

REGULAR MEETING CITY COUNCIL
November 17, 2008

The City Council of the City of Albemarle met in a regular session on Monday, November 17, 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.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the November 10, 2008 regular session and the November 10, closed session were approved as submitted.

The Mayor and City Council discussed the passing of Councilmember T. E. White and how much he would be missed in the community. Council had also spoken with various people in District One about the replacement for Councilmember White. Mayor Whitley recommended Council appoint Dexter Townsend effective as of the first City Council meeting in January.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council appointed Mr. Dexter Townsend to the District One Albemarle City Council seat effective January 1, 2009.

A public hearing was held to consider Confirmation of the Judgment and Assessments Roll for the Northeast Connector Sewer Project. No one from the public spoke for or against the proposal.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following Judgment and Assessment Roll for the Northeast Connector Sewer Project from NC Highway 740 extending northwestwardly a distance of approximately 421-feet was duly confirmed:

(Northeast Connector Sewer Confirmation Roll)

A public hearing was held to consider Confirmation of the Judgment and Assessment Roll for the Northeast Connector Water Project. No one from the public spoke for or against the proposal.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the following Judgment and Assessment Roll for the Northeast Connector Water Project between Badin Road and NC Highway 740 was duly adopted:

(Northeast Connector Water Confirmation Roll)

Mr. Tony Upchurch, Battalion Chief, Fire Department and Assistant Public Works Director Nina Underwood appeared before the Mayor and City Council to report on the 2008 Employee United Way Campaign. These employees along with Assistant Police Chief Ted Smith chaired the City's United Way Campaign and presented the City Council with the results of the campaign.

Mr. Upchurch, explained how the economy and the bad publicity with the Central Metrolina United Way have lead to fewer donations this year. He also stated that the City employees gave \$15,000 plus this year. Out of 285 City employees, 141 of those employees gave some amount of which 30% were fair share givers. Mr. Upchurch continued to explain that vendors supplied the door prizes that were a part of a drawing given to the employees that donated. Mr. Upchurch stated that the City had been asked by United Way to come back in July as a pacesetter meaning starting earlier for next year's campaign and hopefully raising more money next year.

The Mayor and City Council thanked Assistant Fire Chief Tony Upchurch and Assistant Public Works Director Nina Underwood and Assistant Police Chief Ted Smith who was unable to attend the meeting for all the time and effort they had given in the United Way Campaign for the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously approved, the City Council approved a day of annual leave for each of the three people who chaired this successful campaign this year.

Mr. Steve Megson appeared before the City Council to discuss recycling. He has a proposed company named Green Pieces, LLC and he gave out copies of his business plan to the Council. His objective is to provide voluntary curbside collection service for a monthly fee for homeowners, small businesses, commercial and non-profit organizations within Stanly County. Mr. Megson requested that if the City accepted bids for curbside recycling service in the future that he be permitted to submit a bid. He also asked that he be allowed to collect recyclables at City special events and asked that the City purchase the special events recycling containers. Councilmember Neel suggested the possibility of the City providing its remaining household recycling containers to Mr. Megson.

The Mayor and City Council thanked him for coming forth and that they would schedule him on a future agenda to discuss the matter further. Council also requested that Ms. June Mabry be invited to a future meeting to discuss her new recycling operation.

The Mayor and City Council were provided with copies of the October Monthly Departmental Reports.

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

(Ordinance 08-39, To create a no parking zone on the north side of Gibson Street extending westwardly from the intersection with Arey Avenue a distance of 143-feet.)

(Ordinance 08-40, To amend the FY 2008/2009 Budget in the Powell Bill Fund to appropriate the City share of the cost of the sidewalk installation along NC Highway 24/27.)

(Ordinance 08-41, To appropriate PARTF funds for renovations at the EE Waddell Community Center.)

The City Manager provided an update on the City Hall construction and renovation project. Mr. Allen stated that it being only one week since the last Council meeting update, there was nothing new to report at this time.

The Mayor and City Council considered an Agreement with Benchmark, Inc. for an Annexation Study. Pursuant to City Council's request, Benchmark, Inc. has submitted a proposed agreement for this study. The proposed agreement is not to exceed \$49,000. Phase I costs are \$34,000, and Phase II costs are \$15,000. The City would only incur Phase II costs if the City decides to proceed with any annexations. The City Manager reported the City budgeted \$25,000 in the current fiscal year for the study and General Fund Fund Balance could be appropriated to cover the remaining cost of the study incurred by the City.

Mr. John McHenry with Benchmark, Inc. came before the City Council to answer any questions that Council had. This is a comprehensive proposal that will provide a cost benefit analysis of each of the areas to be considered for annexation.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved an Annexation Study Contract with Benchmark, Inc., in an amount not to exceed \$49,000 and approved the appropriation of General Fund Fund Balance to cover the remaining cost of the study.

The Mayor and City Council considered action items related to the Joint Senate and House Study Commission on Annexation. The NC League of Municipalities asked that each municipality send a letter by November 30 to this Study Commission and meet with their legislative delegation. The City Manager drafted a letter for Council's consideration based on information provided by the League.

Councilmember Neel stated that Council needed to set up a meeting with Representative Burr and Senator Purcell as soon as possible to provide them with the City's perspective on annexation.

Councilmember Hall stated that the main thing the NC League of Municipalities wants from each municipality is to send a letter to this study commission and if approved tonight, Council sign the letter and set up a meeting of the Mayor, City Manager, and any member of Council that can attend with Representative Burr and Senator Purcell.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved a letter to the study commission on annexation and requested that a meeting with Representative Burr and Senator Purcell be arranged.

The Mayor and City Council reviewed information stating that the North Carolina General Assembly had ratified Senate Bill 1852, which has been designated as Session Law 2008-144 which allows for a Gross Receipts Tax on Heavy Equipment Rental. This replaces an ad valorem tax which was repealed and replaces the lost revenue from that tax with Gross Receipts tax on short-term leases.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, a Resolution passed entitled "A RESOLUTION TO APPROVE THE GROSS RECEIPTS TAX ON HEAVY EQUIPMENT RENTAL" passed first reading.

The Mayor and City Council considered taking action to ratify each document that Councilmember T.E. White had approved and was unable to sign before his death. The documents in question are the Judgment & Assessment Rolls for both the Northeast Connector Water and Sewer projects, as well as Ordinance 08-38 (a no parking zone on the north side of a portion of Gibson Street).

City Attorney David Beaver stated that Council should take action to ratify each. If Council does this, Mr. Ferris will place a note on each document signature line where Councilmember White would have signed that refers the reviewer to an attachment. The attachment will be the ratification statement and summary of action explaining the reason for the lack of his signature.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the ratifying of said documents by ratification statement was approved.

The Mayor and City Council considered the request of Councilmember Neel to drill holes in the sidewalk for Lion's Club flag rentals for any new locations. Councilmember Neel said this occurs where sidewalks have been replaced and the holes have been covered and advised that there will only be a small number of these each year, and that these can be worked in on an as needed basis.

Upon a motion by Councilmember Alexander, seconded by Councilmember Neel and unanimously carried, the drilling of holes by the City for Lion's Club flag rentals was approved.

The Mayor and City Council considered exercise of proxy for the NC One Call Center Board of Directors. As a member of the NC One Call Center, the City Council has the right to exercise a proxy to vote for members of this Board of Directors.

A copy of the ballot and a biography of the persons nominated for this Board of Directors were presented to Council for their decision. This is the organization that works with utilities to identify underground utilities prior to excavation.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the proxy votes were made by City Council:

Excavation Contractor: Justus Everette, ABE Utilities

Design Engineering Company: Mike Shinn, McKim and Creed

The City Council did not vote on the Liquid Pipeline or Natural Gas Transmission Company choice due to not knowing either candidate.

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 to consult with the City Attorney.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb 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 to consult with the City Attorney.

Mayor Whitley stated that at the November 10, 2008 meeting a motion was made and unanimously carried to approve an exception to the City's utility adjustment policy to provide Mr. Don Phelps, Monarch Apartments, a 12-month sewer adjustment on their utility billing.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council voted to rescind the motion of November 10, 2008 to allow a 12-month sewer adjustment to the Monarch Apartments.

City Manager Ray Allen mentioned the Downtown Master Plan meeting on November 25 at 6 pm at the City Hall Annex and that ADDC Director Vicki Coggins needed to know who from the Council would be attending. Mr. Allen asked Council to let him know as soon as possible. Mayor Whitley, Councilmember Hall, Councilmember Underwood and Councilmember Napier confirmed attendance.

City Manager Raymond Allen stated that a new business, Pet Sense, would be holding a ribbon cutting this Saturday, November 22 at 9 am and asked if one of the Councilmembers would like to attend the ribbon cutting in place of the Mayor who cannot attend due to a previous commitment. Councilmember Hall stated that she would check her calendar and let Mr. Allen know.

City Manager Ray Allen mentioned to Council about the Collins and Aikman bankruptcy and that the City is working with the law firm of Poyner & Spruill, who is reviewing our utility policies. He asked Council if they would like to have a specific meeting just for the purpose of asking and having questions answered by the law firm. He stated that since they are coming from Charlotte for a meeting, it would be best to start around 6 pm. Dates he suggested were December 2, 4 and 10. Council determined that Tuesday, December 2, 2008 would work best for everyone.

Police Chief Michael came before Council asking that they be aware of a possible private club in the recreation center on Bird Road near Lum's Ford dealership. He stated that there was nothing the City could do about this. He stated that the proprietors have been to see Planning and Community Development Director Bob Sasser and have not been by to see him as of yet. Chief Michael said that he should know more sometime this week and that this would be an active place for police if this carries through.

Councilmember Holcomb asked Police Chief Michael to check on certain things that had previously caused problems at the Downtown Christmas this coming Friday, November 21.

Councilmember Underwood stated that he is still getting complaints on the stop signs recently placed on Pee Dee Avenue.

Councilmember Alexander asked who is responsible for road maintenance from the overpass on US Highway 52 Business to the 1st and 2nd street split. The City Manager stated that this is NCDOT's responsibility. Mr. Alexander said that this area of road is very rough and needs resurfacing. The City Manager said that he would contact NCDOT about this.

Upon a motion by Councilmember Napier, seconded by Councilmember Hall and unanimously carried, the City Council adjourned to November 19 at 6:30 p.m. for a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment at the Rosebriar Restaurant.