

REGULAR MEETING CITY COUNCIL
February 20, 2012

The City Council of the City of Albemarle met in a regular session on Monday, February 20, 2012, at 7:00 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, Ronnie Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

Mayor Whitley called the meeting to order.

The Mayor and City Council presented a retirement certificate.

Battalion Barry Chief Smith retired on February 1, 2012 with 30.08 years of service.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the February 6, 2012 regular session were approved as submitted.

The Mayor and City Council held a Public Hearing to consider a conditional use permit to allow storage buildings at 720 NC Hwy 24-27.

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

The City Council considered the finding of fact as read by Mayor Whitley:

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall 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.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the use meets all required conditions and specifications.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel 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 Townsend and unanimously carried, the following resolution was duly adopted.

(Resolution 12-04. A conditional use permit to allow storage buildings at 720 NC Hwy 24-27.)

Mr. Andy Fleming, Davenport Lawrence, came before City Council to present a proposed new pole attachment agreement with Windstream. Assistant City Manager Michael Ferris noted that the City has been working with Mr. Fleming and his company to develop new pole attachment agreements with Time Warner Cable and Windstream. The proposal with Windstream has been verbally agreed to by Windstream. If Council is satisfied with the proposed agreement, it can be approved by vote of the City Council.

Mr. Fleming reviewed the details of the proposal addressing the Windstream agreement with City Council. He stated the present rates are Windstream pays the City \$2 per pole and the City pays \$1 per pole currently. The new rates will be Windstream paying the City \$15 per pole and the City paying \$25 per pole to Windstream.

Upon questioning by Councilmember Hall, Mr. Fleming discussed with City Council that there was an error showing Windsteam would pay the City \$25.00 per pole and it should be \$15 per pole. Ms. Hall stated that she would like to have the final corrected copy of the agreement before approval. Councilmember

Neel state that the Mayor can view the final copy at the time of signing to make sure everything has been changed and is correct.

Councilmember Alexander moved to approve the proposed new Pole Attachment Agreement with Windstream as amended with the Mayor's approval upon signing. The motion was seconded by Councilmember Hall. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Neel, and Townsend. Voting against the motion was Councilmember Underwood. The motion carried.

Mr. Andy Fleming gave an update on the Time Warner agreement and where it stands. He stated that the situation has been complicated in working with Time Warner, but we have supplied everything they have requested. Time Warner asked to wait on the City's rates being established until the Time Warner vs. Landis lawsuit is resolved. Mr. Fleming thinks that they will delay as long as they possibly can. He also stated he does not foresee them signing in the next 30-90 days. Upon questioning, he stated the rate when established, will be retroactive back to the renewal date. He answered any questions that Council had.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following ordinance passed second reading and was duly adopted:

(Ordinance 12-06. To amend the FY2011-2012 Budget.)

(Ordinance 12-07. To amend the Snyder Greenway Phase I Project Ordinance.)

The Mayor and City Council considered an appointment to the Community Appearance Commission.

Councilmember Hall upon questioning stated that at looking at the member list and requirements, we may have not looked closely at this. Councilmember Holcomb stated that the 1st group of members after the commission was initiated did meet the requirements.

Councilmember Michael asked that Planning and Community Development Director Keith Wolf give his opinion on this. Mr. Wolf came forward and stated that it would be good to have people with this type of expertise. We are doing two good things with the Community Appearance Commission:

- 1) Spring Cleanup
- 2) Community Appearance Awards

It would be good to try and find people to meet the requirements needed.

Upon questioning by Councilmember Hall, the City Manager stated that we will be placing requests for boards and commissions in the April or May bill stuffer.

Councilmember Hall asked that we state in the bill stuffer the committees and any requirement of what City is looking for and the seats vacant. Councilmember Townsend stated that we need to be careful in wording and not discourage most people from volunteering.

The City Manager asked Council if they would like to defer this appointment until we make the appointments for July 1. This was agreed on by City Council.

The Mayor and City Council discussed amending section 82-41 and section 82-34 of the Code of Ordinances to conform to changes in North Carolina Session Law 2011-268. This ordinance was adopted on first reading on February 6 by a vote of 6-1. The City Manager noted that pursuant to a question from Councilmember Michael, we have determined that we can add the playground at Amhurst Gardens and the ball field and these items will be added to the ordinance.

Councilmember Michael made a motion to adopt on second reading Ordinance 12-05 as amended. Councilmember Hall seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Neel, and Underwood. Voting against the motion was Councilmember Townsend. The

motion carried and the following ordinance passed second reading as amended and was duly adopted:

(Ordinance 12-05. To Amend Section 82-41 and 82-34 of the Code of Ordinances to conform to changes in North Carolina Session Law 2011-268.)

The Mayor and City Council discussed a complaint regarding a truck and boat located at 518 Valleyview Drive in the Woodcrest Subdivision. Councilmember Underwood requested that this item be placed on the agenda for Council to discuss. The City Manager noted that the complaint is about the military truck and boat that is parked beside the home's driveway. There is not anything in the City's nuisance ordinance to address an issue like this, and it is not unusual to see vehicles or boats parked in this manner. This type of thing is normally handled through neighborhood protective covenants which the Woodcrest Subdivision has.

Council further discussed this matter with no action taken.

The Mayor and City Council reviewed proposed changes to the clothing donation regulations. Planning and Community Development Director Keith Wolf met with the City Attorney David Beaver and they reviewed possible changes to the drop box regulations that were recently approved. The changes include adding Section 2:

(14) Donation Drop Boxes, trailers, accessory buildings or any other method of collection for donated items including but not limited to clothing that is located outside the principal structure on the property shall meet all of the following:

Also adding the paragraphs below at the end of Section 2.

Any donation box placed in the City zoning jurisdiction of the City of Albemarle without an approved Condition Use Permit will impounded on City property and the owner of the box must pay an impoundment fee of one hundred dollars (\$100) per box. If boxes have a telephone number or email information on them, City staff will attempt to make contact and advise the contact that they will have 72 hours from the time of contact to remove the box prior to impoundment.

After a box is impounded, the owner must contact the Planning Department to arrange payment and show proof of ownership before the box is returned. Boxes left in impoundment over sixty (60) days will be disposed of by the City.

Mr. Wolf stated that City Attorney David Beaver recommends that the City Council should review the proposed draft, make any changes that they wish and refer the matter back to the Planning Board for review and recommendation at their meeting on February 28, 2012.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, City Council approved sending the revised ordinance back to the Planning Board for review at their next meeting on February 28.

The Mayor and City Council received a report on 601 Graham Street, pursuant to the complaint that was made at the February 6 meeting. The City Manager noted that Planning and Community Development Director Keith Wolf issued a notice of violation to this location. Since that time the items stored on the porch and other debris and clutter have been removed and Council viewed before and after photos.

Mr. Wolf stated that this has been an issue for over a year, and our staff has issued notices and gotten this situation improved each time. Mr. Wolf also stated that staff has communicated to the residents that this will result in a violation, but this continues to reoccur. As you can see from the after photo, the situation has improved a great deal from before. However, the residents continue to have items on the porch and in the yard that do not really constitute a nuisance. He explained instances when visiting the property and the complexity and strain of the visits with the homeowners.

In discussion with Council, Mr. Wolf answered any questions that Council had.

The Mayor and City Council considered setting a public hearing to close the CDBG Grant for the Morrow Case Project. The City Manager noted that the road extension and sewer have been completed on Woodhaven Drive and all of the state funds for the project, \$237,366, have been received by the City. Blair

Chambers, our Grants Management Representative with the NC Dept. of Commerce, explained that two things are required to close the grant: a public hearing must be held and a letter from the mayor with a certified copy of the minutes of the meeting must be sent to the NC Dept of Commerce.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved setting public hearing for March 19, 2012 to close the CDBG Grant for the Morrow Case Project.

The Mayor and City Council received a report on a no parking zone on North Fifth Street. Councilmember Neel mentioned at the February 6 meeting that he thought there was a No Parking zone on the west side of North Fifth Street north of North Street, and that he had noticed cars parking in front of the apartment building in this area. The City Manager noted that we have confirmed that this is correct and there is a No Parking ordinance for this area. Public Works installed a sign here earlier this week to inform motorists.

The Mayor and City Council considered attendance at Stanly County Council of Governments. This meeting will take place at the Badin Inn Golf Resort and Club on Tuesday, February 28 at 6:30 pm. The speaker for this meeting will be Monica Brower, the Alcoa Senior Brownfields Redevelopment Manager.

Mayor Whitley and all Councilmembers confirmed their attendance.

The Mayor and City Council reviewed correspondence regarding Albemarle Badin New London (ABNL) Comprehensive Transportation Plan. Councilmember Hall requested that the letter from Dana Stoogenke, Director, Rocky River RPO to Lisa Feller, Project Engineer with NCDOT and map be placed on the agenda to keep City Council posted on recommendations. This letter came out of the discussion at the meeting at City Hall a couple of months ago about changes to the design for NC 24-27 for the portion from the East Main Street intersection to Sweet Home Church Road.

The Mayor and City Council were reminded of the Stanly County Winter Wine Festival on Saturday, February 25 from Noon to 6 pm at Market Station. The event will feature all of the Stanly County wineries as well as others and will benefit the programs of the ADDC.

The Mayor and City Council were reminded of the City of Albemarle Community Blood Drive taking place on Wednesday, February 22 from 10 am to 2 pm at Fire Station One/East Community Police Office.

Mayor Whitley stated that a tree fell on E. Main Street Saturday before last and power was lost to 1200-1500 homes. The Public Utility and Public Works departments worked into the middle of the night. He stated that this was one of the coldest nights we have had this winter and they deserve recognition.

Mayor Whitley asked the City Manager to address those departments involved and thank them from City Council for a job well done.

Councilmember Holcomb asked if any interest had been shown in our sponsorship program. The City Manager advised that none had been expressed to date, and Ms. Holcomb asked that this be publicized in the utility bill stuffer.

Councilmember Townsend asked if there had been any feedback from Stanly County about the City participating on the Economic Development Board. The City Manager advised that no response had been received from the County and Councilmember Holcomb asked that a letter be sent a second time.

Councilmember Hall stated she would like to encourage copying on both front and back of paper to City departments when preparing documentation for the budget work sessions.

Councilmember Hall stated that ElectriCities, Centralina Council of Governments Workforce Development Board, and Stanly Community College are working on establishing classes for lineman here at Stanly Community College like at Forsyth Technical Community College. Forsyth is the only college in NC presently offering lineman courses.

This course would provide educational opportunities and training as a skill for young people to have a job with any company using "linemen". For example: City; Electricities; Pike Electric and/or other companies with linemen. There is a workgroup meeting of "key" leaders on March 15 at the college. She stated that she is invited but will be unable to attend. Mr. Neel is being invited as well.

Councilmember Hall mentioned the Rocky River Rural Planning Organizational technical advisory committee meeting on January 19 that Councilmember Michael attended that discussed the roundabout for the NE Connector for this summer.

Councilmember Hall asked Planning and Community Development Director Keith Wolf about the old eye center located at 109 Penny Street, across from Stanly Regional Medical Center where City Council had previously approved a rezoning. She stated that the last report she received talked about them having money problems. She asked if Mr. Wolf would find out what is going on there.

Councilmember Neel asked if the City still contracts with Asplundh Tree Service and if they get paid by the hour. City Manager Raymond Allen confirmed these questions. Mr. Neel stated that he had received a complaint about their working very slowly in the Wesley Heights area off NC 24-27. Mr. Allen stated that he will make the City's electric division aware.

Councilmember Neel stated he also had complaints about the patching of roads in the middle and not along the edges in the South Albemarle area. He also stated that we need to get these locations on our repair list.

Councilmember Alexander stated that his question on roundabouts had been answered earlier.

Councilmember Neel stated that speed has not been addressed on the NE Connector. He stated he questions whether a roundabout will lower the traffic speed of vehicles.

Public Housing Director Garry Lewis came before Council with an item concerning the Capital Fund Program Budget. Mr. Lewis stated that Congressman Kissell's office contacted and informed us about the Capital Fund Grant in the amount of \$264,556. Mr. Lewis requested that Council review the Public Housing budget before Housing sends it back in to HUD. Mr. Lewis explained to Council that this is replacing the April 2011 budget of last year which was in the amount of \$299,000.

He requested from Council to submit the 2012 Capital Fund Project Budget Grant back to HUD before March 5, 2012.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved submitting 2012 Capital Fund Project Budget Grant before March 5, 2012.

Upon questioning, Public Housing Director Garry Lewis stated that Section 8 received applications over a 2 day period. So far 275 applications have been taken and 25 or so more applications to receive from applicants that signed up on the first day.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, and unanimously carried, the City Council adjourned to Saturday, February 25 at 8:00 am at City Hall for a Budget Retreat.