

ADJOURNED MEETING CITY COUNCIL
April 17, 2013

The City Council of the City of Albemarle met in an adjourned session on Wednesday, April 17, 2013, at 6:30 p.m. at the Rosebriar Restaurant. Mayor Elbert L. “Whit” Whitley presided and the following Councilmembers were present, to wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, Ronnie Michael, Jack F. Neel, and T. Ed Underwood. Absent, Councilmember Dexter Townsend.

The City Council held a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment to discuss matters of common interest.

Mayor Whitley opened the meeting and asked if there were any comments or questions. He then turned the meeting over to Planning Board Chairman Rodney Morgan. Mr. Morgan asked if the City has any ordinance violations on “jake brakes” on large trucks. He said that late at night he hears trucks gearing down. Planning and Community Development Director Keith Wolf asked if these can be turned off. There is no City ordinance regulation on this. Councilmember Michael said this issue had been discussed previously but the Boards had declined to take any action on the matter.

Planning and Community Development Director Keith Wolf stated that he has two items to discuss tonight. The first item is to determine if the City would like to have a spring cleanup for tires and the second is to discuss outside open storage. Assistant Public Works Director Nina Underwood and Landfill Division Superintendent Darren Preslar are here and will talk with everyone about setting up a cleanup this spring if so desired.

Also, Mr. Wolf stated that for the Planning Board meeting which will be held Thursday, April 25, we will be discussing two conditional use permits and one rezoning.

Assistant Public Works Director Nina Underwood came forward and stated that Public Works is helping coordinate the event that the City Council approved and is proposing a tire spring cleanup as soon as May if everyone is interested.

Landfill Division Superintendent Darren Preslar came forward and stated they we have tire recycling presently at the landfill where each resident can bring five tires for recycling at no charge. This includes anyone in Stanly County and each member of a family can do so.

Mr. Preslar stated that there proposal involves having a spring tire cleanup from Wednesday, May 8 until Saturday, May 11. The times would be 1-6 pm Wednesday through Friday and 9-12 pm on Saturday. We are considering having the cleanup at the old Fire Station #1 on North Third Street. This will be for vehicle tires only and only 5 per resident at no charge.

Mr. Preslar answered any questions that the boards had.

Councilmember Hall stated that if we move forward with a cleanup as early as May 8-11, there will not be time to place this item in the bill stuffer for residents to see.

Councilmember Holcomb stated that we could use an over street banner as a notice of the event. The City Manager stated that we can consider using the news media as well as an over street banner to advertise the event.

Council agreed by consensus to move forward with the plans of a tire spring cleanup for Wednesday, May 8 until Saturday, May 11. The times would be 1-6 pm Wednesday through Friday and 9-12 pm on Saturday.

Planning and Community Development Director Keith Wolf handed out information on research involving an outdoor storage text amendment. Mr. Wolf stated that the goal is to make regulations more specific and enforceable in court for existing non-conforming businesses that have excessive outdoor storage, but not to create unnecessary problems for the 95-98% of businesses that are not doing these things. We want to decide if Council would be interested and asked City Council for comments.

Mr. Wolf spoke about the current regulations for open storage in the General Highway Business District (GHBD), Light Industrial District (LID), and Heavy Industrial District (HID) and the new proposed regulations being considered. We have spoken with Huntersville and Davidson and also looked at what other states are doing. Most cities do not have this in their ordinances. The definition includes all goods and materials not returned to an enclosed building at the end of each business day.

Councilmember Michael stated that under the proposed requirements for outdoor storage, item 4 may be a problem for the two existing problem businesses which states that:

4) All outdoor storage areas shall be effectively screened from all adjacent properties, public parking areas and public streets by wall, fences, earthen berms or landscaping (or these in combination) which achieve an opaque/solid screen from the ground to the height of the materials to be stored or eight (8) feet whichever is less. Any landscape plant material which is used shall be planted at such size and spacing to achieve a substantially opaque screen within two (2) years from the time of planting and maintained thereafter.

Mr. Wolf also stated that he had spoken with Mr. Adam Lovelady at the UNC-CH School of Government and he stated that we may need to do an amortization for 6 months or so. Making ordinance changes with more strict rules with time for businesses to make adjustments needed.

Councilmember Holcomb stated that we should not be so tough on businesses with the economy the way it is.

Mr. Gerald Ritchie who resides at 2827 US Highway 52 N came before Council and stated that he lives beside of the business at 2817 and 2821 US Highway 52 N in question and has lived there since 1993. The situation at the business is bad and continues to get worse. It is such an eye sore for neighbors and travelers along the US 52 highway. There are old windows, frames, barrels, etc just sitting outside and a lot of junk at the backside of the business. He cannot understand how it would pass fire code. He stated that he does not know what to do but something should be done.

Mr. Ritchie commended Chief Halliburton on another issue that he had and the Chief took care of it.

Upon questioning on old vehicles, the City Manager stated that we can take care of old vehicles being removed now through the ordinance by the Police Department, but this is not the major problem.

Councilmember Michael stated that if the vehicles value is greater than or equal to \$500, the City cannot have them removed.

Mr. Ritchie asked if the new proposed regulations are passed, will these businesses be grandfathered in. Mr. Wolf stated that this is where we can amortize as Mr. Lovelady stated from SOG and slowly have this property completely under the new ordinance regulations.

City Attorney David Beaver stated if this issue is a nuisance and continues to be and is not looked at as a zoning violation, everyday is a new day and it could not be grandfathered in. This would have to be determined. The question is can we do this legally as a nuisance or zoning violation and this not be thrown out of court.

Councilmember Alexander asked that we talk with both businesses to try to work out something with A.L. Lowder on the old Wiscasset dye house and Jim's Custom Windows to do a clean up. It was noted that the City has tried for years to get this property owner to clean up with no luck.

City Attorney David Beaver stated we are short on money already and going to court is expensive. We would have a 50/50 chance of even winning the case.

Mr. Wolf stated that he will speak with Jim's Custom Windows and A.L. Lowder before the next Planning Board meeting on April 25. They are not easy to work with but he stated he will try to work with them or tell them the City may have to take them to court.

Councilmember Hall requested the City write a letter to NC Attorney General Roy Cooper and Mr. Adam Lovelady with NC SOG requesting them to take a look at our City ordinance on this issue and give their professional opinion.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall, and unanimously carried, the City Council approved sending a letter to NC Attorney General Roy Cooper and Mr. Adam Lovelady with NC SOG requesting them to take a look at our City ordinance on open storage and give their professional opinion.

The City Manager came forward and handed out a letter and zoning ordinance information on signs in the City. He stated that he received a letter on April 10 from Annette Starnes who owns the Putt Putt at 1240 E. Main Street requesting permission to erect a large pennant flag display on her business property. She further stated that if there is an ordinance in place which prevents this, she is requesting that said ordinance be adjusted.

Ms. Starnes has put up signs in the past and we have had to ask her to take them down. She is requesting a large display of pennant flags at her business property.

This should fall under portable signs in our ordinance which are not allowed. The City Manager further stated that it is the staff's recommendation to not amend the ordinance to accommodate this.

Mr. Wolf stated that Mrs. Starnes could ask for a text amendment but Council may not want this.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved denying the request from Annette Starnes to amend the Zoning Ordinance to allow her to erect a large pennant flag display on her business property located at 1240 E. Main Street.

The City Manager stated that he will send Mrs. Starnes a letter stating that Council voted not to change the ordinance to accommodate this request.

Upon a motion by Councilmember Underwood, seconded by Councilmember Michael and unanimously carried, the City Council adjourned to Monday, April 22, 2013 at 6:00 pm in the Community Room at City Hall for a joint meeting of City Council, the members of the Economic Development Task Force and Facilitator Crystal Morphis with Creative Economic Development Consulting.