

REGULAR MEETING CITY COUNCIL
December 16, 2013

The City Council of the City of Albemarle met in a regular session on Monday, December 16, 2013, at 6:00 p.m. in the City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend, and Christopher Whitley. Absent, none.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the minutes of the December 2 regular session, December 2 closed session, and December 9 adjourned session minutes were approved as submitted.

A public hearing was held to consider a map amendment to rezone 2817 US Hwy 52 North from GHBD to R-O/Residential Office. On October 22, 2013, the Planning Board unanimously recommended approval of a map amendment requested by James F. Goins to rezone 2817 US Hwy 52 N (Tax Record 13582) from GHBD/General Highway Business District to R-O/Residential Office.

Mr. Gerald Ritchie of 2827 US Hwy. 52 N came before City Council and stated that he lives beside of Jim's Custom Windows and said that this business is and has been an eyesore for Albemarle for years. For years, he stated that he has asked the City for assistance to have Mr. Goins cleanup his property and the City has made numerous attempts but very little has been done by Mr. Goins. The last 2-3 years the property has gotten worse. He stated that Mr. Goins is living in this business which is zoned for business only and he is glad that the City is doing something now.

Mr. Ritchie handed out photos of Mr. Goins property to Council that had been taken on Sunday, December 15. Mr. Ritchie stated that he is opposed to this zoning at this time and the property does not meet the requirements of the City ordinance and there are environmental and fire hazards on this property. He asked that Council require this property to meet requirements before voting on this R-O/Residential Office rezoning.

Mr. Ritchie answered any questions that Council had.

Planning and Community Development Director Keith Wolf came before

Council and stated that he had spoken with Mr. Goins and told him it would be more difficult to get this rezoning to R-O if he leaves the property in the present condition and Mr. Goins has made some efforts to clean up.

Mr. Wolf answered any questions that Council had.

Councilmember Hall asked if Council could postpone and not make a decision at this time without having to post another public hearing notice and start over with this process.

The City Manager stated that Council can decide to not take any action tonight and lay over until the next meeting. If we do not close the public hearing, it could be considered at a later time.

Councilmember Hall stated that the veteran Council had dealt with this issue also and approves extra time for the new Council to make a decision on this public hearing.

Councilmember Hughes asked that the information that the previous Council has, be shared with the new Councilmembers.

Councilmember Alexander stated that he and former Mayor Whitley had visited Mr. Goins and he had started cleanup and planned to continue the cleanup.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley and unanimously carried, the City Council approved holding the public hearing open and carry over until the January 22, 2014 meeting.

Mr. Goins and his daughter are to be contacted about the cleanup and give him a little time to do that.

The Mayor and City Council considered rescheduling the January 20, 2014 City Council meeting due to it conflicting with the Dr. Martin Luther King, Jr. Holiday.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council rescheduled their regular scheduled Monday, January 20 meeting to Wednesday, January 22, 2014 due to it conflicting with the Dr. Martin Luther King, Jr. Holiday.

A public hearing was held to consider a conditional use permit to allow an

outdoor flea market. On October 22, 2013, the Planning Board voted three in favor and two opposed to recommend approval of a Conditional Use Permit to allow an outdoor flea market on the side and in the rear of the building located at 200 740 Hwy. Owners of one business across the street came to express opposition. The property is zoned GHBD/General Highway Business District.

The co-owners Brian Ritchie and Jeremy Bertino of the proposed outdoor flea market at the Antique Mall came before Council.

Mr. Ritchie stated that this venture will not conflict with their existing business and they are trying to use the entire 5.2 acres that they have there. He answered any questions that Council had.

Mr. Bertino stated that the outside vendors will not affect the inside vendors. The outside vendors mostly set up on Saturday and take down Saturday night and then they come back and setup on Sunday. He stated that he hopes they are able to get this going and get good feedback. He answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry and unanimously carried, the City Council closed the public hearing.

The City Council considered the following findings of fact as read aloud by Mayor Michael:

- 1) Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- 2) Upon a motion by Councilmember Hall, seconded by Councilmember Hughes and unanimously carried, the use meets all required conditions and specifications.
- 3) Upon a motion by Councilmember Alexander, seconded by Councilmember Dry and unanimously carried, the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- 4) Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general

conformity with the plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the following resolution was adopted:

(Resolution 13-38. To grant a conditional use permit to allow an outdoor flea market located at 200 NC Hwy. 740)

Mayor Michael noted that the monthly administrative reports were in the agenda package.

The Mayor and City Council considered an appointment to fill a vacancy on the Greenway Commission. This item was held over from the November 18, 2013 Council meeting. Laura Wheeler has resigned from the Greenway Commission because her husband has accepted a job in another part of the state and they have had to move as a result of this.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council appointed Deanna Brigham to fill the unexpired term on the Greenway Commission ending July 2015.

The Mayor and City Council considered approval of a purchase agreement between City of Albemarle and Landmark for the former Central School property. This would allow the City to transfer the property to Preservation North Carolina (the "or assigns" referred to) as Mr. Todd has discussed which is a non profit eligible under state statutes to develop housing and to do historic preservation.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved a purchase agreement between the City of Albemarle and Landmark for the former Central School property.

The Mayor and City Council discussed the process for filling the City Council District 3 vacancy. The City received eight applications for this vacant seat.

Mayor Michael stated that a list of questions have been submitted to City Manager Raymond Allen but have not been sent out to the applicants. Once sent to the applicants, the responses will be forwarded to the Councilmembers for approval.

It was determined to have the applicants return their responses to the questionnaire by December 27, then look at this at the January 6, 2014 meeting and decide at that point if we need to call a special meeting for special presentations.

Councilmember Hall stated that if we need to hold a special meeting, to consider Thursday, January 9.

The Mayor and City Council received a presentation of the Morehead Park Master Plan by Parks and Recreation Director Toby Thorpe which has been developed by the Albemarle Parks and Recreation Staff. It was noted that after our NC Parks and Recreation Trust Fund application last year was not funded, the major suggestion was that a park-specific master plan for the facility should be developed, utilizing input from the 2010 Stanly County Parks, Recreation, and Trails Master Plan, and also from public forums to gather input specifically for the Morehead facility. The cost for a consulting firm to do such a study was prohibitive, so the AP&R staff has taken this on as a project.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved adopting the Morehead Park Master Plan.

The Mayor and City Council considered the NC Parks and Recreation Trust Fund application for Morehead Park renovations and improvements recommended in the Morehead Park Master Plan. Council must approve a commitment for 50% match of funds.

Recommendations for Morehead Park Improvements are from two sources:

- The 2010 Stanly County Parks, Recreation, and Trails Master Plan, and
- The 2013 Morehead Park Master Plan

Director Toby Thorpe outlined the methodology used in prioritizing needs as well as options for Council to consider regarding match amounts. City Council approved an application for Morehead Park last year, but to include the improvements requested by the public this will require a significantly larger City match.

Parks and Recreation Director Toby Thorpe answered any questions that Council had.

Mayor Michael asked that we hold this item over until the January 6, 2014 meeting. The audit will be presented at the January 6 meeting.

Mr. Thorpe stated that he feels that we will be able to replace the playground equipment thru Kaboom by whom we have been named a Playful City USA.

The Mayor and City Council considered a request of Piedmont Natural Gas for a gas main extension to serve 631 North Sixth Street. This is for a 50 foot extension on North Sixth Street to serve one customer. It was noted that Public Works and Public Utilities have approved the extension. There is a water line in this area and WS Systems will be in attendance when the gas main is extended to make sure it is not damaged.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved a request of Piedmont Natural Gas for a gas main extension to serve 631 North Sixth Street.

The Mayor and City Council considered designation of board member(s) to review Mayor and City Council travel expense reports. It was noted that for many years the City Council has designated two board members to review the travel expense reports for the Mayor and Council. Mayor Pro Tem Alexander and former Councilmember Judy Holcomb have been doing this and City Council needs to appoint a replacement for Ms. Holcomb.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry and unanimously carried, the City Council appointed Mayor Michael to replace Judy Holcomb and Mayor Pro Tem to continue to review Mayor and City Council travel expense reports.

The Mayor and City Council considered approval of a delivery order for architecture/engineering services CFP2012 & 2013 CFP Project from Stogner Architecture in the amount of \$34,020.00. It was noted that this will provide the scope of work for the replacement of HVAC systems to include air handler and condensing units in the 57 one story units at the Amhurst Gardens site. Mr. Stogner also provided a cost

estimate for the work project. This delivery order will need to be approved by City Council with the Mayor's signature.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a delivery order for architecture/engineering services CFP2012 & 2013 CFP Project from Stogner Architecture in the amount of \$34,020.00.

The Mayor and City Council considered approval of write offs for the period January 1, 2013 to June 30, 2013 in the amount of \$1,796.93. The write off accounts have been turned over to the City of Albemarle Finance Department to be entered into the NC Local Government Debt Setoff Clearinghouse.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved write offs for the period January 1, 2013 to June 30, 2013 in the amount of \$1,796.93.

The Mayor and City Council consider an agreement with NC Local Government Debt Setoff Clearinghouse Program. This agreement is a Housing Authority Rider to allow the Department of Public Housing to participate in the Debt Setoff Program required by HUD.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry and unanimously carried, the City Council approved an agreement with NC Local Government Debt Setoff Clearinghouse Program to allow the Department of Public Housing to participate in the Debt Setoff Program required by HUD.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the following Ordinance was duly adopted:

(Ordinance 13- 50. To adjust the time of the regular meetings of the City Council to 7:00 p.m.)

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

(Ordinance 13-49. To Amend the FY 2012-2013 Police Department Budget.)

The Mayor and City Council considered attendance at Dr. Martin Luther King Jr. Unity Breakfast on Saturday, January 18, 2014 at the EE Waddell Community Center.

The Mayor and City Council affirmed their attendance.

The Mayor and City Council reviewed the Stanly County CVB FY 2012-2013 Audit. This is an unqualified opinion with no findings.

The Mayor and City Council reviewed the Albemarle Downtown Development Corporation FY 2012-2013 Audit this is an unqualified opinion with no findings.

The Mayor and City Council received a copy of the City 2014 Holiday Schedule.

The Mayor and City Council received meeting schedules for the Stanly County COG and Liaison Meetings for 2014-2015.

The Mayor and City Council received the 2013 Employee Christmas Luncheon to be held on Thursday, December 19th from 11:00 am to 1:30 pm at the EE Waddell Community Center.

The Mayor and City Council received the City holiday schedule where City offices will be closed from December 24-26 in observance of Christmas and on January 1 in observance of the New Year's Day holiday.

The City Manager stated that Finance Director Colleen Conroy has received a check from the State and we are receiving 75% of the cost for debris and cleanup from the microburst on June 13, 2013 in the amount of \$736,769.96. This money will mainly go into the general fund with small amounts going back into the water/sewer and electric funds for reimbursement.

The City Manager thanked Interim Public Utilities Director Judy Redwine and Interim Public Works Director Nina Underwood for all of their efforts.

Mr. Allen also stated that Council can pick up a copy of the City audit at the front desk before leaving this evening. He noted that the auditor will present this at the January 6 meeting.

Mayor Michael wished everyone a Merry Christmas and Happy New Year.

Councilmember Townsend wished everyone a Merry Christmas and Happy New Year.

Councilmember Hughes wished everyone a Merry Christmas and Happy New Year.

Councilmember Dry congratulated Coach Smith and the Albemarle Bulldogs on a successful football season and also West Montgomery High School who played in the state finals at Wake Forest.

Councilmember Dry wished everyone a Merry Christmas and Happy New Year.

Councilmember Whitley stated that he would not be able to attend the City employees Christmas Lunch or the Martin Luther King, Jr. breakfast due to being out of town.

Councilmember Whitley wished everyone a Merry Christmas and Happy New Year.

Councilmember Hall thanked Councilmember Whitley for attending the COG meeting in Charlotte last week.

Councilmember Hall spoke of the new ADDC Director Shannon Johnson who had been hired since our last Council meeting.

Councilmember Hall mentioned some of the activities the City would be a part of through the NC League of Municipalities as the Mayor orientation, Essentials of Municipal Government, NC City County Manager meetings, Town Hall Day, and annual league meeting.

Councilmember Hall spoke of the National League of Cities Congressional City Conference meeting that is held every March in Washington, DC. and indicated she will be attending the meeting in 2014.

Councilmember Hall wished everyone a Merry Christmas and Happy New Year.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the Mayor and City Council adjourned to a Closed Session pursuant to NCGS 143.318.11(a) 5 to discuss real estate.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held pursuant to NCGS 143.318.11(a) 5 to discuss real estate.

Mayor Michael stated that he would ask Ms. Hall to make a motion.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the Mayor and City Council approved giving the City

Manager authority to work with the County in a partnership to develop a proposed agreement allowing the County to use the Tuckertown water treatment site as one of the proposed tower sites for a new public safety emergency radio communication system.

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