

DIGEST OF CITY COUNCIL ACTION

CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA

CITY COUNCIL MEETING
7:00 P.M.

MARCH 10, 2008
CITY HALL

- I. CALL TO ORDER
Absent: City Attorney R.B. Smith, Jr.
Councilor Louise Miller arrived at 7:05 p.m.
- II. INVOCATION (Councilor Edward B. Ward)
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF MINUTES
 1. City Council Retreat – February 6 and 7, 2008
Approved.
 2. City Council Regular Meeting – February 25, 2008
Approved.
- V. PETITIONS FROM CITIZENS – Members of the public may address the City Council on items not listed on the printed agenda. Please state your name and address and observe the three-minute time limit.
There were none.
- VI. ADOPT AGENDA
Amended Agenda to add XII. Closed Session, in accordance with N.C. General Statutes 143-318.11(a)(6) for the purpose of discussing matters relating to personnel.

Adopted Agenda as Amended.
- VII. RECOGNITIONS
 1. Recognition – Lexington Area Chamber of Commerce and Lexington City Schools Representatives
Recognized Board Member Sol Coltrane representing the Lexington Area Chamber of Commerce and Board Member Hal Routh representing the Lexington City Schools.

2. Recognition – Retirement of Buford L. Blankenship – Golf Department
Recognized Buford L. Blankenship by presenting him with retirement certificate and extending appreciation for his years of service as an employee with the City of Lexington.
3. Proclamation – American Red Cross Month – March 2008
Councilor Alley read the proclamation and presented it to Lori Copeland, Executive Director of the Lexington Chapter of the American Red Cross.
4. Proclamation – The American Legion’s 89th Anniversary – March 15 – 17, 2008
Councilor McBride read the proclamation and presented it to George Clifton, Former City Councilor and member of the American Legion.

VIII. PUBLIC HEARINGS

1. Public Hearing and Second Reading – Resolution and Order to Permanently Close Portion of West Ninth Avenue – Petition from Smith Millwork, Inc. and Larry and Betty Faulkner – Resolution No. 31-08 – Community Development Department
Held Public Hearing.
There were no speakers.
Adopted Resolution No. 31-08, a Resolution and Order Permanently Closing a Portion of West Ninth Avenue beginning at the intersection with Robbins Street and extending in a northwest direction approximately 260 feet to property owned by Smith Millworks, Inc., resulting in all of West Ninth Avenue between Myrtle Avenue and Robbins Street being closed, contingent upon the following conditions:
 - **The City be given access to any gates erected along the closed street.**
 - **The Petitioners execute a utility easement for the City for area contained within the street closing.**

Mayor Walser moved the Consent Agenda items to be acted upon prior to the regular business items.

IX. REGULAR BUSINESS

1. Authorize Transfer from Controlled Substance Fund to Police Department for Vehicle Equipment and Firing Range Renovations – Budget Ordinance No. 08-35 – Police and Finance Departments
Adopted Budget Ordinance No. 08-35 to transfer \$26,000 in Undesignated Drug Forfeiture funds from the Controlled Substance Fund to purchase laptop computer stands and to complete the Firing Range renovations.
2. Order Demolition and Removal of Dwelling Located at 228 Hemstead Street – Ordinance No. 08-38 – Community Development Department
Adopted Ordinance No. 08-38 to order the complete demolition and removal by 5:00 p.m. on Monday, June 9, 2008, of 228 Hemstead Street located on a parcel identified by the Davidson County Tax Department as Parcel Number 1103600030069A by owners Sovanna Norn and Phong Nim.
3. Approve N.C. Department of Transportation Traffic Agreement for Emergency Vehicle Pre-emptive Traffic Signal System – N.C. Highway 8 at Lowe’s Boulevard Intersection - Fire Department
Approved the N.C. Department of Transportation Traffic Agreement for Emergency Vehicle Pre-emptive Traffic Signal System for the southbound direction on N.C. Highway 8 signal at the Lowe’s Boulevard intersection and authorized the Mayor to execute the document.
4. Resolution Authorizing Exchange of Right-of-Way and Easements between the City of Lexington and Timberridge of Lexington, LLC – Resolution No. 37-08 – Community Development Department
Adopted Resolution No. 37-08 to approve the exchange of right-of-way and easements between the City and Timberridge of Lexington, LLC for construction of a portion of the West Bypass Extension as well as drainage and utility easements for water and sewer service.

X. CONSENT AGENDA

The following item(s) have either been reviewed or recommended by the Lexington Utilities Commission or require a call for public hearing. Consent Agenda items will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

All items on the Consent Agenda were unanimously approved by one vote.

1. Ratify Execution of North Carolina Department of Transportation (NCDOT) Three-Party Right-of-Way Encroachment Agreement for the Tyro Food Lion Sewer Extension Project with Venture Properties – Public Works Department
Ratified the execution of the North Carolina Department of Transportation Three-Party Right-of-Way Encroachment Agreement between the North Carolina Department of Transportation, Venture Properties and the City of Lexington for sewer line extension along NC Highway 150 and Swicegood Road (SR 1155) for the Tyro Food Lion Project.
2. Amendment to Natural Gas Sales and Purchase Agreement for Firm Swing Supply Service with BP Energy Corporation – Natural Gas Department
Approved the Amendment to the Natural Gas Sales and Purchase Agreement for Firm Swing Supply Service with BP Energy Corporation and authorized the Mayor to execute the agreement.
3. Transfer Funds for Construction of a Sedimentation Basin Sludge Collection System at Water Treatment Plant #1 – Budget Ordinance No. 08-36 – Water Resources and Finance Departments
Adopted Budget Ordinance No. 08-36 to amend the Water Plant Reliability Improvements Project by transferring funds from the water and sewer fund to construct a sedimentation basis sludge collection system in the amount of \$257,536.
4. Call for Public Hearing and First Reading – Request by Mr. Robert H. Worrell, Sr. for Taxicab Franchise – National Cab Company, Lexington, NC – Ordinance No. 08-37
Held the first reading of Ordinance No. 08-37 and called for a public hearing to be held on March 24, 2008, at 7:00 p.m. at City Hall to receive citizen input on the request from Robert H. Worrell, Sr. on granting a taxicab franchise to National Cab Company to operate a taxicab service within the City of Lexington for a period of not less than six months, expiring December 31, 2008, contingent upon Mr. Worrell meeting the following conditions:
 - **Mr. Worrell is able to complete the entire application process including a full statement of facts providing for Public Convenience for the operation, a complete list of vehicles including year, make, model and carrying capacity of each**

vehicle, as well as proper insurance coverage, financial statements showing assets, liabilities, and net worth. A statement showing he has made complete arrangements for off street parking of all motor vehicles and a statement of proposed fares for transportation.

- Mr. Worrell is able to comply with the application process and operating as a taxicab service no later than July 1, 2008.
- Mr. Worrell agrees to a taxicab franchise period to end December 31, 2008.
- Mr. Worrell is able to hire and have approved by the Lexington Police Chief drivers in order to provide taxicab service.
- All facts related to the application have a full and complete investigation in order to insure compliance.

5. Call for Public Hearing – Renewal of Uptown Lexington Municipal Service District – Resolution No. 35-08 – Uptown Lexington Called for a public hearing to be held on March 24, 2008, at 7:00 p.m. at City Hall to receive citizen input on the adoption of Resolution No. 35-08 to renew the Uptown Lexington Municipal Service District for another five (5) years to expire June 30, 2013, with the property tax rate to remain at \$.20 per \$100 of valuation.

6. Call for Public Hearing and First Reading – Amendment to Lexington Land Development Ordinance – Remove Sections 3.6.6 and 3.7.6, Maximum Height of Three Stories for Buildings within the CC, Commerce Center Planning District and EC, Employment Center Planning District – Ordinance No. 08-39 - Community Development Department Called for a public hearing to be scheduled for March 24, 2008, at 7:00 p.m. at City Hall for the purpose of receiving citizen input concerning adoption of Ordinance No. 08-39, an Ordinance to Amend the Text of the Lexington Land Development Ordinance by removing Section 3.6.6 and Section 3.7.6 - Maximum Height from the CC, Commerce Center Planning District and EC, Employment Center Planning District.

XI. CITY MANAGER'S REPORTS

1. Results of City Council Retreat Goal Setting Exercise
City Staff to eliminate duplications and return to City Council with a second draft.

2. Reminder – West Bypass Citizens Informational Workshop – March 18, 2008 from 4:00 p.m. to 7:00 p.m. – South Lexington School Cafeteria – North Carolina Department of Transportation (NCDOT)
For information only.
3. Reminder – City Offices to Close for Good Friday Holiday – Friday, March 21, 2008
For information only.
4. Reminder – City Council Budget Work Sessions – April 16 – 18, 2008, from 2:00 to 5:00 p.m. – City Manager’s Conference Room
For information only.

XII. **CLOSED SESSION**

In accordance with N.C. General Statutes 143-318.11(a)(6) for the purpose of discussing matters relating to personnel.

Recessed into Closed Session.

XIII. **RECONVENE TO OPEN SESSION**

Reconvened to Open Session.

XIV. **ADJOURNMENT**

Adjourned.