

REGULAR MEETING CITY COUNCIL
November 10, 2008

The City Council of the City of Albemarle met in a regular session on Monday, November 10, 2008, 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, and T. Ed Underwood. Absent, none.

Bishop James Richardson, Saint's Delight Church, delivered the invocation.

Mayor Whitley said that for those who are unaware, Councilmember T.E. White recently passed away. He will be deeply missed by the City Council and the citizens of Albemarle are better off as a result of his service to the City and community. Councilmember White was very well respected and liked, as was evident by the crowd at his funeral last week.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the October 20 regular session and the October 20 closed session were approved as submitted.

Mayor Whitley welcomed Boy Scout Troop #6 to the meeting.

Mr. Joe Calloway appeared as an announced delegate to request street paving of Lynway Drive. The Assistant City Manager described in a memorandum to the Mayor and City Council that there are only two property owners adjoining this street and the other property owner is not interested in assessed street paving. Mr. Calloway would like to propose that Council pave the street and allow him to pay an amount equal assessment for his property and he is willing to pay half of the cost of paving the other side of the street. He requested

that Council also allow him to receive the 10% discount since he is willing to pay up front.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the paving of Lynway Drive with Mr. Joe Calloway paying $\frac{3}{4}$ of the amount equal to assessment, with a 10% discount.

Mr. Chris Bramlett, Albemarle Downtown Development Corporation, appeared before the Mayor and City Council to provide an update on the Downtown Master Plan Update process. Mr. Bramlett said there will be one more meeting prior to the development of the final report and invited the Mayor and City Council to the meeting. This will take place at the City Hall Annex on November 25 at 6:00 p.m.

Mr. Don Phelps, Monarch Apartments, appeared as an announced delegate to request an exception to the City's utility adjustment policy for a water leak. Mr. Phelps said the water leak occurred over the last three and half years. He said it was undetected for several months as the individual paying the utility bill for the apartment complex did not notify him of the drastic increase in the water and sewer usage. He became aware of the leak over a year ago but he had not been able to locate the leak to make the repairs. Now that the leak is repaired, he is requesting a sewer adjustment of approximately \$19,000.00, which is what he has calculated to be the overage during the time period when the leaks were ongoing.

Councilmember Neel explained that a benefit of having one master meter for the complex instead of all the units individually metered was a cost savings to the apartment complex. However, this does require the complex to maintain all the water and sewer lines on the private property side of the master meter, so any leaks need to be addressed privately.

Councilmember Alexander said a three and a half year adjustment would be an expensive decision against the City's current policy.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved an exception to the City's utility adjustment policy to provide Mr. Don Phelps, Monarch Apartments, a 12-month adjustment.

Mr. Phelps said he was unsure if he would accept anything less than an adjustment for the full time period during which the leaks occurred. Mayor Whitley asked him if he was going to accept the City offer to assist him for a 12-month period. Mr. Phelps said he was unsure.

Mr. Stephen Chambers, Chambers Engineering, was scheduled to appear as an announced delegate to request City approval for Stanly County to cross City Lake property with water and sewer lines. The lines will be constructed in the North Carolina Department of Transportation right of way and will be done in conjunction with the bridge replacement over City Lake. Mayor Whitley reported that Mr. Chambers had subsequently contacted the City to advise he had a conflict and could not attend the meeting.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the City Council approved the request of Stanly County to cross City Lake property with water and sewer lines.

Mr. Carl Helms, 1409 Short Street, appeared before the Mayor and the City Council as an announced delegate to request City funding for the proposed Homes of Hope Homeless Shelter. He indicated funding is needed and they are trying to open the facility as soon as possible because the cooler weather creates a higher demand and need for this type of service. Mr. Helms requested the City allocate \$5,000.00 in the current fiscal year to Homes of Hope for the homeless shelter, \$2,500.00 to the general budget of Homes of Hope, fund the homeless shelter at \$2,500.00 per year for the next two fiscal years, and for a free water tap to serve the homeless shelter. Mr. Helms noted Stanly County has already committed funding this current year and the next two years.

Councilmember Neel said homeless shelters and other social service type issues are County functions in North Carolina and not City functions. He also stated that when Stanly County contributes to a project, the citizens of Albemarle also contribute. If the City of Albemarle were to provide a separate allocation to this endeavor, City taxpayers would be paying twice.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council voted to waive the tap fee for the homeless shelter at 505 South First Street.

Councilmember Underwood moved to appropriate \$2,500.00 in the current fiscal year for the homeless shelter project. The motion was seconded by Councilmember Hall. Voting in favor of the motion were Councilmembers Hall, Napier and Underwood. Voting in opposition to the motion were Councilmembers Alexander, Holcomb and Neel. Mayor Whitley voted in favor of the motion to break the tie vote and to appropriate \$2,500.00 in the current fiscal year for the homeless shelter project.

The Mayor and City Council considered appointments to the Parks and Recreation Advisory Board. Council held over appointments from the last meeting in order to seek more interested parties.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the following individuals were appointed to the Parks and Recreation Advisory Board: Shawn Baldwin, Ken Russell, Elaine Plowman, Ben Davis, Diane Billings, Mike Blanton, John Williams and Xavier Brown.

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

ORDINANCE 08-38

AN ORDINANCE TO AMEND FY 2008-2009 BUDGET

WHEREAS, the Council of the City of Albemarle did on the 2nd day of June, 2008 adopt a City Budget for the fiscal year beginning July 1, 2008 and ending June 30, 2009; and

WHEREAS, it is appropriate to amend the expense and revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, that in accordance with the authority contained in G.S. 159-15, the following are hereby amended as shown and that the total amounts are herewith appropriated for the purpose shown.

	Account Title	Amount	From	To
EXPENSE	Other Equipment (Landfill)	\$37,000	-0-	\$37,000
REVENUE	NCDENR Grant (Landfill)	-\$37,000	- 0 -	-
	\$37,000			

REASON: To appropriate Grant money from NCDENR for purchase of a dump truck to be used 100% of the time for the City's white goods program as stated on the capital improvements grant application.

This ordinance was introduced and signed by Councilmember White, a member of the City of Albemarle, North Carolina

Member of Council

This ordinance was introduced and passed its first reading at the meeting of the Council held on October 20, 2008, and was continued for further hearing on November 20, 2008. At the meeting of the Council held on November 20, 2008, this ordinance passed its second reading, was adopted, and ordered published as by law provided.

Dated November 20, 2008.

S/ Elbert L. Whitley, Jr.
Mayor

Attest:

S/ Michael J. Ferris
Clerk

The City Manager provided his regular report on the status of the City Hall construction and renovation project. He reported that most of the steel has been erected. Concrete has begun to be poured on the second floor. Finally, the issue with the duplicated scope of work in two contracts for the security has been resolved.

Councilmember Neel said he was contacted by concerned members of the Central United Methodist Church who would like steps installed by the City between the City's parking lot and the church parking lot where the elevation difference is approximately three feet. Councilmember Neel asked that no work proceed in this area until this matter is resolved.

The City Manager reported that the City of Albemarle is being asked to serve as the lead agency in a regional brownfields assessment coalition. Council had previously approved the City's participation and commitment of \$1,000.00 to the project. As the lead agency, the administrative matters will flow through the City. Other municipalities in the coalition are Polkton and Morven.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, approved the City's role as lead agency in the regional brownfields assessment coalition.

Councilmember Neel suggested the former Wiscassett property the City purchased be included as one of the sites to be reviewed.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request of South Central Oil Company for a two-lot subdivision in Brookwood Executive Park.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved change orders with Eagle Wood Engineering in the amount of \$23,164.05 for Phase I work on the Roger F. Snyder Greenway System.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council selected URS Corporation for planning services for the Comprehensive Bicycle Plan.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 08-39) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE XXXI TO PROVIDE A NO PARKING ZONE ON THE NORTH SIDE OF GIBSON STREET FROM THE INTERSECTION OF AREY AVENUE WESTWARDLY A DISTANCE OF 143 FEET IN THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, an Ordinance entitled (Ordinance 08-40) "AN ORDINANCE TO AMEND FY 2008-2009 BUDGET" passed first reading.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, an Ordinance entitled (Ordinance 08-41) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO A PARTF GRANT FOR THE EE WADDELL COMMUNITY CENTER SUPPLEMENTED BY MATCHING FUNDS FROM CITY OF ALBEMARLE" passed first reading.

Councilmember Neel inquired as to what the next step is with this project. The City Manager said the City needs to advertise for and engage an

architectural firm. A recommendation will be provided to the City Council for their consideration and approval.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council authorized the City Attorney to draft an Ordinance to eliminate the passenger loading zone on North First Street in front of First Street Methodist Church.

The Mayor and City Council considered the request of Ms. Jessica Chism, 109 South Hill Avenue, for a Children at Play sign on South Hill Avenue. The City Manager indicated that Ms. Hill said she and her neighbors were willing to pay the cost of posting the signage per City policy.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved the posting of a Children at Play sign on South Hill Avenue.

It was the consensus of the Mayor and City Council to invite retirees and family of deceased former City employees to the December 1 City Council meeting to be presented with their copies of the North Carolina League of Municipalities Resolutions.

Councilmember Neel asked that the North Carolina League of Municipalities staff be advised of Councilmember White's passing as soon as possible.

Mayor Whitley and Councilmembers Neel and Underwood confirmed their attendance at the Stanly County Chamber of Commerce Planning Conference on Friday, November 21 from 8:00 a.m. to 1:00 p.m.

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, 5 and 6 to consult with the City Attorney, to discuss real estate matters and to discuss personnel issues.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced that a closed session was held pursuant to NCGS 143-318(a) 3, 5 and 6 to consult with the City Attorney, to discuss real estate matters and to discuss personnel issues and there was nothing to disclose at this time.

The City Manager distributed copies of a letter received from the North Carolina Department of Transportation concerning an informational meeting to be held on November 17 at Stanly Community College concerning the possibility of employing the super-streets concept at the intersections of Endy Road and Canton Road on NC Highway 24/27.

Councilmember Holcomb said she will miss Councilmember White very much and enjoyed working with him.

Councilmember Hall provided the Assistant City Manager information about Centralina Council of Governments Region of Excellence Awards and asked that City staff apply if there are any worthy projects.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council designated Councilmember Judy Holcomb as the City's voting delegate to the National League of Cities Annual Meeting.

The City Council discussed their desire to take action to honor the memory of Councilmember T.E. White. It was the consensus of the Council to think of ways to do this and discuss at a future meeting.

Councilmember Neel said the Council needs to establish a procedure to fill the vacant District 1 Council seat. The Assistant City Manager said he would send the Mayor and Council a map of the City Council districts so they could review the exact boundaries.

There being no further business, the meeting was adjourned.

_____ City Clerk

_____ Mayor