

REGULAR MEETING CITY COUNCIL
December 15, 2008

The City Council of the City of Albemarle met in a regular session on Monday, December 15, 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 December 1 regular session; December 1 closed session; December 2 adjourned session; and December 2 closed session were approved as submitted.

Mr. Mark Thomas, ReMax Steeplechase in Monroe came before City Council to request water and sewer service to a lot outside the City limits. Mr. Thomas is the closing agent for Lot #7, a ten acre parcel located in Running Creek Estates. He asked that the Listing Agent Brenda Farmer for Country Homes in Midland come forward to speak about the location since she is more familiar with the lot. The lot is outside the City and does not adjoin a road with City water or sewer service. Ms. Farmer indicated that the property had been surveyed and private easements had been secured across private property to access a street with City water and sewer service and requested permission from Council to tap onto the City water and sewer.

The City's Utility Extension Policy requires such matters be considered by City Council. Council was given a copy of Engineering Services Director Jon Mendenhall's letter to the owner explaining the situation, and the City's Utility Extension Policy. If approved by City Council the City's policy requires the property owner to sign intent to be annexed in the future.

Mayor Whitley stated that the owner, Mr. Epple would have to agree to annexation in the future if the City decides to do so. The City Manager stated that if annexed in the future it would most likely be part of a larger area and not just his property and Mr. Epple agreed.

Engineering Services Director Jon Mendenhall came forward to state that the City would not supply the funds for the costs of the easement or tap fees. Councilmember Neel asked more about the location and Ms. Farmer stated that the property is on a road that extends from Bob Cat Rd. and City Lake Drive.

Councilmember Holcomb asked if Council had approved this type of tap before. The City Manager said the City had approved several sewer lines extended through an easement but had not approved a water line extended through an easement and that this would be at Council's discretion. Councilmember Holcomb asked what the assessed rate would be. The City Manager said this property is not inside the city limits and is therefore not eligible to utilize the city's assessment policy that 100% of the costs will be the responsibility of the property owner.

Councilmember Neel asked about the water pressure in that area and Mr. Mendenhall said that he would have to check with Public Utilities and get back with Council. Ms. Farmer with Country Homes stated that the lines are all down hill and there should not be a problem with water pressure. She also said that this approval is holding up a closing. Councilmember Neel said that the City could not move hastily on this and time would have to be allowed for analysis and decision making.

Mayor Whitley asked Ms. Farmer if it would be permissible to allow time to check the water pressure in Crystal Village. Ms. Farmer said that the most crucial item is the sewer and waiting on the water decision would not be a problem because the owner could dig a well if the water is not approved. Councilmember Holcomb stated that if the water pressure is good there, it should not be a problem for them to close as soon as approved.

Councilmember Neel talked about a requirement of this contract is for the owner to allow the City to annex this property if they decide to do so. Mr. Neel stated that this may not be allowed by the state in the near future. Based on a meeting that Mr. Neel attended, the state may disallow this because of lobbying against municipal annexation authority. Mr. Neel feels we should wait and see what decision the state makes before working with lots outside of the City for water and sewer connections. At Mr. Neel's concern, Ms. Farmer stated that the developer had already sold all the lots in this satellite subdivision area.

Upon a motion by Councilmember Holcomb, and seconded by Councilmember Napier the City Council approved the connection of a sewer line to the lot in Running Creek Estates but to wait on the water line due to questions about the water pressure in that area. Voting for the motion, were Councilmembers Alexander, Holcomb, Napier and Underwood. Voting against the motion was Councilmember Hall and Councilmember Neel.

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

(Ordinance 08-42, To establish a Project Budget for the 2008 Capital Fund Program in the Department of Public Housing.)

(Ordinance 08-43, To eliminate a Loading Zone on the west side of North First Street.)

City Manager Raymond Allen provided an update on the City Hall construction and renovation project. Mr. Allen stated that there was an error in the management narrative about the cost of the change order of steps between the City property and Central United Methodist Church. The correct amount is \$3,142.00. He also said that Council had in their agenda packet a letter from CM Black Construction along with the drawing of the new exterior stairs and sidewalk section.

Mayor Whitley requested that Council not go forward with the steps at this time.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, Council voted to not move forward with adding the steps between the City property and Central United Methodist Church at this time.

In further discussion, the City Manager stated that one concern that Councilmember Neel has with this is the issue of people going back and forth through the landscaping between the two parking lots. Mr. Allen said that something may need to be done such as a fence or whatever Council decides because this is a legitimate concern. Mayor Whitley stated that a fence could be placed between the shrubbery and the curb on the City's property. The City Manager said that this could be addressed at a later time.

Councilmember Neel said that he may present this to the Central United Methodist Church and if they would like to pay the costs for the rail and steps, the City could probably do this work in-house at a cheaper rate.

Planner II Keith Wolf came before Council to present the land use plan process to date as well as the recommended future action items. He distributed the current draft of the new Land Use Plan and stated that the Planning Board approved the plan at their meeting on November 25, 2008. He thanked Council for allowing this to be placed on the agenda and Mr. Wolf reviewed how the document is organized and noted that it had been updated based on comments and input from the Planning Board and City staff.

Mr. Wolf stated that the Steering Committee members were very interested in the Land Use Plan and had worked very diligently on this and made suggestions and changes that were given to the Planning Board. The Planning Board is now presenting the plan to Council for approval. This plan is designed to guide growth in Albemarle through 2028.

Mr. Wolf said that Pages 1-4 is the executive summary of the entire document and most changes were made by the Land Use Steering Committee, Page 3 consists of the recommended strategies, Pages 5-56 is the history of Albemarle compiled by the consultants, Pages 61-85 is the broad ideas and goals with strategies and objectives, Pages 86-87 is how to implement these actions.

Mr. Wolf said that he or the Board would be glad to answer any questions or hold a meeting to discuss any items Council may have. A public hearing will be set once everything is complete. Mayor Whitley asked if there was any action required by Council tonight to which Mr. Wolf stated there was not.

Councilmember Hall asked about the foldout maps and Mr. Wolf stated that the maps had been changed and they can be printed for Council and placed in a binder with the final draft. A copy of the finished plan will be placed in the Stanly County Library and other locations for public inspection. Councilmember Neel commended Mr. Wolf on a fine job.

The City Manager stated that this plan will be coming back before Council and a date will be set for the public hearing. Councilmember Neel said that he wants to see the maps and have any questions answered before this comes back before Council for approval.

The Mayor and City Council considered a request to rescind the no parking on Gibson Street. City Manager Raymond Allen gave the history of this item and that it passed second reading on November 17. The original request of the owner was to place a no parking sign on Gibson Street and later decided to have this action rescinded.

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 rescind the no parking on Gibson Street.

The Mayor and City Council considered the contract created by URS Incorporated to formulate the City's Comprehensive Bicycle Plan. URS was recommended by the Albemarle Bicycle Plan Steering Committee. This plan is funded by a state grant of 70% with a 30% local match. The total cost is \$45,500, with a state share of \$31,850 and a local share of \$13,650.

Parks and Recreation Director Toby Thorpe stated to Council that he and the City Manager had reviewed the contract and he recommended approval.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, voted to approve the contract with URS to formulate the City's Comprehensive Bicycle Plan.

The Mayor and City Council considered appointment of a City representative to the Countywide Comprehensive Recreation Plan Steering Committee. This comprehensive planning process includes Stanly County and all of the municipalities within Stanly County. Each jurisdiction has been requested to appoint a member to the Steering Committee. The City has \$22,000 budgeted for its share of this plan. The remaining \$2,063 can be made up from other parks and recreation expenditures.

Parks and Recreation Director Toby Thorpe came forward and stated that each jurisdiction within the County is to appoint someone to this Recreation Plan Steering Committee. The appointment to this Steering Committee is at the discretion of City Council, and the appointment should be made by January 30, 2009. Mr. Thorpe also said that Council may want to choose someone from the Parks and Recreation Advisory Board or to have that board recommend someone.

Councilmember Hall asked if Mr. Thorpe had talked with anyone about the delegate from the Albemarle Middle School for the Parks and Recreation Advisory Board. Mr. Thorpe said that no one from the middle school had contacted him. Mr. Thorpe said that the Parks and Recreation Advisory Board have their first meeting on January 12.

The Mayor and City Council decided to have the Parks and Recreation Advisory Board recommend a person to Council for approval. This will be brought back before Council at its January 26th meeting.

The Mayor and City Council considered the approval of an architect for the Waddell Center Renovation Project. Council reviewed a letter from Parks & Recreation Director Toby Thorpe indicating three firms had been considered. Mr. Thorpe and his staff investigated Wash, Hatem and Nelson (WHN) and two other firms (ADW Architects and WKWW Architects) and after reviewing qualifications and references for these three architecture firms, Albemarle Parks and Recreation recommends Wash, Hatem, and Nelson (WHN) Architects of Charlotte for this project.

The City had planned to contract with Site Solutions for this project since they developed the master plan for the Waddell Center. However, they recently lost a key architect and indicated they could not perform the work in the time required by the PARTF grant. They recommended consideration of the three firms described in the memo from Mr. Thorpe to City Council.

Upon a motion by Councilmember Hall seconded by Councilmember Napier and unanimously carried, voted to approve Wash, Hatem, and Nelson (WHN) as the architect for the Waddell Center Renovation Project.

Upon further discussion, Parks and Recreation Director Toby Thorpe came before Council and answered Councilmember Neel's question of who WHN is and replied with Wash, Hatem, and Nelson of Charlotte. Mr. Thorpe stated that WHN had been recommended by Site Solutions.

The City Manager stated that an agreement with WHN would be brought back to City Council for review and consideration.

Director of Public Utilities Ernie Borders was to come before Council and give a brief report to City Council on a training session he recently attended at the NC Rural Center. City Manager Raymond Allen stated that Mr. Borders was not present due to his brother-in-law's funeral which was earlier today and this item would be layed over until the next Council meeting on January 5, 2009.

Bid 2008-05 for the purchase of transformers in the Electric Division of the Public Utilities Department was presented to the Mayor and City Council. Tabulation is as follows:

(Bid Tabulation 08-05)

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the bids were awarded to the lowest bidder in each category of bid based on total evaluated cost as follows:

| | |
|--------------------------------------|---------------------|
| Richardson Associates of NC (Howard) | \$ 91,380.00 |
| Stuart C. Irby (Central Maloney) | \$ 17,610.00 |
| WESCO (ABB) | \$ 12,111.00 |
| HD Supply (GE) | \$ 85,426.00 |
| TOTAL | \$206,527.00 |

The Mayor and City Council discussed the Utility Billing and Collections Policy. The City Council had a presentation from a bankruptcy attorney with Poyner and Spruill on December 2 regarding strategies to try to protect the City from bankruptcy and bankruptcy preference payments exposure. The Council did not take any action regarding these issues at that meeting, but indicated it wanted to continue to discuss and consider this issue.

Mayor Whitley asked about how to handle the financial status of companies having hard times and if the City is to proceed or place on hold.

Councilmember Holcomb mentioned that on the list of the top 10 utility business accounts, that only a couple of them are questionable.

Councilmember Neel stated that the City should move forward in having those companies pay in advance the amount of a minimum bill average determined over a time period of one year. He gave an example explaining the steps needed.

Councilmember Holcomb asked if Poyner and Spruill would be coming back with their recommendations for the City and the City Manager said that they had given all their information at the meeting on December 2.

Councilmembers Holcomb and Neel talked about giving the criteria to Finance Director Colleen Conroy and Revenue Collections Supervisor Jonathan Misenheimer for collections to follow.

Councilmember Hall asked if currently any of the equal payment plan customers could use the average minimum pay plan to catch-up their balance. She stated that balances over a certain amount each month could be monitored and with the slowing economy, the City should be pro-active and responsible.

Mayor Whitley stated that this information be given to Ms. Conroy and Mr. Misenheimer and a list then given to Council to keep a close check on utility payments to ensure they are paid in a timely manner each month. The Mayor mentioned the utility fees lost due to the bankruptcy of Collins and Aikman. The City Council needs to be advised if there are large fluctuations in those business accounts.

Councilmember Neel mentioned the serious potential of liability the City could face as with the previous situation with Collins and Aikman. The City Manager was asked the amount the City lost in the bankruptcy of Collins and Aikman and Mr. Allen stated that it cost the City \$400,000 not including legal fees. Mayor Whitley asked the Finance Director Colleen Conroy if it would be a problem to monitor businesses in this type of situation and she said it would not be.

Councilmember Neel talked about the utility rates needing to be as low as possible and the dedication of the City to the residents of Albemarle in doing so.

The Mayor and City Council discussed potential projects for proposed federal economic stimulus package. President-Elect Obama and the Congress are discussing the adoption of a large public infrastructure program to stimulate the US Economy. If adopted, the program would require that projects be available to be started almost immediately.

The City's management team has been discussing potential projects for which the City could apply for funding if this program is adopted. The City is looking at a few projects such as the Old Salisbury Road water line and improvements to the Wastewater Treatment Plant that could be ready to go to bid quickly and developing a list of projects that could be ready if the stimulus package is extended beyond the first few months of 2009. City Council will need to consider a budget amendment for engineering and design for projects that could be fast tracked to try to take advantage of this funding if it comes about.

Mayor Whitley asked how soon Council needs to act on this and the City Manager stated as soon as possible. Items that can be ready to process within a matter of a few weeks such as infrastructure at the water and wastewater treatment plants. The Mayor also mentioned the new storage tank in East Albemarle. Councilmember Neel asked about the water survey project and when would the results be ready. The City Manager said this would be ready this month and will help identify major needs for the stimulus package.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, an Ordinance entitled (Ordinance 09-01) "AN ORDINANCE TO AMEND FY 2008-2009 BUDGET" passed first reading.

This ordinance amends the FY 2008-2009 Budget to appropriate funds for the subsidy for the homeless shelter, Phase I Greenway, and for an annexation study. It includes \$2,500 for the emergency homeless shelter; \$9,000 for additional funding for the annexation study being conducted by Benchmark, Inc.; and \$23, 836 for the final construction estimate for Phase of the Greenway.

In further discussion, Councilmember Neel said that he attended a North Carolina Building Code Council meeting last Tuesday and one of the topics was concerning temporary emergency shelters. A temporary emergency shelter with proper supervision would not have to have sprinklers. Mr. Neel also stated a temporary shelter for natural disasters such as tornadoes, floods, and hurricanes where the local Emergency Medical Services (EMS) would set up the ground work to be ready in time of emergency. Cities like Greensboro, Charlotte and Winston-Salem are already doing this.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 09-02) "AN ORDINANCE TO AMEND ORDINANCE 01-31 GRANT PROJECT BUDGET FOR THE GREENWAY PHASE 1 PROJECT RELATING TO THE CONSTRUCTION OF A BICYCLE/PEDESTRIAN PATH" passed first reading.

This ordinance amends the Project Budget for Phase I of the Greenway to appropriate \$17,000 previously approved by City Council when the design for the project had to be changed the City was unable to construct the greenway in the original location; and \$23,836 from the Snyder Greenway Fund to complete funding for the Phase I contract with Eagle Engineering and for the change orders recently approved by City Council.

In further discussion, Councilmember Neel stated that the freezing and thawing and wet weather had delayed the project. The City Manager said the warm weather that we are experiencing currently should allow this to be accomplished.

The Mayor and City Council reviewed a summary of the 21st Century Transportation Committee Final Report. This Committee released a summary of its findings on December 10. The City received a summary of the Committee findings from the North Carolina League of Municipalities. The League has advised that it will post a copy of the complete report on its website when it is available.

Councilmember Neel stated one proposal is that motorists would pay taxes proportionately to the number of miles they drive. Another option is the establishment of toll roads to allow the state to collect revenues on certain roads. Mayor Whitley mentioned tolling roads such as I-95 and I-77 has been discussed.

Councilmember Holcomb stated she does not like consumers paying a mileage fee because consumers living in North Carolina are double taxed with this and paying toll fees. Also, vehicle registration fees were mentioned at the current fee of \$28 and will probably continue to rise in the next several years.

Councilmember Neel stated that the state has to get money somehow to pay for the new roads and needed road improvements. Mayor Whitley said that most people are going to speak out about the mileage fee if it is adopted. Councilmember Hall stated that tolling roads is a fair user fee for consumers.

The Mayor and City Council reviewed a proposed nuisance abatement release. The property at 451 East Oakwood Avenue sold before a lien for nuisance abatement work performed by the City could be placed on this property and a release is requested because it cannot be enforced against the new owner.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, to approve the release of a lien for nuisance abatement for property located at 451 East Oakwood Avenue. This is due to the property being sold before a lien was placed.

In further discussion, Councilmember Neel asked if the City checked to see if this was a legitimate sale. Planner II Keith Wolf stated that the property had been bought at auction by an individual from the bank/owner and had been confirmed.

The Mayor and City Council discussed the request to install holes on private property for Lion's Club flag rentals. At the November 17 meeting, City Council approved a request of Councilmember and Lion's Club member Jack Neel to install holes for this program on an as needed basis. It was staff's understanding at that time that this would be on public sidewalks. However, the Public Works Department received requests to bore holes in front of businesses on private property in shopping centers.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, to approve the boring of holes in front of businesses on private property in shopping centers.

Councilmember Neel stated that this involves businesses and placing the holes near their entrance.

The Mayor and City Council considered attending the NCLM Regional Meeting in Concord on Friday, January 9 at 10:00 a.m. at the Embassy Suites. This meeting has been moved up from its original date of January 20 due to the conflict with the Presidential Inauguration. The City Manager said that he will make reservations for any board members who would like to attend.

Councilmembers Neel stated he would be attending this meeting in Concord and Councilmember Hall said that she may be attending the meeting in Pinehurst.

City Manager Raymond Allen stated that he received a flier from the North Carolina League of Municipalities and handed this out to Council. He also said that the closest location for the meeting is Concord and that with the slowing economy, there would not be a registration fee or meal served that day. This year the NCLM will be extending an invitation to area legislators. Mr. Allen said that everyone attending would need to register even though there is no fee.

At the December 1 Council meeting Councilmember Holcomb requested that the City Council consider adopting a resolution honoring the 2008 AHS football team. City Manager Raymond Allen drafted a copy of the resolution for Council to consider. Councilmember Holcomb had requested at the December 1 meeting that a resolution be presented to the coach and team of Albemarle High School.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the following Resolution was duly adopted

(Resolution 08-40, To honor the 2008 Albemarle High School Football Team.)

Councilmember Hall asked when is the best time to have the coach and team come and receive this resolution. Councilmember Neel said at the next Council meeting on January 5.

Councilmember Holcomb said that the January 26 meeting would be best because January 5 is the school system's first day back after the Christmas holidays. Councilmember Neel stated that Albemarle High School's football team only lost one game which was to Thomasville which was the eventual State Champion. Councilmember Holcomb indicated she would contact Coach Baxter Morris about making this presentation on January 26.

The Mayor and City Council considered attending the Dr. Martin Luther King, Jr. Unity Prayer Breakfast on January 17, 2009 at 8:00 a.m. at Stanly Regional Medical Center. Council was provided with a letter of invitation and a flyer for this event. The flyer indicates that there will be a tribute to former Councilmember White's family at the event. Tickets can be ordered for anyone planning to attend.

Councilmembers Hall, Napier, Neel, Underwood and Mayor Whitley confirmed attending. Councilmember Holcomb said that she would let the City Manager know. The City Manager stated that he would order the tickets for this event in the next couple of days.

The Mayor and City Council reviewed information about a meeting of the Joint Study Commission on Municipal Annexation on Wednesday. This meeting will take place on December 17 from 9:30 am to 11:30 am in Room 643 of the Legislative Office Building in Raleigh.

The North Carolina League of Municipalities is urging local elected officials who are interested in preserving municipal annexation authority to attend this meeting to demonstrate to the members of the Commission and the legislature the importance of this issue to municipalities.

City Manager Raymond Allen said that a meeting has been tentatively scheduled with Senator Purcell and Representative Elect Justin Burr on Thursday, January 15 at Mac's Breakfast Any Time to discuss this issue. This has been arranged by the Town of Norwood, and all of the elected municipal officials in Stanly County are invited. A letter from the Town of Norwood is supposed to go out in the next couple of weeks regarding this meeting.

Councilmember Neel stated that he would be unable to attend the Joint Study Commission meeting as well as Mayor Whitley. The City Manager asked that if anyone could attend just to let him know.

Mayor Whitley stated that he, City Manager Raymond Allen and Public Works Director Mike Lambert have a meeting with the Department of Environmental and Natural Resources (NCDENR) on January 15. Mr. Lambert is waiting on confirmation of this meeting.

The Mayor and City Council were reminded of the Mayor/City Council/Employees Christmas Luncheon on December 18, 2008 that will place at the City Warehouse on Arlington Avenue. This luncheon is being coordinated by the Public Works Department and the entrée will be cooked by City employees. The Mayor and members of City Council were invited to help serve the meal if their schedules permit.

City Manager Raymond Allen stated that he had the original resolution for the 2008 Albemarle High School Football team was ready for Council to sign tonight.

Councilmember Holcomb wished everyone a Merry Christmas.

Councilmember Hall stated that she would be unable to attend the Mayor/City Council/Employee luncheon on December 18 due to her workplace hosting a blood drive on that date. She also wished everyone a Merry Christmas. Also, she added that Representative Justin Burr was looking forward to the annexation meeting on January 15 and that he has spoken with people in the legislative district as well as legislators about what the wants and concerns of these municipalities are.

Councilmember Neel mentioned problems with people jogging on the street versus on the sidewalks. He stated that there needs to be an ordinance stating that where there are sidewalks, people need to use them versus the street for safety purposes. Running in the road is dangerous and drivers can not always see runners at night if they do not have some type of reflective clothing on.

Councilmember Holcomb said that this information could be placed in the City's mailing stuffer. Councilmember Neel said that this should be placed in the local newspaper.

City Manager Raymond Allen asked if Council preferred to publicize this or create an ordinance. Councilmember Neel said that an ordinance should be created.

Mayor Whitley stated that this is up to Council. Councilmember Neel said that he uses his bright lights late at night and early morning for safety. Council decided to think on this and make a decision at a later Council meeting.

Mayor Whitley on behalf of the Council wished everyone a Merry Christmas and that the next meeting is January 5.

Councilmember Hall stated for the viewing public that someone who visited the City Annex had said how nice it is to see the Mayor with his door open on a regular basis. Mayor Whitley thanked Councilmember Hall for her comment.

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