

REGULAR MEETING CITY COUNCIL

December 1, 2008

The City Council of the City of Albemarle met in a regular session on Monday, December 1, 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.

Mayor Whitley delivered the invocation.

Mayor Whitley made a special presentation of a North Carolina League of Municipalities Memorial Resolution to honor the memory and service of Calvin H. Chandler to the City. Calvin Chandler's wife and son were presented with a framed resolution. At the request of City Council, retired employees and their families were invited also and received a North Carolina League of Municipalities Retirement Resolution. Retired employees attending and being presented with the framed resolution were John Poole, Judy Chandler, and Trina Webster.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of the November 17 regular session, November 17 closed session and the November 19 adjourned session were approved as submitted.

Mr. Kelvin Benfield, Narmour, Wright, Creech came before the City Council to provide a status report on the City Hall Project and to address Councilmember Neel's questions about the grade differential between the City property and the property of Central United Methodist Church. This area had to be redesigned when the church made a last minute decision to not participate in a joint use parking lot. At Councilmember Neel's request, the City Manager asked the architect and contractor to provide a price to add steps between the City and CUMC property.

Mr. Benfield stated that there had been problems with the steel being on time and had created a 4-5 week delay. The steel continues to come in and some of the next steps are getting the new building in the dry and roofing the new building, roofing the existing building, getting mechanical systems in place within the next two months. Next in line is placing the new windows and bricking the exterior. He also said that the contractor met with the subcontractor on this and has set a target completion date of November 2009. The elevator should be in by March of 2009 and the finished carpentry work should be complete by April 2009.

Mayor Whitley asked Mr. Benfield if there was a completion date set and Mr. Benfield stated November 2009. He also stated that the contractor is still working toward the original contract completion date of September 2009.

Mr. Benfield at this point answered the questions that Councilmember Neel had about the grading of the parking lot. Mr. Benfield stated that the original plan was to have a joint parking lot with Central United Methodist Church. Once CUMC decided against this it created a difference in the grading of 14-16 inches. He also said that the contractor is working on a price for adding steps, handrail and sidewalk between the two parking lots.

Councilmember Neel stated that what is needed is a non-passable barrier because people will try to cross between the lots and it is dangerous with the elevation difference. Mr. Neel also said that a fence between the two lots would be the best solution. Councilmember Holcomb stated that she did not think a fence was a good solution as she did not believe it would be attractive. Mr. Benfield said that they had not been asked to put up a fence between the two parking lots. Councilmember Alexander said that placing holly bushes close together in that area would stop people from passing through.

Councilmember Neel continued to state that a fence of some type would be the best solution. He also asked that Council be given more time to look at the items before final decisions are made. He asked Mr. Benfield to continue to inform Council on choices and costs for fixtures, such as for lighting and plumbing. City Manager Raymond Allen stated that the project had already bid on these items and that Council was given an opportunity to review and comment on these items prior to receiving bids. Mr. Allen also said a price on adding steps would be available by December 15 from the contractor.

Councilmember Hall said that as the City gets closer to the time, there should be better input to the parking lots.

Mr. Stephen Chambers, Chambers Engineering, came before Council to present a proposal to prepare a grant application to the NC Rural Development Center for a sanitary sewer evaluation study. This study could provide documentation and support for future Rural Center grant applications for sewer infrastructure. The City has not had a study of this type performed on its system for approximately 30 years. Repairs are made to the sewer system each year, but this study would help to prioritize future repairs. If funded, the City would be required to match the grant amount. The \$2,500 cost for application preparation could come from Water and Sewer retained earnings. The City's match for this grant if awarded would not be needed until FY 2009-2010.

Mr. Chambers stated that Public Utilities Director Ernie Borders contacted him three weeks ago regarding preparation of a Rural Development grant. He also said that the deadline is January 15 and that there is a \$40,000 award maximum with the City matching those grants funds. There is a requirement of critical need which Mr. Borders said that the City meets.

Councilmember Holcomb asks if the City only needed to spend \$2,500 initially and Mr. Chambers said that this is correct to get the application package together.

Councilmember Hall stated that this is an \$80,000 project with the City matching \$40,000 as half. Mr. Chambers said that he would be at the next City Council meeting to decide on the amount.

Councilmember Neel stated that the City needs to look into doing this work in-house and see what the difference in costs is over outsourcing.

City Manager Raymond Allen stated that Public Utilities Director Ernie Borders is recovering from surgery as to why he was not present this evening.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, authorized the hiring of Chambers Engineering to prepare a grant application to the NC Rural Development Center for a sanitary sewer evaluation study.

Mr. Steve Megson Stanly Recycling, LLC, Ms. June Mabry San-Kawa, LLC., and Ms. Sally Aycock from Christ Episcopal Church came before Council as announced delegations to discuss their proposed recycling businesses. Mr. Megson was present as a continuation from his discussion with the Mayor and Council at the November 17 meeting. The City Council requested at the November 17 meeting that Ms. Mabry be invited to a meeting to discuss her business. A copy of recycling proposals that Ms. Mabry and Mr. Megson provided to Mike Lambert and Darren Preslar of the Public Works Department were reviewed by Council.

Ms. Mabry stated that she had been looking at recyclables for months and that Christ Episcopal Church had started their own recycling program. She continued to state that glass recycling is being considered. She stated that they were present to inform Council and that Christ Episcopal, San Kawa, and Stanly Recycling can all work together. Ms. Mabry stated that her business is located at 403B West Main Street and that she would like to have an open house for Council to see the operation. She thanked the City Council for taking the time to listen and consider their proposed recycling ventures.

The Mayor and Councilmember Holcomb thanked them for coming and the Mayor stated that he is excited about the recycling business as a great private enterprise. The Mayor also said that the City could publish things about these recycling opportunities in the City's utility bill stuffer.

Ms. Mabry said her recycling program keeps the recyclable material and creates local job opportunities that are currently in China and other foreign countries.

Councilmember Hall said that Steven Morgan of the Richfield City Council is on the Centralina Council of Governments recycling committee that she chairs. Also, she said that the Centralina Council of Governments meeting is Thursday, December 4 and regional issues will be discussed. She also said that she likes the idea of people taking care of recycling privately.

Councilmember Neel mentioned that there may be a conflict of meetings on Thursday, December 4. There is an ElectriCities meeting and also the Joint Legislative Study Commission on Municipal Annexation.

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

(Resolution 08-39, To approve levying a tax on gross receipts derived from retail short-term lease or rental of heavy equipment.)

The Mayor and City Council received a status report about the Joint Study Commission on Municipal Annexation from the City Manager. City Manger Raymond Allen stated that the City Council's letters to the members of the Joint Legislative Study Commission on Municipal Annexation had been mailed. He also stated that he had spoken with Town Administrator Dwight Smith of Norwood, and they had sent a letter to Senator Purcell and Representative Burr requesting that they meet with representatives of the municipalities in Stanly County regarding the annexation issue. A breakfast meeting is planned, probably in Albemarle, to which all the Mayors and City Councils will be invited and Mr. Allen said he will inform Council when the date is set for this meeting. Mr. Allen also mentioned there is a meeting of the Joint Study Commission this Thursday, December 4 from 10 am to noon in Room 544 of the Legislative Office Building. The League of Municipalities is urging its members to attend this meeting to show that cities and towns are concerned about this issue.

Councilmember Neel asked about the conflict of meetings on December 4 being an ElectriCities meeting and the Joint Study Commission meeting in Raleigh. The City Manager said that he may not be able to attend the ElectriCities meeting with him, but would let him know.

The Mayor and City Council considered a proposal of CEBA, Inc. to change the voluntary employee dental insurance carrier from Sun Life to Citizens Security. Sun Life is proposing a 19.99% increase over current rates. The suggested carrier shows a rate increase of 2.17% over current rates with a 2-year rate guarantee. This program is voluntary and is 100% employee funded. Council received a memo from Human Resource Director Robert Whitley to Assistant City Manager Michael Ferris as well as the bid tabulation for consideration. The City's benefit consultant received bids from several companies and is recommending Citizens Security.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council voted to change dental carriers from Sun Life to Citizens Security.

Councilmember Neel stated that since the premium is 100% paid by the employees, should the employees not be consulted. The City Manager replied by saying that City Council has always made decisions of this type but an employee survey could be taken as to their choice. No action was taken on this matter.

The Mayor and City Council were to receive a report on the NC Rural Development Center Training Program from Director of Public Utilities Ernie Borders who recently attended a grant training session at the Rural Center in Raleigh. Mr. Borders recently had surgery and was unable to attend. This item was placed on the calendar for the December 15 Council meeting.

The City Council discussed the status of the leaf collection season. City Manager Raymond Allen stated leaf collection began on October 13 and Waste Management is doing an excellent job of staying right on schedule, and they have even made several extra pickups in areas with heavy leaves so as to not fall behind. He also noted that Grover Shankle and Waste Management need commending for their outstanding efforts this year.

Councilmember Holcomb reported that everything looks good so far with no complaints and a thank-you to Waste Management.

Mayor Whitley also thanked Waste Management and stated with the new trucks and also having extra trucks this year that this really has made such a difference.

A representative of Waste Management was present at the Council meeting and reinforced what the Mayor had stated that the extra trucks and having the supervisor here full time to stay on top of things made the difference in staying on schedule.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, an Ordinance entitled (ORDINANCE 08-42) "2008 GRANT ORDINANCE FOR A PUBLIC HOUSING CAPITAL FUND PROGRAM" TO ESTABLISH A PROJECT BUDGET FOR THE 2008 CAPITAL FUND PROGRAM IN THE DEPARTMENT OF PUBLIC HOUSING" passed first reading.

The Mayor and City Council considered suspending acceptance of new Section 8 Housing Voucher Applications. Due to lack of staff and the length of the waiting list, Public Housing staff is recommending suspending the acceptance of new Section 8 Housing Voucher applications in order to process existing applicants, currently over 200. Council reviewed a memo from Public Housing Director Garry Lewis regarding the waiting list for the Section 8 program. Due to the length of this waiting list, Mr. Lewis has requested that his department be permitted to suspend the taking of new applications.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, Council voted to suspend acceptance of new Section 8 Housing Voucher Applications beginning in January 2009.

Public Housing Director Garry Lewis stated that he will be informing the news media by Thursday. He said that they will continue to take applications this month and suspend the applications in January.

The Mayor and City Council considered write-offs in the Department of Public Housing for the six month period ending June 30, 2008 in the amount of \$1,786.01.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, Council voted to approve the write-offs in the Department of Public Housing for the six month period ending June 20, 2008 in the amount of \$1,786.01

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (ORDINANCE 08-43) "TO ELIMINATE A LOADING ZONE ON THE WEST SIDE OF NORTH STREET" passed first reading.

The City Council considered the appointment of a delegate and alternate to the Centralina Council of Governments. Centralina COG requests each year that jurisdictions confirm their current delegate and alternate or appoint replacements. The City's current delegate and alternate are Councilmember Hall and Mayor Pro Tem Alexander, respectively.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council voted to reappoint Councilmember Martha Sue Hall as the City's delegate to Centralina COG. Mayor Pro Tem Alexander declined reappointment as the City's alternate.

Councilmember Hall stated that with Dexter Townsend coming on board as a Councilmember in January to replace T. E. White, it might be best to wait until Mr. Townsend comes on board to choose an alternate.

Mayor and City Council discussed rescheduling the January 19 City Council meeting to January 26 due to conflict with Dr. Martin Luther King, Jr. Holiday.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, Council voted to reschedule the Monday, January 19 City Council meeting until Monday, January 26.

City Manager Raymond Allen gave a report to Council on the Rocky River RPO TAC Meeting held on Thursday, November 20, 2008. Mr. Allen stated that the City's delegate and alternate were not to attend the meeting and that he attended as a non-voting observer. He informed Council of the topics covered at the meeting:

- 1) Air Quality - It appears that Anson and Stanly Counties will remain out of the non-attainment areas as designated by the EPA.
- 2) RPO prioritization of Transportation Improvement Program Projects (TIP)
- 3) NC DOT Barry Moose, Division 8 reporting on the 21st Draft Transportation recommendations. An important issue for municipalities across the State is that the suggestion to turn over all State roads inside municipalities with the exception of US and NC routes, has been removed from the list of recommendations.

The Mayor and City Council considered attendance at the National League of Cities Congressional City Conference March 15-18 in Washington, D.C. The City Manager advised Council that staff will handle registration for any board member who plans to attend.

Councilmember Hall stated that she has already registered for the conference and Councilmember Holcomb stated that she may attend and will let the City Manager know.

The Mayor and City Council considered attendance at Centralina COG Sub-Regional Legislative Meeting on December 10, 2008. This meeting is to discuss legislative priorities for Centralina COG with the regional legislative delegation. This meeting will take place at 8:00 am at the Hilltop Restaurant in Monroe. Councilmember Hall will be attending the meeting and had asked that this be placed on the agenda to invite another member of Council to attend as well. Each jurisdiction has been offered the opportunity to have two elected officials at this meeting.

Councilmember Hall informed Council that the nine counties in the Centralina COG were subdivided into four sub regions. Stanly, Anson and Union Counties were placed in the same sub region. She said just to let her know if any member would like to attend the meeting with her.

Mayor Whitley stated that he had talked with Carl Helms today and Mr. Helms told the Mayor he appreciated the City donating money for the homeless shelter.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood 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 conduct real estate negotiations and to discuss personnel matters.

Upon a motion by Councilmember Alexander, 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 conduct real estate negotiations and to discuss personnel matters and that there was nothing to report at this time.

City Manager Raymond Allen stated that he received a call from Mr. Jimmy Lowder last Wednesday afternoon about property he owns on Old Charlotte Road where the old ice house plant used to be. Mr. Lowder talked about the property west of his where Economy Auto used to be and he asked if he acquired this property and if he tears down the building on the property, if the City would forgive the tipping fees at the landfill for clearing up the lot. The City Manager said that no fees can be waived at the landfill as it is solely funded from the tipping fees and that Planning and Community Development funds would have to be used to pay the landfill.

Councilmember Alexander said that by him taking down the eyesore of this building, it should be worth covering the tipping fees. Councilmember Hall stated that this debris would be going in the construction and demolition part of the landfill and could be many tons. Councilmember Holcomb stated that the City cannot do this not knowing the cost of the debris to be discarded. Mayor Whitley said that Council should take a look at the lot before making any decisions. Councilmember Neel stated that these tipping fees cannot be forgiven. Councilmember Hall asked if Public Works Director could take a look at this and give an opinion. Councilmember Holcomb said that the City cannot do anything about this.

It was the consensus of the City Council to uphold policy and require Mr. Lowder pay any tipping fee for materials brought to the landfill.

Councilmember Holcomb stated that the City should do something for the Albemarle High School Bulldogs based on how well their football season was this year. She also said that a resolution would be nice and have representatives from the high school attend a meeting and present this to them.

Mayor Whitley stated that Mr. Kelvin Benfield, Narmour, Wright, Creech would be back before Council about the City Hall Project and present a price quote on adding steps and rail and that the Council may want to consider having the Public Works Department perform this work. The Public Works Department can probably do this work cheaper and this should be considered. He also said that the fence and steps will also be a liability for the City.

Councilmember Neel said he would like a quote for this work from the architect because he intends to present this to the Church and tell the Church this will be their expense if they would like these steps installed.

Councilmember Hall mentioned the Stanly County Christmas Parade on December 8 and asked if any of the Councilmembers were riding in the parade.

Mayor Whitley said that anyone from Council was welcome to ride in the car with him.

Councilmember Neel mentioned that there would be a retirement reception for Fire Department Chief Eddy McDaniel and also one for Howard Spencer from the Planning and Community Development Department. Mr. Neel asked the time of the receptions. Howard Spencer's is Thursday, December 11 from 2-4 pm in the City Annex conference room and Chief McDaniel's is Friday December 12 from 2-4 pm at Fire Station One.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to December 2 at 6:00 p.m. in the City Hall Annex.