

DIGEST OF CITY COUNCIL ACTION

CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA

CITY COUNCIL MEETING
7:00 P.M.

JUNE 8, 2009
CITY HALL

I. CALL TO ORDER

Absent: None.

II. INVOCATION (Councilor L. Wayne Alley)

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

1. City Council Regular Meeting – May 26, 2009

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

Adopted.

VII. RECOGNITIONS/PROCLAMATIONS

1. Recognition – Representatives from Lexington Area Chamber of Commerce, Lexington City Schools and Uptown Lexington, Inc.

Recognized Board Member Laura Fuller representing Lexington City Schools and Executive Director Jo Ellen Edwards representing Uptown Lexington, Inc. Board Member Greg Turlington, representing the Lexington Area Chamber of Commerce, was absent.

2. Proclamation – Flag Day – June 14, 2009

Councilor McBride read a proclamation and presented it to former Councilor George Clifton who accepted on behalf of Trinity United Methodist Church, a Boy Scout Chartered Church.

3. Proclamation – National Homeownership Month – June 2009
Councilor Ward read a proclamation and presented it to Lexington Housing Community Development Corporation Executive Director Antionette Kerr. Ms. Kerr thanked City Council and others for their continued support and presented City Council with a calendar of events planned for the month of June in celebration of National Homeownership Month.

VIII. **PUBLIC HEARINGS**

1. Public Hearing – Adoption of City of Lexington Budget for Fiscal Year 2009-2010
Received proposed City of Lexington Budget for Fiscal Year 2009-2010 and Budget Message from City Manager John Gray.

Held public hearing.
There were no speakers.

- A. Fee and Rate Changes for Community Development, Sanitation, Recreation, Electric and Water and Sewer Departments –
Resolution No. 29-09
Adopted Resolution No. 29-09, including Attachments A-F, to approve Fee and Rate Changes for Community Development, Sanitation, Recreation, Electric and Water and Sewer Departments:
- **Attachment A – Community Development Fees**
 - **Attachment B – Sanitation Fees**
 - **Attachment C – Recreation Fees**
 - **Attachment D – Water and Sewer Fees**
 - **Attachment E – Electric Rates and Renewable Energy Portfolio Standards Charge**
 - **Attachment F – Water and Sewer Rates – Effective 01/01/10**
- B. General, Special Revenue and Enterprise Funds – Budget Ordinance No. 09-38
Adopted Budget Ordinance No. 09-38 to set the Budget for Fiscal Year 2009-2010 for the General, Special Revenue and Enterprise Funds.
- C. Internal Service Funds – Budget Ordinance No. 09-39
Adopted Budget Ordinance No. 09-39 to set the Budget for Fiscal Year 2009-2010 for the Internal Service Funds.
- D. Capital Project Funds – Budget Ordinance No. 09-40

Adopted Budget Ordinance No. 09-40 to set the Budget for Fiscal Year 2009-2010 for Capital Project Funds.

- E. Capital Reserve Fund – Budget Ordinance No. 09-41
Adopted Budget Ordinance No. 09-41 to set the Budget for Fiscal Year 2009-2010 for Capital Reserve Fund.
- F. Rate Stabilization – Budget Ordinance No. 09-45
Adopted Budget Ordinance No. 09-45 to set the Budget for Fiscal Year 2009-2010 for Rate Stabilization Fund.
- G. Elect Two-Year Option for N.C. Municipal Power Agency #1 (NCMPA1) Surplus Energy Credit Rider 10 – Resolution No. 30-09
Adopted Resolution No. 30-09 to elect a two-year option for N.C. Municipal Power Agency #1 (NCMPA1) Surplus Energy Credit Rider 10.

- 2. Public Hearing – Application to Amend Major Development Permit for Eastwood Development – The Vineyards at Lexington – Community Development Department
Held Public Hearing.

Dan Pritchett, Engineer for the Development, spoke in favor of the revised permit request for Eastwood Development and offered to answer any questions regarding the project.

Approved revised preliminary plat, amending the existing Major Development Permit for The Vineyards at Lexington to incorporate the option of building patio homes, contingent upon a conflicting street name being renamed.

IX. REGULAR BUSINESS

- 1. Make Appointment to City Council to Fill Vacant Ward 3 Seat
Adopted nomination and voting procedure for filling the vacant Ward 3 seat.

Appointed Linwood Bunce of 120 Delta Street to fill the vacant Ward 3 Seat scheduled to expire in December, 2009.

- 2. Authorize Submission of Application for Community Development Block Grant Recovery (CDBG-R) for Erlanger Park and Green

Needles Park – Community Development Department

Authorized staff to submit an application for a Community Development Block Grant Recovery (CDBG-R) with the N.C. Department of Commerce, Division of Community Assistance (DCA), for Erlanger Park and Green Needles Park for a minimum amount of \$400,000 and a maximum amount of \$1 million.

3. Amendments to City Personnel Policy – Human Resources Department

Adopted amendments to the City Personnel Policy and Summary Plan Description of the City Group Health Insurance Plan effective July 1, 2009.

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 under the Consent Agenda were unanimously approved by one vote.

1. Approve Business Plan for Fiscal Years 2009-2011 – Water and Sewer Department

Approved.

2. Approve Termination Agreement with Cellco Partnership d/b/a Verizon Wireless for Communications Tower at Erlanger Water Tank located on Lindsey Street off Swing Dairy Road – Public Works Department

Approved the Termination Agreement with Cellco Partnership d/b/a Verizon Wireless for communications tower at the Erlanger Water Tank located on Lindsey Street off Swing Dairy Road and authorized the Mayor to execute the agreement.

3. Close Out Southmont Natural Gas Expansion Project and Transfer Remaining Funds to the Tyro Natural Gas Expansion Project and to the Utilities Operations Center Expansion – Phase 1 Natural Gas Operations Complex – Budget Ordinance No. 09-36 – Finance and Natural Gas Departments

Adopted Budget Ordinance No. 09-36 to close out the Southmont Natural Gas Expansion Project and transfer remaining debt proceeds of \$423,902, interest of \$184,511, and internal funding of

\$69,967 to the Tyro Natural Gas Expansion Project in the amount of \$678,380; and transfer remaining internal funding balance to the Utilities Operations Center Expansion – Phase I Natural Gas Building in the amount of \$37,000.

4. Ratify Execution of N.C. Department of Transportation (NCDOT) Right-of-Way Encroachment Agreement for Natural Gas Line Extension – West Old Highway 64 (SR 1192) and Petrea Road (SR 1206) – Natural Gas Department
Ratified execution of the N.C. Department of Transportation Right-of-Way Encroachment Agreement between the N.C. Department of Transportation and the City of Lexington for natural gas line extension along West Old Highway 64 (SR 1192), crossing the intersection with Petrea Road (SR 1206).
5. Ratify Execution of N.C. Department of Transportation (NCDOT) Three-Party Right-of-Way Encroachment Agreement for Walgreens Store No. 12437 Sewer Improvements Project – N.C. Highway 8 (Cotton Grove Road) – Public Works Department
Ratified execution of the N.C. Department of Transportation Three-Party Right-of-Way Encroachment Agreement between the N.C. Department of Transportation, the City of Lexington and Cotton Grove, LLC for Walgreens Store No.12437 sewer improvements project.
6. Call for Public Hearing and First Reading – Non-Contiguous Annexation and Assignment of Zoning District to Annexed Land of CC, Commerce Center Planning District – Sage Adventures, LLC – Spartan Express at Intersection of N.C. Highway 8 and N.C. Highway 47 – Community Development Department
 - A. Ordinance No. 09-17 – Non-Contiguous Annexation – Sage Adventures, LLC – 4020 N.C. Highway 8
 - B. Ordinance No. 09-18 – Assignment of Zoning District to Annexed Land – CC, Commerce Center Planning District
Public Hearing will be held on June 22, 2009, at 7:00 p.m. at City Hall.

XI. CITY MANAGER'S REPORTS

1. Uptown Lexington, Inc. Annual Meeting – June 23, 2009, from 5:00

p.m. until 7:00 p.m. at the Edward C. Smith Civic Center

For information only.

2. City Offices to Close for Independence Day – Friday, July 3, 2009

For information only.

3. “Fantastic July 4th Celebration” – Saturday, July 4, 2009, from 6:00 p.m. to 9:30 p.m. at Finch Park – Recreation and Parks Department

For information only.

XII. CLOSED SESSION

In accordance with N.C. General Statute 143-318.11(a)(4) and (5) for the purpose of discussing matters relating to economic development and land acquisition.

Reconvened into Closed Session.

XIII. RECONVENE TO OPEN SESSION

Reconvened to Open Session.

XIV. ADJOURNMENT

Adjourned.