circle and is the District 4 member for this responsibility and recommends him for appointment by Council as Albemarle's representative on the CWRP Steering Committee.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council appointed Ben Davis of the Parks and Recreation Advisory Board to the Countywide Recreation Plan Steering Committee representative.

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The Mayor and City Council considered a date to schedule a new group photo that includes newly appointed Councilmember Dexter Townsend. The City Council chose Monday, February 2, 2009 at 6:30 pm at the City Annex.

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The Mayor and City Council reviewed a letter of thanks from Hospice of Stanly County for a Christmas tree sponsored by the Mayor and City Council in the Festival of Trees. The Mayor and City Council personally sponsored a tree in the Hospice Festival of Trees in memory of Councilmember T. E. White.

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City Manager Raymond Allen reminded the Council of the Stanly County Council of Governments meeting on Tuesday, January 27 at the Badin Inn and Resort in Badin at 6:30 pm. He also said that if everyone attending wanted to ride together he would have a van at the City Hall Annex ready to leave at 6 pm.

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Councilmember Alexander thanked everyone for the fruit basket and the thoughts and prayers while his wife was in the nursing home.

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Councilmember Underwood said that he had talked with Mr. Hudson, the owner of the former Hoots Fish & Tackle building, about the condition of the building and the need to secure the access to the building. Mr. Underwood said that Mr. Hudson told him he would make the needed safety improvements to the structure.

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Councilmember Hall said that she had been over to see the new Greenway in progress and it is great. She also mentioned the Chamber of Commerce annual meeting on February 12 and that Keith Crisco would be the keynote speaker. Councilmember Hall asked if Council was aware that the ADDC retreat had been rescheduled to Saturday, March 14. Lastly, Councilmember Hall asked Parks and Recreation Director if the school system had ever appointed a student from the Albemarle Middle School to the Parks and Recreation Advisory Board and he confirmed that this was taken care of.

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Councilmember Holcomb stated that she was in high hopes with the new President Barack Obama in office, he would do his very best and work really hard for the country.

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Councilmember Townsend wanted to thank everyone for attending the 8<sup>th</sup> annual Dr. Martin Luther King, Jr. Unity Prayer Breakfast on behalf of the NAACP.

Councilmember Townsend mentioned the first murder for the City this year and asked if there was anything that Council could do about the loitering in abandoned buildings around town. Chief of Police Ronnie Michael said the owner has finally signed a consent form to allow the Police Department to enforce loitering on his property. He also stated that Planning and Community Development Director Bob Sasser had talked with James Luster about condemning this building.

Councilmember Townsend also stated that with a public hearing next week to consider adoption of the Land Use Plan, he wanted to make a request that the City require large commercial developments that will generate a lot of foot traffic to install sidewalks in the affected areas for safety purposes.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, there being no further business, the meeting was adjourned.