

REGULAR MEETING CITY COUNCIL
October 1, 2012

The City Council of the City of Albemarle met in a regular session on Monday, October 1, 2012, at 6:00 p.m. in the City Hall. Mayor Elbert L. “Whit” Whitley presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, G.R. Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

Mayor Whitley called the meeting to order.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of September 17 regular session was approved as submitted.

A public hearing was held to consider rezoning 2827 Us Hwy 52 N and no one spoke for or against.

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

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, Council approved the following resolution.

(Resolution 12-27. To rezone 2827 US Hwy 52 N.)

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 12-34) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING AND ALTERING THE BOUNDARIES OF CERTAIN DISTRICTS ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, SO AS TO TRANSFER FROM GHBD/GENERAL HIGHWAY BUSINESS DISTRICT TO R-10 SINGLE-FAMILY RESIDENTIAL DISTRICT THAT REAL PROPERTY AT 2827 U.S. 52 HWY. N., ALBEMARLE, NC 28001 ” passed first reading.

A public hearing was held to consider rezoning 2831 Us Hwy 52 N and no one spoke for or against.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, Council approved the following resolution.

(Resolution 12-28. To rezone 2831 US Hwy 52 N.)

Upon a motion by Councilmember Neel, seconded by Councilmember Michael, and unanimously carried, an Ordinance entitled (Ordinance 12-35) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING AND ALTERING THE BOUNDARIES OF CERTAIN DISTRICTS ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, SO AS TO TRANSFER FROM GHBD/GENERAL HIGHWAY BUSINESS DISTRICT TO R-10 SINGLE-FAMILY RESIDENTIAL DISTRICT THAT REAL PROPERTY AT 2831 U.S. 52 HWY. N., ALBEMARLE, NC 28001 ” passed first reading.

A public hearing was held to consider rezoning 302/304 North First Street and no one spoke for or against.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, approved the following resolution.

(Resolution 12-29. To rezone 302/304 N 1st Street.)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-36) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING AND ALTERING THE BOUNDARIES OF CERTAIN DISTRICTS ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA,

SO AS TO TRANSFER FROM RO/RESIDENTIAL-OFFICE DISTRICT TO CBD/
CENTRAL BUSINESS DISTRICT THAT REAL PROPERTY AT 302 AND 304 NORTH
FIRST STREET, ALBEMARLE, NC 28001.” passed first reading.

A public hearing was held to consider permitted uses in CBD, GHBD, and LID and no one spoke for or against.

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

Councilmember Neel stated that Council needs to restrict street skateboarding downtown within the resolution.

Councilmember Holcomb stated that it can be stated in the resolution to refer to the ordinance that already exists which prohibits skateboarding on City streets.

ADDC Director Kathy Almond came forward and stated that some businesses need other changes that are proposed in the ordinance, and requested that the skateboard item be removed if it would delay the rest of the ordinance changes.

Mayor Whitley stated that this ordinance can be amended on 2nd reading.

City Attorney David Beaver stated that this ordinance can be amended on 2nd reading and there is an ordinance which does not allow skateboarding on any open street or sidewalk already in force.

Councilmember Neel moved to approve permitted uses in CBD, GHBD, and LID and to add a statement to the resolution stating that no skateboarding is allowed on any City street or sidewalk in the CBD. Councilmember Holcomb seconded the motion. Voting for the motion was Councilmember Neel. Voting against the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Townsend, and Underwood. The motion did not carry.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, approved the following resolution as originally stated.

(Resolution 12-26. To approve permitted uses in CBD,
GHBD, and LID.)

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 12-33) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY MAKING A TEXT AMENDMENT TO ITS ZONING ORDINANCE BY ADDING ADDITIONAL PERMITTED USES TO THE CBD/CENTRAL BUSINESS DISTRICT, TO THE GHBD/GENERAL HIGHWAY BUSINESS DISTRICT AND TO THE LID/LIGHT INDUSTRIAL DISTRICT AND TO DEFINE BREWERY AND MICROBREWERY." passed first reading as amended adding that the City does not allow skateboarding on City streets or sidewalks in the CBD.

Mr. Durham Lewis, Lewis and Lewis CPA came before Council to present the FY 2011-2012 Albemarle ABC System Audit.

Mr. Lewis came before City Council and stated that the COA Alcoholic and Beverage Control report received an unqualified opinion which is the highest opinion you can receive. He covered the statement of net assets and revenues, expenses and changes in net assets, the balance sheet, statements of cash flows, notes to the financial statements, law enforcement and alcohol education expenses, and the schedule of taxes for bottles, mixed beverages and miniature bottles.

He explained that the working capital requirement should be at not less than two weeks average gross sales of the last fiscal year.

This board's position on this requirement is as follows:

Minimum amount \$	67,699
Maximum amount	\$439,849
Actual amount	\$183,761

He also covered the schedule of store expenses, administrative expenses, and warehouse expenses.

Mr. Lewis answered any questions that Council had.

Mayor Whitley stated that Store Manager Karen Cranford and the Albemarle ABC Board should be commended on a job well done. The Mayor thanked Mr. Lewis for this report and thanked him for being at the meeting.

Mr. Jim Hodges, WHN Architects came before Council to present bid recommendation for the renovation of the former Jesse F. Niven Center. It was noted that bids were opened on September 11, 2012. Black Contracting of Wadesboro, NC was the low bidder with a bid of \$696,700. The low bid is in line with the architect's estimate for this project.

Mr. Hodges with WHN Architects answered any questions that Council had.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved low bidder, Black Contracting of Wadesboro, NC in the amount of \$696,700 for the renovation of the former Jesse F. Niven Center.

(Bid Tabulation)

Mr. Gene Starnes, Commander-American Legion Post 520 came before Council to request street closings for the Veterans Day Parade at 11:00 am on Saturday, November 10.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the street closings from 10:30 until 1:30 pm for the Veterans Day Parade at 11:00 am on Saturday, November 10 and to waive the \$50 street closing application fee.

Assistant Public Works Director Nina Underwood came before Council to discuss the 2012 City Employee United Way Campaign and request Council approve the donation of 20 "Fair Share" annual leave days to use as drawing prizes as done in the past.

She stated that Battalion Chief Tony Upchurch and Revenue Collection Supervisor Lindsay Carter will be working with her on the United Way campaign this year.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved the donation of 20 "Fair Share" annual leave days to use as drawing prizes.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the Council approved moving the Monday, January 21, 2013 Council meeting to Tuesday, January 22, 2013 due to the Martin Luther King, Jr. Holiday.

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

(Ordinance 12-31 - To appropriate unanticipated revenue from fiscal year 2011-12 and 2012-13 to cover the cost of the land purchase for the landfill.)

(Ordinance 12-32 - To make improvements at the US 52 Water Plant relating to EQ Basin.)

The Mayor and City Council considered adopting a resolution allowing the City to go out for bids for financing of the former Jesse Niven Center for renovations. Also, it was requested that Council set public hearing for October 15 relating to the renovation project and financing. A record of the public hearing will be submitted to the Local Government Commission.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved a resolution allowing the City to go out for bids for financing of the former Jesse Niven Center for renovations.

(Resolution 12-30. To go out for bids and financing the renovation of the Jesse Niven Center.)

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council set public hearing for October 15 relating to the renovation project and financing which is necessary to proceed with the financing

bid and have record of the Public Hearing to submit to the Local Government Commission.

The Mayor and City Council considered an amendment to contract for acquisition with W. K. Dickson of an easement or property for the metering station on the CKA waterline. The cost of \$4000.00 is for the survey, map and negotiation of the price of the easement or property by W. K. Dickson and does not include the actual purchase of the easement or property. NCDOT will not allow the metering station to encroach on their R/W.

Public Utilities Director Ellen Huntley came forward and answered any questions that Council had.

Councilmember Underwood moved to approve an amendment to contract with W. K. Dickson for acquisition of an easement or property for the metering station on the CKA waterline in the amount of \$4000.00 for the survey, map and negotiation of the price of the easement or property by W. K. Dickson. Councilmember Holcomb seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Michael, Neel, Townsend, and Underwood. Voting against the motion was Councilmember Hall. The motion carried.

The Mayor and City Council considered an engineering agreement for Phase I of the Sanitary Sewer System rehabilitation. This proposed agreement is with LKC Engineering, PLLC. Council also received the NCDENR Finance Section approval of the Engineering Report, which includes the schedule for final approval of financing. It was noted that the engineering will be reimbursable upon approval and permitting of the plans and specifications. LKC is the same firm that the City Council approved at the last meeting for the Old Whitney Pump Station renovation project.

Public Utilities Director Ellen Huntley came before Council and answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved an engineering agreement for Phase I of the Sanitary Sewer System rehabilitation with LKC Engineering, PLLC.

Councilmember Neel asked if Ms. Huntley could give Council an update periodically on the progress of each project in Public Utilities. Ms. Huntley stated that she will do an update on each project each month in the monthly departmental report.

The Mayor and City Council reviewed the Wiscasset Mills Site Redevelopment Study. It was noted that Robin Spinks of Greenfield has completed the Phase I analysis of the former Wiscasset Mills property. Council received a copy of the study and also a copy of the original proposal for their reference. The City Manager noted that Ms. Spinks of Greenfield outlines several potential uses for redevelopment of the site, but also discusses a number of obstacles for its reuse as an industrial, retail or office site.

Mayor Whitley covered some of the site attributes and challenges and also some of the redevelopment strategies and final comments given in Greenfield's summary report.

It was Council's decision by consensus to refer this report information to the Economic Task Force for review. Their first meeting will be October 18 at City Hall in the Community Room from 6-8 pm.

The Mayor and City Council considered acceptance of an Imagination Playground Grant through KaBoom! And Walt Disney Company. Recreation Superintendent Oliver Webster and Waddell Center Supervisor Billy McRae prepared and submitted the grant application.

Recreation Superintendent Oliver Webster presented the information on the grant to City Council. He noted that the City will receive two mobile playgrounds which are valued at \$6,500 each for a total of \$13,000 and no local match is required. The grant provides the department with a "Mobile Playground" which comes in modular form and can be transported to various special events.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved acceptance of an Imagination Playground Grant through KaBoom! And Walt Disney Company.

The Mayor and City Council considered approval of a lease agreement with Stanly County to provide space for the Albemarle Stanly County Gang Initiative office in the Stanly County Courthouse. This is a no cost lease based upon the reciprocal use of office space for the Sheriff's Department who is sharing space with the APD in the City Hall Annex.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a lease agreement with Stanly County to provide space for the Albemarle Stanly County Gang Initiative office in the Stanly County Courthouse.

The Mayor and City Council received an update on preparations for the 2012/2013 loose leaf collection leaf season which begins on Monday, October 15. Council received a memo from Assistant City Manager Michael Ferris regarding plans for this year.

The Mayor and City Council received an update on the Albemarle Economic Development Task Force (ETF). The City Manager noted that facilitator Crystal Morphis has secured presenters for the first meeting of the task force, which will be on October 18 from 6 pm to 8 pm. These include representatives from the NC Department of Commerce, Charlotte Regional Partnership, Stanly County EDC and ElectriCities. Notice of this meeting will be going out to members of the task force some time in the next week.

The City Manager stated that Ms. Morphis stated that Council may want to consider the Mayor or one of the Councilmembers as a member or liaison to the ETF.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council appointed Mayor Whitley as a liaison to the Economic Task Force.

The City Manager also stated that the ETF will have open meetings and Council may want to consider attending some of the meetings.

The Mayor and City Council reviewed a memo from the ADDC Board of Directors regarding No Smoking policies at Market Station. ADDC Director Kathy

Almond came before and stated that the ADDC Board of Directors has reviewed the No Smoking policies at Market Station and no formal action was taken. Council received a memo outlining the policies that are now in use. Smoking is prohibited inside the depot, under the shelter at the Farmer's Market, and event sponsors for public events such as Thursdays at the Station are authorized to prohibit smoking at their events. Private events would still be allowed to permit smoking, but only out of doors.

The Mayor and City Council considered designating a voting delegate and alternate to the NC League of Municipalities Annual Meeting. The City Manager noted that the NCLM Business Meeting will take place on Tuesday, October 23 in Charlotte.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved Councilmember Townsend as the voting delegate and Councilmember Michael as the alternate to the NCLM Annual Meeting.

The Mayor and City Council received information on Public Power Week which is October 8-12, 2012, including a schedule of activities planned by the Public Utilities Department for this week.

Councilmember Hall listed the events taking place the week of October 8 in the City of Albemarle for Public Power Week.

Monday, October 8 – the Electric staff will be in the lobby area of City Hall at the back entrance with brochures on metering, energy efficiency, rates schedule and more.

Tuesday, October 9 – Key accounts breakfast at City Hall for the City's top 14 Commercial/Industry accounts hosting with ElectriCities.

Wednesday, October 10 – Day of Caring visiting 10 to 15 homes selected by Stanly County Senior Center

Thursday, October 11 – Reading to kindergarten/First Graders at East Elementary School

Friday, October 12 – the Electric Division will display their bucket trucks, line trucks and service trucks at the YMCA Pavilion. Central School and East Albemarle

School will bring students to view the trucks and talk to electric personnel and see demonstrations.

The public is invited. The ElectriCities electric car should be on display.

The Mayor and City Council received information concerning Minimum Housing Code Enforcement Activities that have been suspended for 1245 Wendover Street. Councilmember Holcomb recently received a call from someone interested in purchasing and renovating this structure. The City Manager noted that rehabilitation of a structure is of course the ultimate goal of our enforcement program because it is the best possible outcome for both the City and the neighborhood. We have requested to be kept informed as to the status of this effort. If the property is purchased and renovations begin, we can redirect the City funds to another property.

The Mayor and City Council reviewed a Thank you letter from ElectriCities of North Carolina in regards to items donated for the ElectriCities Annual Meeting.

Councilmember Michael stated that he would like to mention a couple of projects going on at Stanly Community College:

Achieving the Dream Program where the college will improve its use of collected information in order to enhance student learning.

An SCC grant of \$300,000 will help the unemployed and people no longer eligible to draw benefits in going back to school. This will be free to students.

Councilmember Townsend stated that he would like to thank Chief Halliburton of the Police Department for involving and taking the Councilmembers to the Drug Call-In which was held in Statesville.

Councilmember Townsend asked if there had been a response from the Stanly County EDC on the City letter sent to them on September 14. It was confirmed that there had been no response at this time.

Councilmember Townsend stated that there are campaign signs placed in the middle of the roundabouts on the NE Connector. He said that with the current problems of people getting use to the roundabout, we do not need more distractions at this time. He asked that Keith Wolf and his staff in the Planning and Community Development department remove the signs.

The City Manager stated that he will ask NCDOT to handle this due to the NE Connector being a state highway.

Councilmember Hall stated that the lineman certification program will start at Stanly Community College in January of 2013.

Councilmember Hall also asked if there was an update on the property located at 901 Concord Road located near City Lake Park. Mayor Whitley stated that he had spoken with the owner but has not heard anything since then and not sure when he will.

Councilmember Alexander stated that so many sidewalks in town have grass or debris coming from the adjoining property. Upon questioning he stated that east of 5th Street on Montgomery Avenue there are areas that need to be looked at.

The City Manager stated that if he had the addresses of the locations with a problem, the City can send the owner a letter.

Councilmember Hall asked that Waste Management be contacted concerning the empty trash containers being left in the road.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, the meeting was adjourned.