

REGULAR MEETING CITY COUNCIL

October 5, 2009

The City Council of the City of Albemarle met in a regular session on Monday, October 5, 2009, 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, Dexter Townsend, and T. Ed Underwood. Absent, none.

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Mayor Whitley delivered the invocation.

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The Mayor presented proclamations to Captain Chris Allan, Firefighter II Drew Cauble, and Firefighter I Daniel Isenhour in recognition of their delivery of a baby at the entrance to City Lake Park on August 27. Krystle Miller-Moucka, mother and baby Jaxon came forward also during the presentation.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of the September 21 regular session were approved as submitted.

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A public hearing was held to consider amendments to the City's Sign Ordinance.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, the City Council approved amending Ordinance 09-34 to allow a maximum of 2 directional signs for each non-profit organization or church and to change the size requirements from 2 feet x 4 feet to 8 square feet.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the public hearing was closed. No one from the public spoke for or against.

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

(Resolution 09-46. To permit off premises directional signs for government offices non-profit secular organizations and religious facilities.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander, and unanimously carried, an Ordinance entitled (Ordinance 09-34) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA", passed first reading, as amended.

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A public hearing was held to consider a request of Mr. Dick Storm to Rezone 631 Monroe Street from R8/Two Family Residential to LID/Light Industrial District.

Ms. Tonia Tipton, 615 Monroe Street came before City Council to speak against the appeal request. She lives next door to the proposed site of Storm Technologies and stated that there were other locations in the City already zoned industrial that this business should have considered. Ms. Tipton made a presentation displaying photos and audio of her home and its proximity in reference to Storm Technologies and the noise of the industry from her front porch. She stated that she had bought her home in April 2008 and one reason she liked the area was due to the open area beside of this house. She asked that Council consider the homeowners and residential zoning already in place in this neighborhood.

Dr. Eric Johnsen came forward to speak to Council for this appeal request. He stated that Storm Technologies purchased this lot on Monroe Street to expand their business and build there, which would provide more jobs in Stanly County. Dr. Johnsen stated that they would be a good neighbor and that they could have chosen any town, but chose Albemarle. He stated that Storm Technologies on Depot Street was well manicured and that they were a very responsible business. He asked that Council consider all of these factors in their decision.

Mr. Ray Little, 614 Monroe Street, came before Council to speak against the appeal request. He stated that he had lived in this neighborhood for 78 years. Storm Technologies was aware of the current zoning when the property was purchased and he asked Council to consider the homeowners already located here and their concerns.

Mr. Billy Holt, 1229 Poplar Street, came before Council to speak against the appeal request. Mr. Holt stated that he was located on the back side of this lot. He stated that this house has been in his wife's family for almost 100 years. He said this was a type of spot zoning if this request is approved. Mr. Holt stated that he had spoken with the County tax assessor and several real estate brokers and they had said this would cause the surrounding property values to go down. Mr. Holt stated that the surrounding properties would be reevaluated if the zoning request is approved.

Mr. Charles Brown came forward to speak to Council representing the Stanly County Economic Development Commission in favor of the appeal request. He pointed out several objectives to rezoning the Storm Technology property.

- 1) Enhance the economy of the region
- 2) Protect and preserve jobs and growth of existing businesses
- 3) Good corporate citizenship
- 4) Storm Technologies is a responsible business that supports community involvement.

He stated that he was one of 16 members of the EDC in Stanly County who represent different backgrounds and professions. He said that the EDC endorses the petition for rezoning of this property.

Mr. Paul Childress with the EDC came forward and reiterated what Mr. Brown had stated in support of the rezoning of Storm Technologies.

Mr. Mark Coggins of Laurel Street came forward to address Council to speak against the appeal request. He stated that he had bought his property in February 2006 and was adjacent to the Storm property. He said that property owners in this area are trying to preserve the neighborhood that they call home. He stated that the residential owners have the right to have their neighborhood stay the same and not have such changes that would affect their private lives. He mentioned the trucks coming and going on their streets due to industry. He is concerned of what might happen in the future if the Storm property is rezoned and they decide not to stay on Monroe Street. He commented that there were other areas and lots where the Storm industry could expand other than this residential neighborhood. Mr. Coggins asked that City Council please consider the residents concerns and if this was in their residential neighborhood.

Mr. Tom Ramseur, President of the Chamber of Commerce came before Council in favor of the appeal request. He stated that he was speaking on behalf of the Executive Board of Directors of the Chamber of Commerce. A letter of support was sent to the City Council stating that Storm Technologies could have located anywhere, but chose Albemarle. Storm Technologies properties are well maintained within the City, and

they are a good corporate citizen. Mr. Ramseur stated that Storm Technologies was one of two companies receiving an award in NC for an excellent work force by Governor Beverly Perdue.

Ms. Linda Smith, owner of 1220 Poplar Street, came before City Council in opposition to the zoning appeal request. She stated that in 1973 her parents bought their property on Poplar Street that she now owns but does not occupy. She informed Council about some of the negative impacts that would face families that live there if this property is rezoned to LID. She stated how lifestyles would be affected from the disruption of a business next door. She asked that Council consider her concerns in the decision making process of this appeal.

Dr. Carl Bowen came forward to speak before City Council in favor of the appeal request. He stated that Storm Technologies is the best corporate citizen in the City now that E.J. Snyder was no longer in business. Page Furniture Company was in this neighborhood for a long period of time. His opinion is that he does not see this as a residential area. Storm Technologies is a very generous company.

Ms. Judy Holt, 1229 Poplar Street, came before City Council in opposition to the zoning appeal request. She stated that they bought this property before any the rezoning and she stated that in three to four years, Storm Technologies will probably outgrow this location and move to another location within the City. Such a small number of employees that they will employ will not make a difference in the unemployment rate within the County.

Mr. Danny Storm of Storm Technologies at 1210 Poplar Street came before City Council speaking on behalf of his company. Moving their operation would be costly at this point and they are wanting to build an 80 feet x 80 feet building on this vacant parcel if rezoned. This would include hiring skilled labor which would benefit the City creating new jobs for people who buy homes, food and pay property taxes in the County. He stated that they would like to keep all of their operations here in Albemarle.

Pastor John Surratt of Laurel Street Baptist Church who resides at 1226 Wood Street came before City Council in opposition to the zoning appeal request. He stated that Storm Technologies should have asked all of the neighbors in this area their thoughts and concerns before purchasing this parcel for an industry. He continued to say that the neighborhood would be disrupted and noisy.

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

Councilmember Holcomb asked Mr. Storm if he would be willing to place a buffer between the new business and the neighbor who would be next door, Ms. Tonia Tipton. Mr. Storm confirmed that he would do this.

Councilmember Hall reiterated all of the concerns of the neighbors that had spoken before Council tonight. She said that Page Furniture when there used trucks and had people in and out. She stated then came S & D Construction and then CCI. Storm Technologies is now coming in and wanting to build a structure and this neighborhood has had mixed zoning for decades, this is nothing new or the first for the community.

Upon questioning by Councilmember Hall, Planning and Community Development Director Bob Sasser came forward and stated that the original zoning map was created in 1965 and since that time a small rezoning had occurred in this area in the 1990's.

Councilmember Alexander stated that he sympathizes with the homeowners in this area. He stated that 62 years of his life in Kannapolis he lived in a community and neighborhood where you work, live and play. He stated that he enjoyed the textile town atmosphere working and living in that type of environment. Mr. Storm is the best person you could choose to have a business in your neighborhood. This is a hard decision to make and he does understand the concerns of the property owners.

Councilmember Napier stated that she had lived beside of E. J. Snyder Company and they were the best neighbor you could possibly imagine.

Councilmember Townsend asked about the parking of employees and Mr. Storm affirmed that it would be off street parking. He stated that he feels for the neighbors in this area but that this expansion would include hiring a skilled labor force.

Mr. Dick Storm, CEO of Storm Technologies, came before City Council and explained his reason for the land choice was because the building became available where CCI had previously been located. They had an enormous amount of copper wire that was a good price for the needs of his business. The new building would be an assembly building. Mr. Storm stated that he had been in Albemarle for 32 years and hopes to be here for a long time. He promised to be a good neighbor and steward of this community.

Ms. Charlotte Freeman Maness of Storm Technologies human resource department came before Council and stated she had worked for Mr. Storm for seven years. She spoke of Albemarle in the 1930's-40's when it was a booming textile town. Moving away and coming back to live in Misenheimer she saw the big changes that had occurred due to textiles dying out here. She stated that she was representing the

employees of Storm Technologies and asked that City Council consider both sides. The employees of Storm Technologies buy property here and spend money here for items of necessity.

Ms. Kimberly Beard, an employee of Storm Technologies came before City Council in support of the zoning appeal. She stated that she had worked for this company for 5 years. Allison Manufacturing was her previous work place which closed in 2000 where 500 jobs were lost. She went back to school to prepare for a new job receiving a degree and met Mr. Storm and he had given her a job. She asked for Council's consideration in approving this zoning request for Storm Technologies.

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

(Resolution 09-45. To rezone 631 Monroe Street from R8/Two Family to LID.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 09-33) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA", passed first reading.

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A public hearing was held to amend the Zoning Ordinance to expand the permitted uses in a Light Industrial District (LID).

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the public hearing was closed. No one from the public spoke for or against.

Mayor Whitley read the new expanded uses proposed to be added in a Light Industrial District.

Councilmember Neel stated that he would like to amend the suggested uses proposed by omitting item 53 retail establishments which is covered under General Business District and also to change item 52 fruit stands to Garden Centers and Produce Markets. Councilmember Neel asked where did the interest in adding these uses originate from.

Planning and Community Development Director Bob Sasser stated that over time, different requests from individuals wanting to do things in industrial zones. Mr. Sasser stated that he felt the need to propose this for all industrial districts.

Mr. Tommy Shields came before City Council and advised he is proposing to put in a garden center and produce business at NC 24-27 and Coble Avenue. He stated that they are certified as all farm fresh produce. He has a lot of produce to market 6 days a week and the farmers market downtown is only open Wednesday and Friday. He stated that he needs a place to sell all the produce that is coming out of the farms. Mr. Shields is hoping to add fruit trees, shade trees, and pine straw to offer as well to the public.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved amending the suggested uses to be added to the Light Industrial District which includes removing item 53 relating to retail establishments and changing item 52 from Fruit stands to Garden Centers and Produce Markets.

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

(Resolution 09-47. To allow additional permitted uses in Light Industrial District (LID).)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 09-35) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA", as amended passed first reading as amended.

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A public hearing was held concerning the Morrow Chase Elderly Assisted Living Project. This public hearing is for the purpose of receiving public comment about the \$237,336 CDBG grant that the City received for infrastructure including streets, sidewalk, water and sewer to serve the proposed Morrow Chase housing development for the elderly. This public hearing was held previously, but there was a mix up in the advertisement and it was not properly advertised, so the Department of Commerce requested the hearing be held again.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the public hearing was closed. No one from the public spoke for or against.

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Ms. Emily Flynn, Municipal Engineering came before City Council to discuss the Rural Center grant and State loan opportunity for Long Creek WWTP, to seek City Council approval for the \$1,000,000 Rural Center grant, and to discuss an opportunity for the City to apply for a low interest state grant. Ms. Flynn discussed the formal approval needed to accept the Rural Center grant, and an opportunity to apply for a \$2.4 million very low interest state loan at approximately 2.6%. This would enable the City to complete all of the immediate major repairs needed at the WWTP except for cleaning the aeration basins and replacement of the aerators on an accelerated schedule.

City Council will need to consider a resolution to affirm that our water and sewer rates will continue to be at a minimum of 1.5% of the median household income, and adopt the Project Budget Ordinance on first reading.

In further discussion with Ms. Flynn, Council stated that to replace all of the aerators from 40 horsepower to 60 horsepower would increase the original loan amount of \$2,402,245. Ms. Flynn stated that there should be no problem in increasing the loan amount up to \$3 million.

Mayor Whitley asked Ms. Flynn and Mr. Jim Woodie with Municipal Engineering to go back and calculate and determine the total loan amount needed to add replacing all of the aerators so as to complete all changes at one time.

The City Council decided that budget Ordinance 09-39 needed to include the costs of replacing the aerators at the Long Creek WWTP and be a part of the loan amount to be financed with a low interest state loan at approximately 2.6%.

The City Manager will work in conjunction with Municipal Engineering in acquiring the changes needed in the budget ordinance and bring back before Council for approval on October 19.

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

(Resolution 09-48 – To adopt a grant project budget ordinance relating to improvements at the Long Creek WWTP.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, the City Council approved the Planning Grant application for the 2009-2010 Clean Water Partners' Infrastructure Program.



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Ms. Susie Carpenter, J&S Blessed Daycare, 338 Harwood Street had requested the posting of Children at Play signs on Harwood Street near her day care. Assistant City Manager Michael Ferris spoke with Mr. Carpenter about this matter. He and his wife own J&S Blessed Daycare at 338 Harwood Street. Mr. Carpenter reported there have been several near misses with vehicles coming out of their driveway due to the limited sight distance created by the hill and feels Children at Play signs will encourage motorists to be more cautious. The Carpenter's are aware of the City's policy requiring the requesting party to pay for the cost of any signs and signs posts that might be needed. If sign can be placed on existing utility poles, cost per sign is \$57.88 and if a new post and sign is required, cost per sign is \$71.88.

Councilmember Townsend asked the Assistant City Manager if Ms. Carpenter is aware of the costs of the signs and posts if installed and he stated that she is.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved a request of posting Children at Play signs on Harwood Street near J&S Blessed Daycare, 338 Harwood Street.

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Ms. Sarah Domenech, ADDC Fall Festival Committee came before City Council to present plans for the downtown fall festival on Thursday, October 29. Ms. Domenech requested City Council approval of the Annex restrooms for the event, but there will be no street closings needed for the event.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the use of the Annex restrooms for the event up until 6 pm.

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The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

Councilmember Neel stated that the calendar for November states that the Council meetings are at 5:30 pm and need to be changed to 7:00 pm.

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

(Ordinance 09-31 To amend the code of ordinances by requiring separate meters for new in-ground irrigation systems that are connected between private water systems and the City of Albemarle's Public Water System.)

(Ordinance 09-32. Grant Project Ordinance for the Morrow Chase Project pursuant to Section 13.2 of Chapter 159 of the General Statutes of NC.)

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The Mayor and City Council considered a proposal for Central Business District Sign Revisions. The Planning Board on September 22, 2009 unanimously recommended the attached revisions to the CBD/Central Business District sign regulations. A copy of these recommendations are attached. A public hearing would be required to consider these changes to the City's Zoning Ordinance. This can be set for November 2 if City Council so desires. The idea for changes to the ordinance came out of the ADDC planning retreat this year.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved setting a public hearing for Monday, November 2 to consider a proposal for Central Business District sign provisions.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 09-36) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT PROJECT BUDGET ORDINANCE RELATING TO THE 2009 LOCAL SOLISITATION JUSTICE ASSISTANCE GRANT FROM THE US DEPARTMENT OF JUSTICE", passed first reading.

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Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 09-37) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, TO AMEND FY 2009-2010 BUDGET", passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 09-38) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, FOR THE 2009 GRANT ORDINANCE FOR A PUBLIC HOUSING CAPITAL FUND PROGRAM”, passed first reading.

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The Mayor and City Council considered approval of a delivery order for Stogner Architecture to provide Architectural and Engineering Services. This delivery order will allow Stogner Architecture to proceed with the design services, bid preparation, and scope of work to install new electric meter mounts for apartments in Amhurst Gardens while Central Builders is in the process of installing new siding on their exterior. Due to insufficient funding at the time, the electric meter mounts were removed from the original delivery order that City Council awarded to Stogner Architecture in March 2008.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a delivery order for Stogner Architecture to provide architectural and engineering services for the apartments in Amhurst Gardens.

Public Housing Director Garry Lewis came before Council and stated that he will be bringing before Council for approval a delivery order for the design and bid preparation to trim and prune the trees at Elizabeth Heights and Amhurst Gardens at a future Council meeting.

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The Mayor and City Council reviewed a response from NC Department of Transportation regarding citizen traffic concerns. The Council received a copy of a letter from NCDOT Division Engineer Barry Moose to Ms. Marlene Sanges regarding traffic concerns in Albemarle. The City received this from Ms. Sanges through the City's eGov on line reporting system and Michael Ferris forwarded the information to NCDOT. Council also received a copy of a letter from the City to DOT regarding one of the primary concerns, which is the traffic signal at Henson Street and NC 24-27.

Councilmember Neel was disappointed in the response from NCDOT concerning the Henson Street approach from Big Lots not showing that a protected left

turn phase is warranted. NCDOT will be making some change to the Henson Street approach that will increase the storage capacity of the left turn lane first.

The Mayor asked the City Manager to send another letter to Division Engineer, Barry Moose with NCDOT.

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The Mayor and City Council reviewed a response from NC Department of Transportation regarding the Northeast Connector. The Council received a copy of a letter from NCDOT Division Engineer Barry Moose regarding the Ridge Street and Mountain Creek Road intersections with the Northeast Connector. This letter is in response to two letters that the City Manager sent to DOT on January 8 and April 14 regarding safety concerns that City Council has about these intersections.

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The Mayor and City Council reviewed thank you letters to NC Department of Transportation. At the September 21 City Council meeting Councilmember Hall requested that letters be drafted from the City Council to Barry Moose and Ritchie Hearne with NCDOT regarding the Phase II greenway funding. Councilmember Holcomb contacted the City Manager earlier this week to request that a letter also be drafted to NCDOT Board member Tony Dennis.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the City Council approved the draft copy of the thank you letters to the NC Department of Transportation.

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The Mayor and City Council reviewed the status report on the Stanly Community College Annexation. Councilmember Hall requested a status report on this proposed annexation. The City Manager reported that the SCC Board of Trustees has voted to proceed with the annexation, and the college is having a survey done of the property to be annexed. As soon as this survey is complete, the annexation petition can be drafted and submitted to the college for execution.

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The Mayor and City Council received a report on the upcoming leaf season. City staff met recently with representatives of Waste Management to discuss preparations for the upcoming loose leaf collection season. The City Manager, Assistant City Manager, Public Works Director and Assistant Public Works Director met with Grover

Shankle and Peggy Poston of Waste Management last week. The City Manager reported that Waste Management has assured the City that they will be following the same procedures as last leaf season, which was the best season the City has experienced in several years. They will have the same two relatively new leaf units and a pull behind unit in Albemarle, as well as having the same employees working the leaf routes as last year. Waste Management will place an ad in the SNAP advertising the beginning of leaf season and the zones and scheduled collection dates in the October 11 issue. The leaf pickup will begin on Monday October 19.

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The Mayor and City Council reviewed the status report on the City Hall project. Almost all of the interior finishes and equipment have been completed except for touch up and cleaning. Most of the interior signage has been installed as well as security and audio visual components. Work continues on several exterior items including installation of the irrigation system, completion of sidewalks and preparation for paving. Landscaping is scheduled for the week of October 12 and paving is scheduled for the week of October 19. We still anticipate that the building will be turned over to the City at the end of October, and furniture is scheduled to begin to be moved in the first week of November.

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The Mayor and City Council received information on recycling opportunities at City Solid Waste Disposal Facility included in the October utility bill stuffer. At the September 21 meeting of City Council, Councilmember Neel requested that information regarding recycling of items at the City's facility be included in a future bill stuffer.

Councilmember Holcomb stated that anyone interested in separating their plastic bottles can take them to one of the Stanly County convenience centers at no charge, can take them to the City of Albemarle landfill at a charge of \$15/ton or can call Green Pieces and pay for the service of having them removed at curbside.

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The Mayor and City Council reviewed information of Stanly Community College and the City of Albemarle hosting a workshop on the NC Historically Underutilized Business Program. This workshop will be held on October 28, 2009 at Stanly Community College. Councilmember Townsend recently requested that the City do more to publicize the state HUB program to area minority businesses. Linda Lewis, the City's Purchasing Coordinator has been investigating avenues to promote this

program, and learned that SCC was planning this workshop. The Small Business Center Director invited the City to be a co host for this workshop and to help promote it so we are doing so.

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The Mayor and City Council were informed that the updates to the code of ordinances are available and to please bring their code book in to be updated.

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Councilmember Neel stated that he was pleased that action was taken at the corner of Melchor Road and Park Ridge Road to correct the sight problem there.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 6 to discuss personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318(a) 6 to discuss personnel matters and that there was nothing to report at this time.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, and unanimously carried, the meeting was adjourned.