

REGULAR MEETING CITY COUNCIL  
May 16, 2016

The City Council of the City of Albemarle met in a regular session on Monday, May 16, 2016 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall, Bill Aldridge, Chris Bramlett, Benton H. Dry, II, Martha E. Hughes, Dexter Townsend, and Chris Whitley. Absent, none.

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Mayor Michael called the meeting to order.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the minutes of the May 2 regular session, May 2 closed session and May 3 adjourned session minutes were approved as submitted.

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

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The Mayor and City Council reviewed information regarding new businesses and other business activity in Albemarle presented by Planning and Development Services Director Kevin Robinson.

Mr. Robinson stated that in April/May 2016 there were 3 new businesses, 1 business name change, and three in town relocations, totaling 25 jobs of which 9 jobs are new. He stated he spoke with these business owners and they plan on keeping the same number of jobs.

Upon questioning by Councilmember Townsend, Mr. Robinson stated that one of the new businesses is Uwharrie Academy which will be a K-5 school located on Charter Street.

Mr. Robinson answered any questions that Council.

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The Mayor and City Council discussed boards and commissions appointments for 2016-17. Council was provided with the members of each board or commission with an expiring term. Parks and Recreation Director Toby Thorpe and Planning and Development Services Director Kevin Robinson provided Council with attendance records for review.

Mr. Robinson came before Council to review the Albemarle Community Appearance Board and the Housing Board of Appeals and recommended that Council consider disbanding the Housing Board of Appeals at this time, and reassigning those active members to the Zoning Board of Adjustment where possible and assigning any duties of this board to the ZBA and proposed merging the Albemarle Community Appearance Commission with the Historic Resources Commission. The Greenway Commission can also merge with the Parks and Recreation Advisory Board and if Council so chooses, amendments can be prepared to the City ordinances affected and presented for approval at an upcoming meeting.

Mayor Michael recommended before making re-appointments or new appointments to the boards, let staff work on the ordinance changes needed to disband the Housing Board of Appeals and reassign members and duties to the ZBA and merging the ACAC with the Historic Resources Commission and the Greenway Commission with the Parks and Recreation Advisory Board.

It was the consensus of Council to have Mr. Robinson and Mr. Thorpe look at disbanding the Housing Board of Appeals and merging with the Zoning Board of Adjustment, merging the Albemarle Community Appearance Commission with the Historic Resources Commission and merging the Greenway Commission with the Parks and Recreation Advisory Board and making the amendments/changes to the City ordinance affected and present changes to Council at an upcoming meeting.

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The Mayor and City Council discussed the property at 433 Alfred Street. The City Manager noted that the City received a Community Development Block Grant (CDBG) to rehabilitate homes on Alfred Street as well as the infrastructure. As part of the grant, the City paved the street, installed upgraded water and sewer service, installed curb and gutter and rehabilitated several homes. Ms. Daisy Ponds attended a recent meeting to describe problems with her home and Council asked that the matter be investigated and brought back before City Council.

It was noted there were concerns brought to the City's attention from the Ponds family during construction. City Staff and the COG staff worked closely with the Stanly County Building Inspection Department who made sure the progress on construction was up to code. Council reviewed a Certificate of Occupancy from Stanly County issued at the completion of this project. In 2009 Ms. Ponds did sign a release, close-out and owner's acceptance of the property and project.

The City Manager also spoke with Centralina COG Director Jim Prosser about this matter and Mr. Prosser did not know of any way the COG could participate in addressing the issues if this is what was decided by the City. He noted that the property was inspected and permits issued and all other requirements met. He also said that since the COG receives federal funds, this is not something they could spend funds on because of the restrictions placed on the funding they receive. With the work that was done and the processes undertaken, he felt there is no basis for further action by the COG. The City Manager also met with the City Attorney to review any legal obligations.

City Attorney David Beaver came forward and stated the City is under no legal obligation to address any of the issues. He noted that all grant requirements were met, the structure was renovated as promised and everything passed inspection. Essentially that the work was performed and completed as promised. He did point out that many of the issues could be the result of materials that previously existed in the home and not addressed in the grant renovation. It does not appear that the City is under any legal obligations at this point. The grant project was performed as promised and all work passed inspection. Mr. Beaver also stated that it was the responsibility of the contractor and bonding company and the contractor went into bankruptcy and is now out of business.

Ms. Daisy Ponds and her son came before Council and stated that she is asking that her floor issues in her house be corrected. She stated that she addressed this issue with the contractor's wife back then but they just looked at the issue and did not correct them. Upon questioning, Ms. Ponds stated that she has not contacted Stanly County Inspections, the contractor, or the bonding company.

Ms. Ponds' son stated that his mother is not familiar with the process but he was there at that time and came to City Hall to address these issues at that time. He stated that the materials they were using were not brand new but from another job site. He also stated there was drinking on the job by the workers. He said he tried during the project to get these issues addressed but no one listened. He noted that a structural engineer came in around two years later and reviewed the situation and built pillars up to the new foundation and sealed existing block work

with new concrete to look new. The entire house is settling and falling and the walls have vertical cracks near the ceiling. He thinks the county inspector passed work that was not done correctly and someone should take fault for these issues. He said the contractor lost his license earlier and the license was in his wife's name. His wife was not on the job site until after the construction was done.

Upon questioning, the City Attorney stated that we could supply the name of the contractor and the bonding company to Ms. Ponds so she can file a claim. He also said that she needs to speak with Stanly County Inspections.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, the City Council approved staff collecting, providing, and assisting Ms. Ponds with the contractor and bonding company information, researching what she needs to do to file a claim against the contractor, and check the status of the contractor license for him and his wife.

Mayor Michael stated that the City Manager will call Ms. Ponds and her son with the information.

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The Mayor and City Council considered a resolution of intent to abandon a section of unopened alley along West Main Street.

It was noted that at the May 2, 2016 meeting, Council set a public hearing date for June 6, 2016, to consider a request to abandon a section of unopened alleyway that runs parallel to West Main Street from Concord Road to Church Street at the request of Main Street United Methodist Church. According to N.C.G.S. § 160A-299, Council must first adopt a resolution of intent to abandon before the public hearing date and need to change the public hearing date to Monday, June 27 to allow public notice for 4 consecutive weeks.

Upon adoption of the resolution, property owners along the alleyway will be notified of the public hearing date for June 27, 2016, at 7:00 p.m. The City does have utilities within this right-of-way which will be preserved at the adoption of the ordinance to abandon with an easement reservation if Council moves forward.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council passed the following resolution of intent:

(Resolution 16-09. Resolution of Intent to abandon a section of unopened alley along West Main Street.)

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved changing the public hearing date from Monday, June 6 until Monday, June 27 at 7 pm to allow 4 consecutive weeks of public notice.

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The Mayor and City Council discussed setting a public hearing for June 6, 2016 at 7:00 p.m. to consider a text amendment to City Ordinance §92.008 and §92.086 to revise and clarify building height limitations and restrictions. The proposed text amendment will create a more congruous zoning ordinance by bringing different commercial zoning height limitation into unison while respecting air quality, adequate lighting, population density, and view-shed. The Planning Board unanimously approved to recommend the proposed text amendment at their April meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved a public hearing for Monday, June 6 to consider a text amendment to City Ordinance §92.008 and §92.086 to revise and clarify building height limitations and restrictions.

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The Mayor and City Council considered approval to submit a Recreational Trails Program grant application. Albemarle Parks and Recreation submitted a pre-application, and has been approved to submit a final application for a North Carolina Recreational Trails Program Grant in the amount of \$48,000. This grant would fund a northern extension of the Roger Snyder Greenway along abandoned rail line from Oak Street to Snuggs Street. The City would be responsible for cash and/or in-kind match of 25% (\$12,000). This will allow the City to continue to make progress on the Greenway development as we continue to work on property acquisition for other areas of the systems

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved Parks and Recreation submitting a Recreational Trails Program Grant Application in the amount of \$48,000. The City would be responsible for cash and/or in-kind match of 25% (\$12,000).

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Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved the following ordinance as amended:

(Ordinance 16-18 - To Amend the US 52 Business Sidewalk Project Budget.)

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The Mayor and City Council considered attendance at the Stanly County COG meeting on Tuesday, May 31st at 6:30 p.m. in the Red Cross Baptist Church Fellowship Hall. The City Manager asked how many would like to ride together leaving the City Hall parking lot at 6:10 p.m.

Mayor Michael and Councilmembers Bramlett, Hall, Hughes, and Townsend affirmed their attendance.

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The Mayor and City Council considered attendance at the Stanly County Chamber of Commerce Legislative Breakfast on Monday, June 6 from 7:30-9:00 am at the EE Waddell Center.

Mayor Michael and Councilmembers Aldridge, Bramlett, Hughes, Townsend and Whitley confirmed attendance.

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The Mayor and City Council were reminded that May 15-21 is Public Works Week. Governor McCrory has designated May 15 - 21 Public Works Week in North Carolina in recognition of the critical services and infrastructure enhancement these employees provide.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved supporting the Governor's Proclamation.

Public Works Director came before Council and thanked all the Public Works Department employees for all their hard work and dedication for the unique and vital work they do for the community.

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Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council passed the following resolution:

(Resolution 16-10. To request State funding assistance to participate with the City to make growth-related traffic safety and efficiency improvements.)

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Mayor Michael stated that Parks and Recreation Director Toby Thorpe along with two other people were hit by a car while cycling recently as they were riding a 400 mile trail in Mississippi. He will be okay and soon will return home.

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Councilmember Hughes commended everyone responsible for a great employee picnic last Thursday. She said that it was well organized and well done. The food was great and all had a good time.

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Councilmember Aldridge thanked all of the Public Works employees and celebration of Public Works Week.

Councilmember Aldridge mentioned that Friendly Chevrolet on US Hwy 52 North has expanded and renovated, changing the total look of the business.

Mayor Michael stated that Friendly Chevrolet's Grand Re-Opening will be held on Saturday, June 11 at 10 am.

Councilmember Aldridge stated that the former Charlie's Produce business on 1<sup>st</sup> Street has tall grass and needs to be taken care of as well as the former Huck Store Fixture location.

Councilmember Aldridge thanked Planning and Development Services Director Kevin Robinson and Economic Development Director Mark Donham for the new business report presented tonight.

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Councilmember Hall and Dry echoed comments about the great employee picnic last Thursday at City Lake Park.

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Councilmember Whitley stated that as of this coming July he will be retiring and able to attend more functions. He also stated that he will be attending an RPO meeting at Union County Agricultural Center in Monroe if Council had any requests, to let him know.

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Councilmember Bramlett stated that he attended the Stanly County 175<sup>th</sup> celebration at Morrow Mountain State Park this past Saturday. He said that Albemarle has a great resource in Morrow Mountain. Everyone traveling through Albemarle see this great site as well as the Uwharries. We need to build on this and have billboards stating “Gateway to the Uwharries”.

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Mayor Michael stated that it is only a day trip from other NC cities to visit Morrow Mountain or the Uwharries.

The City Manager reported that he and Economic Development Director Mark Donham met today and had lunch with Senior Economic Development Director Carl Rees of ElectriCities.

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Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett, and unanimously carried, the meeting was adjourned.