

REGULAR MEETING CITY COUNCIL
February 4, 2008

The City Council of the City of Albemarle met in a regular session on Monday, February 4, 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, T. Ed Underwood and T. E. White. Absent, none.

The Reverend Jim Tucker was not present to deliver the invocation. Mayor Whitley delivered the invocation in his absence.

Councilmember Holcomb moved for the approval of the minutes of the January 22 regular session

Councilmember Neel said that the minutes should be amended concerning the request of the Uwharrie Running Club Beach Blast Run to reflect that all of the streets that make up the course are not actually closed for the event.

Upon a vote on the motion, the minutes of the January 22 regular session were approved as amended.

Mayor Whitley announced it was Youth in Government Day and welcomed the participants from the eight grade from Albemarle Middle School. The following student participated in Youth in Government Day activities: Cassidy Stoner, Brittany Rivera, Emmet Howle, Desi Dockery, DJ Harris, Willie Polk, Mary Xiong, Deny Ruiz, Shaniqua Harris, Rachel Brown, Tabitha Smith, Yakeem Carpenter, Maria Smith, Kevin Xiong, Justin Griffin.

Mayor Whitley made a special presentation of a retirement certificate to the following former City employee:

Jeff Palmer, Police Department - 30.17 years of service

A public hearing was held to consider financing for a portion of the City Hall renovation and expansion project. No one from the public spoke for or against the proposal.

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

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

(Resolution 08-02, To approve financing of a portion of the City Hall renovation and expansion project.)

Mr. Chris Lambert, Stanly County Convention and Visitors Bureau, appeared as an announced delegate to present the 2008 Stanly County Travel Guide. He said this is a new, comprehensive tourism guide for Stanly County. Councilmember White said the community ought to do a better job at preserving its history, which is a source of interest for tourists. Mayor Whitley said he welcomed this past weekend the participants in a checkers tournament. He said they were very complimentary of Mr. Lambert and the CVB.

Dr. Russ Sharples, Stanly Community College, appeared before the Mayor and the City Council to request permission for SCC to erect a plaque at the EE Waddell Community Center denoting it as the original campus of SCC. He said this concept was originally brought to their attention by Councilmember White and SCC feels it is a good way to preserve local history.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request of SCC to erect a plaque at the EE Waddell Community Center denoting it as the original campus of SCC.

Ms. Michele Deeter, Albemarle Downtown Development Corporation Promotions Committee, appeared as an announced delegate to request street closings in the downtown and use of the City Hall Annex restrooms in conjunction with the 2008 Beach Blast on May 10.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request to close downtown streets and use of the City Hall Annex restrooms with a monitor on May 10 for the 2008 Beach Blast.

Mr. Bill Wilhelm, Central United Methodist Church, appeared as an announced delegate to request approval for a driveway connection on North Second Street. He said they are proposing a 15-foot driveway on North Second Street. Access will be from this driveway and traffic will flow one-way across church property with the exit driveway on North Third Street.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council unanimously approved the request of Central United Methodist Church for a driveway connection on North Second Street.

Mr. Kevin Russell, Highland Baptist Church, appeared before the Mayor and City Council to request a waiver of the Parks and Recreation fees to use Rock Creek Park softball field and Roosevelt Ingram Park softball field for a charity event on March 28 and 29.

Councilmember Holcomb moved for the approval of the request. The motion was seconded by Councilmember Neel.

Upon further discussion, Councilmember Neel asked if the participants would be required to sign an insurance waiver of liability and to clean up the facility after the event. City Manager Allen said this is the standard procedure for such events.

Upon a vote, the City Council unanimously approved the request of Highland Baptist Church for a waiver of the Parks and Recreation fees to use Rock Creek Park softball field and Roosevelt Ingram Park softball field for a charity event on March 28 and 29.

Councilmember Holcomb moved to approve the consent agenda containing second reading of Ordinances 08-03, 08-04, 08-05, and 08-06. The motion was seconded by Councilmember Neel.

Councilmember White said he would like Ordinance 08-06 removed from the consent agenda because he disagrees with the total prohibition from the parks for all circumstances.

Councilmember Hall introduced a substitute motion for the approval of Ordinances 08-03, 08-04, 08-05 on second reading and the removal of 08-06 from the consent agenda. The motion was seconded by Councilmember White. Voting in a favor of the motion were Councilmembers Alexander, Hall, Napier, Neel, Underwood and White. Voting in opposition to the motion was Councilmember Holcomb. The motion carried and the following Ordinances passed second reading and were duly adopted:

(Ordinance 08-03, To amend the Zoning Ordinance to allow Tea Rooms as a conditional use in the RO/Residential Office District.)

(Ordinance 08-04, To require cones be placed around attached and unattached trailers parked on public streets within the corporate limits.)

(Ordinance 08-05, To establish a capital project budget for the City Hall construction and renovation project.)

Council considered Ordinance 08-06 on second reading, to prohibit registered sex offenders from City Parks and Recreation facilities. Councilmember White said the City should allow those that are accompanied by a family member to family or community events in the park because he felt there would be proper supervision. Councilmember Holcomb said no exceptions should be made and it should be a complete ban.

Councilmember Holcomb moved for the adoption of Ordinance 08-06 on second reading. The motion was seconded by Councilmember Neel. Voting in favor of the motion were Councilmembers Alexander, Holcomb, Napier, Neel, and Underwood. Voting in opposition to the motion were Councilmembers Hall

and White. The motion carried and the following Ordinance passed second reading and was duly adopted:

(Ordinance 08-06, To prohibit registered sex offenders from City owned parks.)

The Mayor and City Council were provided with an update on the status of the City Hall project. Mayor Whitley reported that construction bids are due by 4:00 tomorrow afternoon and will be opened in the conference room of the City Hall Annex.

Councilmember Neel inquired if staff had reviewed the color palette for the interior of the buildings and if they liked the architect's selection. The City Manager said staff has had an opportunity to review the palette. Councilmember Neel asked if alternate options can be provided. The City Manager said he will ask the architect to provide other interior design options.

The City Manager provided an update on the water lines to serve the former Wiscasset Mills property on Salisbury Avenue recently purchased by the City of Albemarle. He said the sprinkler system has been connected to the alarm, but there was a defective part so the process is not complete. The part is on order and should arrive and be installed soon. After this, the sprinkler system will be tested.

The Mayor and the City Council were advised that the property owner of the Chimney Apartments did provide the requested information concerning a recent repair to the water lines on this property and the utility billing adjustment has been made by the City staff.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council set a public hearing for March 3 to consider the recommendation of the Planning and Zoning Board to approve the request of East Albemarle Church of God for a conditional use permit to construct an addition to its building located at 1110 East Main Street.

Councilmember Neel asked if the proposed side yard setbacks are in compliance with the City's regulations. Director of Planning and Community Development Bob Sasser indicated they are in compliance.

Councilmember Neel said the North Carolina Building Code Council is reviewing at the request of the Governor and the North Carolina General Assembly the possibility of requiring water recycling and reuse. He said there is currently work to draft rules regarding the reuse of roof water. There is also discussion of reuse of gray water, but this issue is much more complicated.

Councilmember Neel also asked the City Manager about the National Pollutant Discharge Elimination System requirements. The City Manager said the City has not been put on a list to date to fall under these rules and regulations, but that he and staff believe it will be on the list one day.

The Mayor and City Council were presented with Bid 08-05 for the replacement of the Vickers Store Road sewer lift station in the Water and Sewer Systems Division of the Public Utilities Department. Bid tabulation is as follows:

(Bid 08-05, Vickers Store Road Sewer Lift Station)

Councilmember White moved to approve the low bid of James E. Harris Construction Company in the amount of \$542,400. The motion was seconded by Councilmember Hall.

Upon further discussion, Councilmember Neel inquired if the old parts from the current lift station would be recycled and reused. Director of Public Utilities Ernie Borders indicated the parts would be reused, including the generator.

City Manager Raymond Allen noted that the bids were \$142,400 over what was budgeted and the next item on the agenda is a budget amendment to appropriate these additional funds. The funds would be allocated from the retained earnings in the Water and Sewer Fund.

Upon a vote on the motion, the motion unanimously carried and the bid was awarded to James E. Harris Construction Company in the amount of \$542,400.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-08) "AN ORDINANCE TO AMEND FY 2007-2008 BUDGET" passed first reading.

Upon a motion by Councilmember Underwood, seconded by Councilmember White and unanimously carried, the City Council voted to send a favorable comment concerning a North Carolina Intergovernmental Review for a Stanly County Community Revitalization Block Grant for Community Development.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the following Resolution was duly adopted:

(Resolution 08-03, To approve transfer of funds from the Landfill Capital Reserve Fund to the Landfill Capital Project Budget.)

The Mayor and the City Council were presented with the financing bids for the City Hall construction and renovation project. Bid tabulation is as follows:

(Bids for Financing of City Hall Construction and Renovation Project)

Councilmember Neel indicated that the low bidder, Bank of America, is an out of town bank and has no local presence. For the difference in the bid, he felt it should be awarded to the second low bidder, Bank of Stanly.

Councilmember Holcomb moved to award the bid to the low bidder, Bank of America, for the twenty-year term. The motion was seconded by Councilmember Napier.

Councilmember Neel introduced a substitute motion to award the bid to the second low bidder, Bank of Stanly, for a twenty year term. The motion was seconded by Councilmember White.

Councilmember Alexander said he is in support of the low bid and noted that a majority of the financing of the Bank of Stanly bid will be through BB&T.

Councilmember Hall said there are really two issues to be decided, the length of the loan and the loan provider. She recommended that for clarity the issues be considered one at a time.

Councilmember Neel withdrew his motion to award the bid for twenty-years to the Bank of Stanly. Councilmember White withdrew his seconding of the motion.

Councilmember Neel moved to award the bid on a twenty-year loan term. The motion was seconded by Councilmember Hall.

Upon further discussion, Councilmember Alexander said he generally favors taking the shortest possible term on a loan to avoid higher interest payments. Councilmember White said he would like a twenty-year loan to keep the annual debt payments as low as possible. Councilmember Hall asked if the loans had penalties for early repayment. Finance Director Colleen Jones indicated the loans had a penalty clause for early payment.

Voting in favor of the motion to award the financing bid based on a twenty-year loan were Councilmembers Neel and Hall. Voting in opposition to the motion were Councilmembers Alexander, Holcomb, Napier, Underwood and White. The motion failed.

Councilmember Holcomb moved to award the financing bid based on a fifteen-year loan. The motion was seconded by Councilmember Alexander. Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Underwood and White. Voting in opposition was Councilmember Neel. The motion carried.

Councilmember White moved to award the financing bid to the second low bidder, Bank of Stanly. The motion was seconded by Councilmember Hall. Voting in favor of the motion were Councilmembers Hall, Holcomb, Napier, Neel, Underwood and White. Voting in opposition was Councilmember Alexander. The motion carried.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council declared surplus scrap metal and ordered sold.

Upon a motion by Councilmember Underwood, seconded by Councilmember Hall and unanimously carried, the City Council declared surplus and ordered sold the following vehicles and equipment:

1982	John Deere 302 Tractor	302D389981T	PW	231
1985	Dresser 100-E Loader	9560	PW	282
1995	Ford Crn Vic	2FALP71W67X146644	Police	139
1996	Ford Crn Vic	2FALP71W0TX123684	Police	104
2002	Ford Crn Vic	2FAFP71W02X117086	Police	141
1994	Ford Crn Vic	2FALP71W3RX157398	Police	
2000	Polaris	4XABA25CB48084189	Police	177
1986	Chev Van	1G8DM15Z0GB219522	Police	127
1993	Smart Trailer	FF09828	Police	136
6	Double Door Divider Closet	6' x 2.5' x 7'	Finance	
4	Single Closet	3' x 2.5' x 7'	Finance	

The Mayor and the City Council were presented the 2007 Annual Report for the Albemarle Police Department. Councilmember White commended the Chief of Police on the report. He did note that he would like to see more

minority representation in the Department, while acknowledging it is difficult to do. Councilmember Hall said that Charlotte Mecklenburg Police Department and City of Charlotte Fire Department recently held a job fair trying to attract female applicants. She indicated this shows it is just not a local issue.

The Mayor and the City Council voted to start their computer training classes on Thursday, March 6 at 5:30 p.m. in the City Hall Annex Conference Room.

Council asked that the next tour of the Lillian Mills site be arranged for February 13 at 8:00 a.m.

The Mayor and City Council were provided with the schedule of upcoming Stanly County Local Government Liaison Meetings.

Councilmember White said residents of Amhurst Gardens have approached him regarding the installation of speed humps within the community in an effort to slow vehicular traffic. Councilmember White explained to the residents that Council has not supported the use of such devices for a variety of reasons, including their impact on emergency vehicles and their response time. He proposed the possibility of reducing the speed limit in this area instead. Councilmember Neel said that if this is formally considered, Council needs to think of changes in other areas of town similar to this where a reduction would also be appropriate.

No action was taken by the City Council at this time.

Councilmember Hall reported that the Rocky River RPO meeting that was recently canceled due to the threat of inclement weather has been rescheduled for February 7.

Councilmember Hall said she will not be able to attend the Centralina Council of Governments meeting on February 13 and invited anyone else interested to attend in her place.

Councilmember Hall distributed recycling information about Rowan County to the Mayor and City Council.

Councilmember Neel asked about the status of City logo shirts for the Mayor and City Council. The City Manager said several options were put on display for Council, but no choice was every communicated to staff.

Council asked that samples be provided for their review again.

Councilmember Alexander said some of the manhole covers on the recently repaved East Street are uneven with the pavement and would like staff to see if they can be adjusted.

Councilmember Holcomb noted the dome on the new Home Savings Bank building looks very good.

Assistant City Manager Michael Ferris indicated he has received a request from Stanly County Homes of Hope for him to sign a letter in support of the HOH activities. He said it was being requested in conjunction with a grant, as the funding agencies like to know whether or not the applicant agency has local support.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council authorized the signing of a statement of support for Stanly County Homes of Hope.

The City Manager reported that he has finally received a response from the City's two letters to Stanly County regarding their project to connect to the City's water system and install new lines east of the City along NC Highway 24/27. He reminded the Mayor and Council the City had previously approved the County's request for a connection by indicating they could install the metering station where the City has asked, or where the County has suggested with the provision that the County relocate the metering station at their expense when the City annexes in this area. The letter received earlier in the day from the County questions the City about its authority to dictate connections to its line by the County.

The City Manager said that since it was received early in the day, neither staff nor the City Attorney have had time to review the letter thoroughly nor the current water agreement with Stanly County. He said once this is done, a report will be made to Council.

Mayor Whitley said he was recently contacted by Mr. Sam Estridge about property he wants to develop at the corner of Anderson Road and Post Road. Mr. Estridge was inquiring about the City's policy of requiring sidewalk along all public rights of ways for such property, noting Post Road is a dead end gravel road.

Councilmember White said that someone has to be the first to install sidewalk in an area and that hopefully more would follow over time.

The City Manager said staff is aware of this situation and is reviewing the development code to see what, if any, recommendations for changes might be made.

Councilmember Alexander said the City should amend its Sign Ordinance to make legal the signage of Stanly Regional Medical Center. The City Manager said that he is not aware of any of their signage that is out of compliance. Upon questioning, Director of Planning and Community Development Bob Sasser said he was not aware of any violations either.

City Manager Allen said staff would put together a report on each Stanly Regional Medical Center sign and its standing with the Sign Ordinance for Council's review.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the meeting was adjourned to 8:00 a.m. on February 16 in the City Hall Annex for a Mayor and City Council Budget and Planning Work Session.