

REGULAR MEETING CITY COUNCIL

January 7, 2008

The City Council of the City of Albemarle met in a regular session on Monday, January 7, 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.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the December 17 regular session, December 18 called meeting and the December 26 called meeting were approved as submitted.

Mr. Kenneth R. Anderson, CPA, appeared before the Mayor and the City Council as an announced delegate to present the Fiscal Year 2007/2008 City of Albemarle Audit. Mr. Anderson announced he is able to provide an unqualified opinion concerning the City's audit, which is the highest opinion an auditor can provide.

He reviewed the General Fund Fund Balance and said it had increased by \$701,613. He also noted that prior to transfers for operating, all the City's enterprise funds experienced positive increases. He also noted that the City's overall debt was significantly reduced during this time period.

Councilmember Neel noted that no transfer of funds from an enterprise fund to the General Fund is a blind transfer. A majority of these are for repayment for services provided to these funds by the General Fund. The City Manager noted the services are Finance, Human Resources, Engineering and Information Technology. He did add there is a payment in lieu of taxes paid by the Electric Fund that would be made if it were a private utility company.

Mr. Anderson noted three minor findings, all of which he reported have been addressed and corrected.

He said that overall the City's finances are in good order and he was able to present a good audit.

Councilmember Holcomb asked Finance Director Colleen Jones what the property tax collection rate is versus when the City collected its own taxes. Ms. Jones said that she did not have this information, but she did state it was lower since the County started collecting City taxes.

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

(Ordinance 08-02, To establish a Grant Project budget for the 2007 Capital Fund Program in the Department of Public Housing.)

Councilmember Holcomb moved to select NovuSolution as the City's vendor for the paperless agenda software system. The motion was seconded by Councilmember Hall.

Upon further discussion, Assistant City Manager Michael Ferris was asked about the timetable for implementation of the product. He said it would be approximately 60-90 days for set up. During this time, he said Council could undertake training to prepare for using this software program.

Upon a vote on the motion, the City Council selected NovuSolution as the paperless agenda software provider.

The City Manager provided an update on the status of leaf collection. At the December 17 City Council meeting, Roland Joyner of Waste Management indicated he hoped they would be caught up and back on schedule within two weeks. Since that time, three weeks has elapsed and Waste Management has not caught up and has actually fallen further behind. Mr. Joyner said they have pulled

personnel and equipment in from other locations the last several Sundays. This past Sunday, 14 additional units were in Albemarle, which has them in a position to be complete with Zones 9 and 10 by Tuesday.

Councilmember Hall said she thought there would be more of a campaign by Waste Management to educate the public on the status of leaf collection. She also mentioned that she did not see the additional equipment in Albemarle as quickly as promised at the last meeting. Mr. Joyner said he was very disappointed as well that the units did not arrive sooner.

Mr. Joyner did say that as a result of the issues this year, they are already taking steps to improve service for next leaf season. Terri Masten said that the new unit dedicated to Albemarle this season did not do as well as they had hoped. She also said it experienced several breakdowns.

Councilmember Neel asked if limbs were being picked up as scheduled, or if the limb truck was diverted to help with the leaves. Mr. Joyner said limbs are still being collected as scheduled. He said there is a boom truck picking up leaves, but this is addition to the City's regular limb truck.

The Mayor and City Council discussed the possibility of adopting a new Ordinance to require cones to be placed around trailers parked on streets within the City. Chief of Police Ronnie Michael reported in a memorandum that the North Carolina Department of Transportation is fine with allowing this regulation to be enforced on their maintained roadways within the City limits.

City Attorney David Beaver asked the City Council if they would also like a definition and description of the cones to be added to the Ordinances. Council said they would like this.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council authorized the City Attorney to draft an Ordinance to require the placement of cones around trailers and vehicles and attached trailers parked on streets within the corporate limits.

The Mayor and City Council discussed the status of the water lines serving the former Wiscassett Mills property purchased by the City of Albemarle.

The City Manager said the City is waiting for the alarm company to connect the sprinkler system, which should take place this week. After the connection is made, the sprinkler system will be tested and he will report back to the Mayor and Council when the system is fully operational.

The Mayor and City Council discussed the status of the City Hall project. The City Manager reported that a mandatory pre-bid conference was held earlier in the day with potential contractors for the project. He said there was a good level of interest from potential contractors in the project. Construction bids are tentatively due by January 31 at 4:00 p.m.

City Manager Raymond Allen also reported that Central United Methodist Church has decided not to participate in the project and lease a portion of their property to the City to be included in the proposed common area of the project. Mr. Allen distributed a redesign of the City property and what the Church intends to do with theirs. Councilmember Alexander asked if there would be access between the City's lot and the Church lot. The City Manager said people would be able to walk between the two. Councilmember Neel asked about the location of the construction fence now that the Church is no longer going to participate. The City Manager said it would be along the project boundary, which is the property line with the Church

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the revised design of the City Hall project site.

The City Manager said the City has been advised by potential environmental contractors that the environmental assessment of the current City Hall undertaken about two years ago is not detailed or specific enough to develop a bid. As a result, the City is in contact with S&ME to review the site and provide the City with an estimate to provide a detailed environmental report and scope of work.

The City Manager said Councilmember Hall asked him about the interior design and color palette of the building and he will be providing this at the next meeting.

The Mayor and City Council discussed the redevelopment plan for the Niven Army Reserve Center. The City Manager said the United States Department of Housing and Urban Development has advised the City not to seek the involvement of Stanly County Homes of Hope at this point, since they were not involved in the City's initial plan. It was recommended to him that he contact the three agencies that were part of the original plan.

Councilmember Hall said she will contact some agencies and see if Homes of Hope could possibly join and participate in a revised plan that these agencies may have for serving the homeless population.

The Mayor and City Council considered a request from Mr. Robert Tucker for an exception to the City's utility policy for an adjustment due to a water leak at the Chimneys Apartments.

Councilmember Hall moved to allow the City's Public Utilities Department to provide for sewer adjustments for all sewer accounts as is currently done for residential accounts. This motion was seconded by Councilmember White.

Councilmember Neel said documentation must be provided as is required for residential adjustments.

Upon a vote on the motion, the City Council voted unanimously to provide for sewer adjustments for all sewer accounts as is currently done for residential accounts.

Councilmember Alexander moved to provide for a one month sewer bill adjustment for Mr. Robert Tucker, Chimneys Apartments, in the amount of \$3,209.04 if he provides the City staff with the documentation showing the repair was made.

Councilmember Hall said that if someone pays close attention to their utility account, they should be able to immediately spot irregularities, which are signs of potential leaks and other problems.

Upon a vote on the motion, the City Council voted unanimously to provide for a one month sewer bill adjustment for Mr. Robert Tucker, Chimneys Apartments, in the amount of \$3,209.04 if he provides the City staff with the documentation showing the repair was made.

The Mayor and City Council were provided with information regarding the policy of the Town of Landis, NC addressing sex offenders in public parks. This information was requested at the December 17 meeting by Councilmember Holcomb.

Chief of Police Ronnie Michael said the Town of Woodfin, NC was the first municipality in the state to adopt such an Ordinance and it has been upheld by the state courts.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council authorized the City Attorney to draft an Ordinance regarding sex offenders in City Parks.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the transfer of an unused siren to the Rescue Unit of Stanly County.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the Mayor and City Council reviewed and signed a letter of thanks to the City Departments and outside agencies assisting with the installation of the grass infield and irrigation system at the Don Montgomery Park baseball field.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the Mayor and City Council reviewed and signed a letter of thanks to Senator Dole and Representative Hayes for their notification to the City of the award of a grant to the Fire Department for fire hoses.

The Mayor and City Council reviewed information about the City's Sign Ordinance. This information was provided as clarification to the comments made by Mr. Brian Privette of Tim Marburger Honda at the previous meeting.

The City Manager said that contrary to Mr. Privette's comments, the City staff has prohibited pennant flags and actually had them removed from several locations around town. Also, that the signs at Rite Aid and Sonic are not in violation of the City's Ordinance. The sign at Sonic was originally in violation because of the transition in messaging, but staff contacted Sonic and corrections were made. Also, the determination to allow messages on signs other than time and temperature was made based on the City Council's previous authorization to allow the message sign at Albemarle Middle School to display information other than time and temperature. The City Manager concluded his comments by stating that any policy requires some degree of interpretation because situations change and policies cannot be written to foresee every possible situation or circumstance.

The Mayor and City Council discussed updating the Sign Ordinance to address modern signage. Councilmember Neel said he still does not want flashing or scrolling signage that he feels would be distracting to motorists. Others indicated they would not have a problem allowing this type of signage.

Planner II Keith Wolf was asked about the sign at Albemarle Middle School. He said he previously talked to the School about this sign and has had another recent conversation with the School because the message scrolls. He indicated the Principal has told him someone would have to come from off-site to make these changes and that they are waiting on the service technician.

The City Manager said staff would have some samples of other Ordinances and how they address modern signage for Council to review at the meeting with the Planning and Zoning Board and Zoning Board of Adjustment next week.

The City Manager said the dwelling units on Arey Avenue reported by Councilmember White that have been abandoned by their owners have been turned over to James Luster for review of the Minimum Housing Code Standard. A report will be prepared for the January 22 City Council meeting. Councilmember White asked that the Police Department keep a closer eye out for such properties as they perform their patrols.

The City Council was provided with a copy of a transcript from the Stanly County Emergency 911 Center of calls from residents on Colonial Drive concerning a transformer fire. This information was requested at the previous meeting by Councilmember Neel. Chief of Police Ronnie Michael said it is not customary for the Fire Department to be dispatched when there is a transformer fire since they cannot put water on it. Typically, the electric utility is contacted, which is what occurred in this instance. He said that once one of the callers indicated there were potential problems with a dwelling, the Fire Department was immediately dispatched.

The City Council was advised that the City of Albemarle has been awarded a \$12,000 grant for protective gear in the Albemarle Fire Department. Fire Chief Eddy McDaniel said there is no match for this grant and it will provide biological, nuclear, chemical protective gear.

The Mayor and City Council were provided with a copy of the rates for Time Warner Cable effective January 1, 2008.

The Mayor and City Council were provided with a letter of thanks from Hospice of Stanly County for their personal sponsorship of a tree in the Hospice Festival of Trees.

Councilmember Neel inquired as to why the City Council and Mayor's tree was marked as not for sale. Councilmember Holcomb said she is on the Hospice Board of Directors and would find out and let everyone know.

The Mayor and City Council were provided with an invitation to the Centralina Council of Governments Regional Leadership Meeting on January 17, 2008. Anyone interested in attending this event was asked to let the City Manager know as soon as possible.

Mayor Whitley and Councilmembers Alexander, Holcomb, Napier, Neel, Underwood and White confirmed their attendance at the Stanly County Council of Governments meeting in Richfield on Tuesday, January 29.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council voted to adjourn to a closed session pursuant to N.C.G.S. 143-318.11(a) 5 to discuss real estate transactions.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the City Council returned to open session. Mayor Whitley announced that a closed session was held pursuant to N.C.G.S. 143-318.11(a) 5 to discuss real estate transactions and there was nothing to disclose at this time.

Councilmember Holcomb said she received a call about the Outdoorsman Bonanza sign still being up and in the back of a truck at Morgan Motors. Council had determined at the previous meeting that this is a violation of the Sign Ordinance and asked that it be removed. The City Manager said he has advised the Albemarle Downtown Development Corporation of this and would follow-up with a letter.

Councilmember White complimented the Public Utilities Electric Division staff for their response and assistance recently to a resident who had a tree fall on power lines.

Councilmember Hall said she will be attending the Rocky River RPO meeting next Thursday, January 17 and invited any member of Council to attend with her.

Councilmember Hall advised that she has been appointed to the Executive Committee of the Centralina Council of Governments.

Councilmember Neel reported there is a traffic signal ahead sign on North Second Street near Hartsell Funeral Home that is severely leaning.

Councilmember Alexander requested the number of full-time employees by Department as of June 30, 2004, 2005, 2006, 2007 and December 31, 2007.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council adjourned to Wednesday, January 16 at 6:30 p.m. at the Rosebriar Restaurant for a meeting with the Planning and Zoning Board and the Zoning Board of Adjustment.