

REGULAR MEETING CITY COUNCIL
September 4, 2012

The City Council of the City of Albemarle met in a regular session on Tuesday, September 4, 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 August 20 regular session, August 22 adjourned session, and August 29 adjourned session minutes were approved as submitted.

Mr. James Luster, Centralina Council of Governments came before City Council to present properties for possible condemnation and demolition in FY 2012/2013. The City Manager noted that Mr. Luster, Planning and Community Development Director Keith Wolf, and Assistant City Manager Michael Ferris have identified four structures to pursue in the current fiscal year. Assistant City Manager Michael Ferris has drafted a memorandum providing an overview of the City's activities and recommendations for future action.

Mr. Luster asked for Council approval of the four properties proposed for condemnation and demolition in FY 2012/2013 as follows:

600 South Second Street
416 Second Avenue
1245 Wendover Avenue
1452 Hickory Avenue

Mr. Luster also stated that as a new part of the process, a letter will now be sent out to the property owners initially to make them aware of the intentions of the City and what to expect in the process. He said the property owners can call with any questions or concerns that they may have.

Mr. Luster also stated that first title searches will be performed on the four properties and then public notice of each public hearing. The process will take around 6 months to complete.

Mr. Luster answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved the recommendations for future actions of demolition in fiscal year 2012-2013 to the following properties:

600 South Second Street
416 Second Avenue
1245 Wendover Avenue
1452 Hickory Avenue

Ms. Kathy Almond, Executive Director, Albemarle Downtown Development Corporation came before Council to present street closing requests for An Albemarle Downtown Christmas and the Albemarle Christmas Parade. The Albemarle Downtown Christmas event is scheduled from 6 pm to 9 pm on Friday, November 30 and the Albemarle Christmas Parade is scheduled for 5:30 pm on Monday, December 10.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a street closing for An Albemarle Downtown Christmas on Friday, November 30, 2012 from 5:30 to 9:30 pm and a street closing for the Albemarle Christmas Parade on Monday, December 10, 2012 beginning at 4:30-7:00 pm.

Mayor Whitley recognized Blake Martin also present, as the board chairman of the ADDC Board and the chairman of the ADDC Economic Restructuring Committee.

Mr. Horace Coley, 313 Webb Street came before Council to request a No Parking Zone. Mr. Coley is requesting a No Parking Zone to be placed in front of 312 Webb Street. It was noted that staff cannot find any record of an ordinance for a No Parking zone at this location but faint yellow marking are on the curb.

Mr. Coley stated that due to his neighbor across the street parking on the street, he is unable to get in and out of his driveway. He stated that he had tried to talk with Ms. Smith and she is very uncooperative and continues to park in the space affecting his driveway.

Councilmember Underwood stated that Mr. Coley had called him several times about this matter and he knows that Mr. Coley has a problem here.

Councilmember Neel stated that Webb Street is a very narrow street and we could choose to make one side or both sides of the street a no parking zone. Councilmember Hall added that the street is short and narrow.

Councilmember Holcomb asked if anyone had asked Ms. Smith to move her vehicle other than Mr. Coley.

Jeff and Kim Burris that live at the corner of Webb Street and Third Street came forward and stated that they have the same problem with parking at the corner of a house at East Street and spoke on behalf of Mr. Coley.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved asking Chief Halliburton if any ordinances now in place would be relevant to this situation and report this information back to the City Manager and then for the City Manager to send a letter to Ms. Mary Smith at 312 Webb Street asking if she will be willing to cooperate with Mr. Horace Coley at 313 Webb Street on street parking.

Ms. Kim Burris of 633 North 3rd Street came before Council as an unannounced delegate regarding a dog ordinance and stated seeing the public hearing notice in the local newspaper. She asked if Council would consider having a dog park at City Lake Park where they can run without being leashed.

Councilmember Holcomb stated that the public hearing Ms. Burris saw in the newspaper is pertaining to Stanly County Government and not the City. Ms. Holcomb stated that the City has not yet adopted an ordinance on this matter as of yet.

Mayor Whitley stated that Parks and Recreation Director Toby Thorpe will be asked to take a look at this and the cost involved. The Mayor thanked Ms. Burris for coming and bringing this item before Council.

City Attorney David Beaver stated that Assistant City Manager Michael Ferris talked with him last week concerning an encroachment onto a City sewer line at the back of Mr. Joe Kluttz's property.

Mr. Kluttz came forward and stated that at the back of his property he has a fence which encroaches on the City's right of way. He was told that he should have an encroachment agreement with the City drawn by the City Attorney.

Councilmember Neel stated the Mr. Kluttz can fence in his property just cannot build there. Also, he said that the City can get to the sewer line if they need to.

City Attorney David Beaver stated that the Assistant City Manager wanted Mr. Kluttz to move the fence or sign an encroachment agreement and if at any time the fence has to be removed, it would be at Mr. Kluttz's expense. Mr. Beaver stated that Assistant City Manager Michael Ferris could not attend the meeting tonight. It was stated that Mr. Kluttz will not claim title to this property and will remove his fence if City needs it removed.

Councilmember Neel stated that the City should not need this agreement. Normally an agreement is not needed in these cases.

Mayor Whitley stated that staff will talk with Assistant City Manager Michael Ferris and determine reasoning for why an encroachment agreement is needed or removing the fence on Mr. Kluttz's property.

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

The Mayor and City Council discussed a request for a 25 mile per hour speed limit on Spring Street. The City Manager noted that pursuant to City Council's request, the speed trailer was used on Spring Street for several days last week and early this week. He also noted that the City has tried to maintain a City wide speed limit of 35 mph, unless there are extenuating circumstances due to both the expense of posting

varying speed limits and to limit confusion to motorists. From a staff standpoint, we do not believe that lowering the speed limit on this street is warranted, since motorists are apparently driving the appropriate speed for conditions.

Police Chief Halliburton stated that the speed trailer was used on Spring Street for several days checking speed going in both directions and that the report shows the average speeds were around 18 - 20 miles per hour, and the fastest speed of any motorcar was less than the 35 mph speed limit. Traffic volumes on this street are very low.

Upon a motion by Councilmember Michael, seconded by Councilmember Underwood and unanimously carried, the City Council agreed that lowering the speed limit on Spring Street is unwarranted and should remain at 35 mph.

The Mayor and City Council were informed that updates to the Code of Ordinances are now available and to please bring in their Code Books to be updated.

The Mayor and City Council were informed that the two new Fire Department apparatus will be on display in the parking lot at City Hall prior to the meeting for viewing by the Mayor, City Council and public. Council received a memo from Chief Oke regarding the new apparatus.

Fire Chief Shawn Oke came before Council and stated that each new Fire Department apparatus cost \$390,953.

Councilmember Neel stated that he would like to commend the fire department drivers on their driving safety. Councilmember Hall commented on how great the moral is within the fire department. Also, Ms. Hall stated that this year, she would like for Council to ride the new fire trucks in the Christmas parade. Half of Council could ride in the fire trucks and half of Council could ride in the new police cars.

Upon questioning, Chief Oke stated that the City will be retiring the 1979 Fire Truck and he will come back before Council at a later date to ask for permission from Council to make this surplus.

The Mayor and City Council considered the acceptance of a Fire Department FEMA Staffing Grant Award. It was noted that the Fire Department has received a federal grant to pay almost 100% of the cost to fill the three current frozen firefighter positions. Council received a memo from Chief Oke regarding this grant. The City Manager commended Chief Oke and the Fire Department for a successful grant application.

Fire Chief Oke answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the acceptance of a Fire Department FEMA Staffing Grant Award.

The Mayor and City Council considered approval of proposed street resurfacing for FY 2012-13. Council received a memo from Mike Lambert regarding City staff's recommendations for the FY 2012-2013 City resurfacing projects.

Mr. Lambert came before Council and stated that \$200,000 has been budgeted for street repair and resurfacing this year. There is \$24,000 reserved for potholes/repairs and \$8,000 for resurfacing the entire length of Hathcock Avenue. The remaining \$168,000 is allocated for resurfacing. Mr. Lambert and Council reviewed the streets throughout the City that the Public Works Department is suggesting for resurfacing this fiscal year.

Mr. Lambert answered any questions that Council had.

Councilmember Townsend asked that if any funds are left over after the scheduled resurfacing is completed, if Midwood Drive can be considered for resurfacing.

Upon a motion by Councilmember Alexander, seconded by Councilmember Michael and unanimously carried, the City Council approved the Public Works Department's recommendations for the FY 2012-2013 City resurfacing projects.

The Mayor and City Council considered a public hearing for new Permitted Uses Text Amendment.

In response to a large number of recent inquiries about new business ideas that are not listed in the zoning ordinance, the Planning Director asked the Planning Board to consider a text amendment to add a list of new uses in CBD, GHBD and LID. City Council received a list of the Planning Board and ADDC recommendations for approval by the City Council.

A public hearing is required. At a public hearing, the Council could see if there is any objection from the public or from Council to any items on the list. No new items could be added to the list that was advertised but one or more items could be removed. This public hearing can be set for the October 1 Council meeting if you so ordain.

Planning and Community Director Keith Wolf came forward and stated that the idea was to add businesses that people are interested in opening and to add a couple of automotive uses that are not clearly identified in the current zoning code. If some of the new businesses could be added as a group, it would save both the City and the business people time and money by avoiding a large number of text amendments for one new use at a time. The Albemarle Downtown Development Corporation was also asked to give their ideas for new businesses that would fit well in the Central business District.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved setting public hearing for October 1 to consider new permitted uses.

The Mayor and City Council considered a public hearing to rezone 2827 US Hwy. 52 N from GHBD/ General Highway Business District to R10/Single-Family Residential. It was noted that on August 28, 2012 , the Planning Board recommended approval of a request of Gerald W. Ritchie, 2827 U.S. 52 Highway North (Tax Record 15844) to rezone his property from GHBD/General Highway Business District to R-10/Single-Family Residential. A public hearing is required and can be set for October 1.

Upon a motion by Councilmember Michael, seconded by Councilmember Townsend and unanimously carried, the City Council approved setting public hearing for

October 1 to consider rezoning 2827 US Hwy. 52 N from GHBD/General Highway Business District to R-10/Single-Family Residential.

The Mayor and City Council considered a public hearing to rezone 2831 US Hwy. 52 N from GHBD/General Highway Business District to R-10/Single-Family Residential. It was noted that on August 28, 2012, the Planning Board recommended approval of a request of Linda A. Simpson, 2831 U.S. 52 Highway North (Tax Record 12522) to rezone her property from GHBD/General Highway Business District to R-10/Single-Family Residential. Ms. Simpson said that she has been unable to refinance her property because her house is a non-conforming use in the GHBD. A public hearing is required, and can be set for October 1.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved setting public hearing for October 1 to consider rezoning 2831 US Hwy. 52 N from GHBD/General Highway Business District to R-10/Single-Family Residential.

The Mayor and City Council considered a public hearing to rezone 304 N. 1st Street from R-O/Residential Office to CBD/ Central Business District. It was noted that on August 28, 2012 the Planning Board approved this request to rezone this property from RO Residential Office to Central Business District. This lot is across the street from current CBD zoning, so it would be a small extension of the CBD zone. The property owner indicated that the small number of uses available in RO has made it difficult to lease, and has requested CBD zoning. A public hearing is required, which can be set for October 1.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council approved setting public hearing for October 1 to consider rezoning 304 N. 1st Street from GHBD/General Highway Business District to R-10/Single-Family Residential.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-29) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT PROJECT BUDGET ORDINANCE RELATING TO THE 2012 GOVERNOR'S CRIME COMMISSION GRANT ENTITLED ALBEMARLE CFI 2012 TECHNOLOGY GRANT ." passed first reading.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander, and unanimously carried, an Ordinance entitled (Ordinance 12-30) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT PROJECT BUDGET ORDINANCE RELATING TO THE 2012 GOVERNOR'S CRIME COMMISSION GRANT ENTITLED ALBEMARLE STANLY COUNTY GANG INITIATIVE ." passed first reading as amended.

The Mayor and City Council considered attendance at the National League of Cities Congress of Cities. This meeting will take place from November 28- December 1, 2012 in Boston, Massachusetts. The City Manager asked that Council let him know if they plan to attend so that we can register them and make hotel reservations. We can also make airline reservations if you would like, or you are free to make your own reservations and be reimbursed by the City.

Councilmembers Hall, Holcomb, and Townsend confirmed their attendance.

Mayor Whitley asked that if any remaining Councilmembers would like to attend, to please let the City Manager know.

The Mayor and City Council reviewed a draft thank you letter regarding the donation of property on Dunlap Street. Pursuant to City Council's request, the City Manager drafted the letter to Mr. and Mrs. Huneycutt for Council review.

The Mayor and City Council received information on 401K and 457 Deferred Compensation Plans. Mayor Pro Tem Alexander requested information regarding the differences in 401k and 457 deferred compensation plans at the August 20 meeting. The City Manager noted that Council received a side by side comparison of the NC plans. Human Resources Director Robert Whitley has advised that the primary differences between the two plans are that 457 contributions can be withdrawn due to termination or retirement without penalty at any age. The 401k carries a penalty of 10% for withdrawal prior to age 59 and one half. The 457 plan is pre tax only, while the 401k plan can be either pre tax or after tax. Finally, elected officials can participate in the 457 plan, but not the 401k plan.

The Mayor and City Council received information on the Albemarle/Badin/New London Comprehensive Transportation Plan Public Open House. This Open House will be held on Tuesday, September 11 from 4 pm to 6 pm at the Stanly County Public Library in Albemarle.

The Mayor and City Council received information on the Time Warner Cable programming changes. TWC has announced that some channels previously available in both analog and digital signal will now only be available in digital signal. The City Manager noted that due to federal and state legislative changes local governments in North Carolina no longer exercise any franchise or regulatory authority over cable television programming. Council received a copy of the letter from TWC with notification of changes.

Councilmember Holcomb asked that Council move to the Community Room for the Economic Task Force presentations since the other candidates on August 29 did not have to present in front of TV cameras.

Mayor Whitley stated that Council needs to select the chairman and vice-chairman for the Economic Task Force and also determine the number of members for the

board. The members chosen will be given to Crystal Morphis with Sanford Holshouser for structuring the first meeting of the task force. Mayor Whitley also stated that Council should consider one of two options: To turn off the cameras and continue the meeting in the Council Chambers or to move the meeting to the Community Room.

It was the consensus of the City Council to take any comments from Council or the audience and then turn off the TV cameras and remain in the Council Chambers for the Economic Task Force presentations.

Councilmember Townsend stated Stanly County was well represented at the Democratic National Convention (DNC) with the Presentation of Colors by the Disabled American Veterans and the Stanly County Chapter 12 Honor Guard.

Councilmember Hall talked about the article in the Stanly News and Press today on concerns about sidewalks in some areas of Albemarle.

Councilmember Hall stated that the Day of Caring sponsored by ElectriCities will be on October 10. Also, Public Power Week is the week of October 8 this year.

Ms. Hall asked the City Manager if there were any damage from flooding on Monday, September 3 from all the rain. The City Manager stated that there was localized flooding but no flood damage that he was aware of. The Waste Water Treatment Plant (WWTP) had some overflows and a power outage with the 3-4 inches of rain we had that day.

Ms. Hall reminded everyone of the Dancing with the Stars event this Saturday, September 8 at the Agri-Civic Center.

Councilmember Neel stated that he placed at each Councilmembers location a copy of the Albemarle High School athletic schedule and a copy of the City of Albemarle's ad in the AHS brochure as FAB FORTY sponsors. Also, Mr. Neel stated that he had 6 season passes for the Councilmembers and also a free parking pass for one vehicle.

Mayor Whitley asked for a show of hands from Council that would like to move to the Community Room for the Economic Task Force presentations. There was one member voting for this.

Mayor Whitley asked for a show of hands from Council that would like to move to turn off the cameras and remain in the Council Chambers for the Economic Task Force presentations. There were six members voting for this. City Council turned off the cameras and continued with the ETF presentations in the Council Chambers.

The Mayor and City Council received presentations for the Economic Development Task Force (ETF). The City Manager noted that pursuant to City Council's request, the four applicants have been invited tonight to make presentations at the end of the City Council meeting. Council can then make the final appointments, and appoint a Chairman and Vice Chairman.

The following applicants were present and gave their presentation to Council:

Tim McAuley
John Futterer

Mayor Whitley stated that an email had been received from Kathy Gardner stating that she would not be able to attend the meeting tonight for her ETF presentation.

Council discussed the twelve ETF presentations given on Wednesday, August 29 and also the two candidates present to give their ETF presentation tonight along with Kathy Gardner which was unable to attend tonight. The Council determined to have all 15 candidates be a part of the Economic Development Task Force.

The cameras were turned back on so as to vote for the Economic Development Task Force Committee members and to choose a chairman and vice-chairman.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council approved 15 members to the ETF committee as follows:

David Morgan
Jim Lisk
Gregory Adams
Robert Frizal
Russ Sharples
Tracie Sells
Tony Ledbetter
Brian Freeman
Conrad Carter
Dr. John Eckman, III
Gabe Dimeglio
Cavin Holbrook
Tim McAuley
Reverend John Futterer
Kathy Gardner

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the following members as chairman and vice chairman of the ETF committee.

Russ Sharples, Chairman
Tracie Sells, Vice-Chairman

Councilmember Hall requested that the City Manager contact the newly selected committee members informing them of the appointment and also to inform Russ Sharples and Tracie Sells of their being selected as chairman and vice chairman of the Economic Task Force.

Upon a motion by Councilmember Underwood, seconded by Councilmember Michael, the meeting was adjourned until Monday, September 17, 2012 for a regular session meeting.