

REGULAR MEETING CITY COUNCIL
February 6, 2012

The City Council of the City of Albemarle met in a regular session on Monday, February 6, at 7:00 p.m. in the City Hall. Mayor Elbert L. “Whit” Whitley, Jr. 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.

The Mayor and City Council participated in Youth In Government Day. The City Manager noted that the Albemarle Optimists Club coordinates Youth In Government day in which 8th grade students from Albemarle Middle School learn about municipal government. These students spent the morning learning about municipal government including shadowing the department director to which they were assigned. The Mayor and City Council students participated in a mock Council meeting conducted by Assistant City Manager Michael Ferris.

Participants:

Mayor- Katherine Mansfield

City Council:

Fidel Roldan
Scottie Green
Karen Sanchez
Olivia Hudson
Nijel Monroe
Mackenzie Billings
Joey Little

City Manager-Bradley Thompson
Finance Director-Diana Mata
Parks and Recreation Director-Caleb Bird
Police Chief-Tyshianna Bruton
Fire Chief-Jack Williams
Public Utilities Director-Landon-Anne Mullis
Human Resource Director-Kristy Thorpe

The Mayor delivered the invocation.

The Mayor and City Council presented a retirement certificate.

Officer Kevin Boone- 4.2 years of service

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of January 17 regular session and January 18 adjourned session minutes were approved as submitted.

The Mayor and City Council considered rescheduling a public hearing to consider a conditional use permit allowing storage buildings at 720 NC Hwy 24-27.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, City Council rescheduled a public hearing to consider a conditional use permit allowing storage buildings at 720 NC Hwy 24-27 until Monday, February 20.

Mr. Arthur Bailey, 1015 Spruce Street came before City Council to request a speed reduction, speed bumps or stop sign on Spruce Street. Mr. Bailey came by City administration on Tuesday requesting to speak before Council concerning this item.

Mr. Bailey came before City Council and first stated that his neighbor at 601 Graham Street has a situation that the City is aware of and the City has been out several times due to their cluttered front porch. There is also garbage and trash out front. This situation has helped to drop the value of our homes where some people cannot afford to sell. He stated that his neighbor Ms. Ward is also present tonight and she has photos of the front porch area of 601 Graham Street.

Upon questioning by Councilmember Townsend, Mr. Bailey stated that he has talked with the Planning and Zoning Department about this situation. The City has been out to Mr. Whitley's property and Mr. Whitley temporarily cleans up and then it goes back to the way it is now.

Upon questioning by Councilmember Hall, Mr. Bailey stated that the major concern of speed is with Mr. Whitley's son from Salisbury Avenue onto Spruce Street then onto Graham Street. He also stated there is one more guy on this street that speeds but he said that he can talk to him and maybe he will slow down.

Mr. Bailey said that his father is in a wheelchair and presently in the hospital due to cancer. He said his father was almost hit by one of the speeding cars. Also, he said that speed bumps would slow speeding down. He said that the landlords should be responsible for the tenants that they place in these homes. Two neighborhood children with autism are afraid when playing outside due to the speed problems.

Ms. Ward came forward and handed out photos of the home at 601 Graham Street and stated that she has seen this problem on Graham Street of the Whitley house for nearly 5 years. She stated that she hopes we can come to some reasoning with 601 Graham Street and stop others from doing this.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, City Council approved referring these items on Spruce Street and Graham Street to the Police Department and the Planning and Zoning Department.

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

Councilmember Holcomb moved to pass Ordinance 12-03. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Neel, Townsend and Underwood. Voting against the motion were Councilmembers Hall and Michael. The motion carried. The following ordinance passed second reading and was duly adopted:

(Ordinance 12-03. To designate 2 (2 hour) parking spaces in front of 125 S. 3rd Street.) passed

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

(Ordinance 12-04. To amend Section 41.05 of the Code of Ordinances regarding the placement of yard waste for collection.

The Mayor and City Council received an update on the Goodwill trailer issue.

Planning and Community Development Director Keith Wolf stated that current City regulations do not address this issue. He has contacted several other towns such as Mooresville, Salisbury, Statesville, Huntersville and Charlotte. Some towns do not regulate this and three towns would not allow this. The Planning Board discussed this issue and specific options will be presented at their next meeting. He said that Goodwill wants to leave the trailer up for 6 months to determine if it would be feasible to lease a building beside of Tractor Supply. Mr. Wolf stated that if Goodwill is a good charity and they do decide to have a store here, it could be a good thing.

Mr. Wolf discussed with Council and answered any questions that Council had.

Upon questioning about drop boxes, Councilmember Neel stated that the boxes in violation should be picked up immediately by City staff and placed behind the fence at Fire Station #1. The owner of the boxes can pick the boxes up during the City's normal business hours.

Upon questioning, City Attorney David Beaver stated that normally you give someone so many days to remove the boxes by sending a letter with the time frame listed. Picking the boxes up immediately should not be a problem if the boxes are not damaged and the owner is notified of the location where they have been placed.

Councilmember Hall moved that City staff impound the illegal drop boxes immediately and place behind the gate at Fire Station #1 until the owner request pick up. The motion was seconded by Councilmember Townsend.

Upon further discussion, Mr. Wolf stated that a letter went out today to the owner giving them 30 days to remove and it was determined that these illegal drop boxes cannot be included in this motion since the letter giving them 30 days has been mailed.

Councilmember Hall and Councilmember Townsend withdrew their motion and second.

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, the City Council approved City staff impounding illegal drop boxes within 72 hours and store on City property until owner picks up or to dispose of at the City's expense if not picked up. This is to be effective immediately for new donation drop boxes that appear.

The Mayor and City Council considered a recommendation by the Planning Board to set a public hearing to consider a request to rezone 17.5 acres on Snuggs Street from R-10 Residential to General Highway Business. The building was formerly used as the Methodist Youth Center and more recently as a church.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, City Council approved setting public hearing to consider a request to rezone 17.5 acres on Snuggs Street from R-10 Residential to General Highway Business on Monday, March 5, 2012.

The Mayor and City Council considered a recommendation by the Planning Board to set a Public Hearing to consider a text change amendment regarding the spacing of sexually oriented businesses. The proposed text change would remove the spacing requirement from any establishment with on-premises ABC License for this type of business. Other spacing requirements would remain the same and would limit locations that would be available. A public hearing can be set for March 5 to consider this request.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, City Council approved setting public hearing to consider a text change amendment regarding the spacing of sexually oriented businesses on Monday, March 5, 2012.

The Mayor and City Council considered setting a public hearing for further action on minimum housing code violations at 401 Lincolnton Street. The deadline for compliance and the additional 90-day extension have elapsed. A public hearing can be set for March 5.

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

action on minimum housing code violations at 401 Lincolnton Street on Monday, March 5, 2011.

The Mayor and City Council considered approval of delivery orders for Stogner Architecture PA.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved:

1. delivery order #3778 to replace HVAC SYSTEMS (50 pts.) Elizabeth Heights and repair 2nd story bath floors and install drop in ceiling below baths on 1st floor for 92 units in the amount of \$41,500.
2. delivery order #3823 to assist the Public Housing with lead based paint testing.
3. delivery order #3723 to assist Public Housing with comprehensive physical needs assessment in the amount of \$8,000.

The Mayor and City Council reviewed the final change order & close-out documents for public housing site improvement contract with R. Black Associates, LLC.

Public Housing Director Garry Lewis and Wayne Stogner with Stogner Architecture and Associates came before Council with the final change order and close-out document for the public housing site improvement contract with R. Black & Associates, LLC for Council review and approval.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the final change order of \$30,399.75 back to Dept. of Housing, recommendation of a payment of \$14,322 to Stogner Architecture for time overage due to R. Black's failure to complete project in a timely manner (162 days) and recommend a final payment of \$56,730.35 to R. Black & Associates with a deduct of \$14,322 for liquidated damages leaving balance of \$42,408.35 payable to R. Black Associates.

Councilmember Hall moved to pass first reading of Ordinance 12-05. Councilmember Underwood 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.

“AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING SECTIONS 82.41 AND 82.34 OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE: WEAPONS PROHIBITED ON CITY PROPERTY AND FIREARMS AND FIREWORKS, ALBEMARLE, NORTH CAROLINA .” passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-06) “AN ORDINANCE TO AMEND FY 2011-2012 BUDGET.” passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 12-07) “AN ORDINANCE TO AMEND 2010 GRANT PROJECT ORDINANCE 10-09 & ORDINANCE 10-39 APPROPRIATING ARRA FUNDS FOR THE SNYDER GREENWAY PROJECT.” passed first reading.

The Mayor and City Council considered an appointment to the Community Appearance Commission. Eddy McDaniel recently resigned from the Commission, which created a vacancy. The City's Code of Ordinances states that the ACAC shall have “a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field.”

Councilmember Hall stated that she would like to ask Lindsey Gobush who has signed up as a volunteer online for the Community Appearance Commission.

Upon questioning about the existing volunteer list and board member list, Councilmember Holcomb stated that Council needs an accurate list before appointing someone to the Community Appearance Commission.

Councilmember Michael asked when was the last time the City requested volunteers to boards and commissions in the bill stuffer. He asked that this item be placed in the bill stuffer.

Councilmember Hall stated that she will go ahead and ask Ms. Gobush if she is still interested in serving on the board and have the information for next Council meeting.

The Mayor and City Council considered a donation of used power poles to the NC Air National Guard Fire Department. Council reviewed a memo from Chief Oke concerning a request from the NC Air National Guard Fire Department for three used power poles.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a donation of three used power poles to the NC Air National Guard Fire Department.

The Mayor and City Council considered resolutions to authorize an application to the NC Rural Development Center. The City Manager noted that this grant is for a biosolids handling study for the Long Creek Wastewater Treatment Plant. These resolutions will authorize a grant from the NC Rural Center to pay 50% of the cost of this study, which is being required by NCDENR as part of the Special Order by Consent that the City entered into for the wastewater plant. The total cost of the study is \$80,000.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, the City Council approved resolutions to authorize an application to the NC Rural Development Center for a biosolids handling study for the Long Creek Wastewater Treatment Plant.

(Resolution 12-01. A grant to allow study for biosolids handling study at Long Creek WWTP.)

(Resolution 12-02. NC Water/Wastewater application form.)

The Mayor and City Council considered a resolution to renew Urban Progress Zones. The City Manager noted that the City has to reapply for these

designations periodically which provide additional state incentives for economic development for lower income areas in the City. The proposed zones are the same as the current zones. David Bowers worked with the NC Department of Commerce to prepare this application.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a resolution which will allow making application for designation renewal of Urban Progress Zones.

(Resolution 12-03. To renew the Urban Progress Zones designations.)

The Mayor and City Council reviewed the revised FY 2012-2013 Budget Preparation Schedule.

The Mayor and City Council were informed that State Senator William R. Purcell has announced that he will not file for reelection. Senator Purcell has served in the NC Senate for seven terms, and has been a strong supporter of Albemarle and Stanly County, as well as municipal interests statewide.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council approved honoring him with a resolution and making a public presentation to him.

The Mayor and City Council were informed that the City will host a community blood drive on Wednesday, February 22. This will be from 10 am to 2 pm at Fire Station One/East Community Police Office.

Councilmember Michael stated that he would like to see a map that displays the sexually oriented businesses within 500 feet on Depot Street and Main Street. Planning and Community Development Director Keith Wolf stated that this area is not zoned GHBD and they would have to ask for a rezoning before this could even be considered for this type of business.

Councilmember Townsend stated that about a year ago Council talked about our ordinance dealing with vicious or dangerous animals and he would like to take a look into it again due to an incident he saw last week.

Councilmember Townsend also stated that last Thursday, he saw Section 8 applicants at the EE Waddell Center and this is the first time applications have been taken in four years. The Public Housing staff did a great job handling all these applicants.

Public Housing Director Garry Lewis stated that there were around 300 people that registered and we had five staff members taking applications. Half of the people were processed last Thursday and the other half will be processed on Wednesday, February 8 at the EE Waddell Center. Upon questioning, Mr. Lewis stated that we will probably be able to add 30-50 leases to the Section 8 voucher program.

Councilmember Michael asked Police Chief Halliburton to come forward to speak on the dog issue. Chief Halliburton stated that Stanly County Health Director Dennis Joyner advised that they are still looking at the language issues with State law. It was compared to ordinances around the state. This item should be on the Stanly County Health Department's agenda this month and come before the County Commissioners next month.

Councilmember Neel gave several situations where loose animals roam freely in the City limits. City Council continued to discuss this issue.

Councilmember Hall confirmed with Assistant City Manager Michael Ferris that the Solid Waste pre-bid conference is February 13 at 10 am and bids are due in by February 23. Assistant City Manager Michael Ferris stated that this information should be available at Council's first meeting in March.

Councilmember Hall stated that she attended the NC Forum and asked Ms. Brenda Daniels with Electricities about the Prime Power Park not being publicized. Ms. Daniels stated that there is work that needs to be done on the land. Ms. Hall stated that she had ridden by there today and grading has taken place.

Councilmember Hall asked Planning and Community Director Keith Wolf if the members of the Board of Adjustment and Planning Board that needed ethics

training, had already had the class. Mr. Wolf stated that everyone needing training had received it.

Councilmember Neel stated that on North 5th Street at the intersection of North Street on the west side, there should be a no parking sign at the intersection. There is no sign until about 200-300 feet from the intersection.

Councilmember Alexander mentioned that at the Chamber of Commerce Annual Meeting on February 1, Steve Megson with Green Pieces was nominated as Small Business of the Year. Mr. Alexander stated that Mr. Megson said that he wished everyone could take a tour of the landfill then more people would recycle. Also, he said that maybe the City should make a short video and show this to residents.

Councilmember Neel stated that the video could be shown at Council meetings.

Councilmember Holcomb asked if the City had heard back from the County concerning the letter Council sent regarding a Councilmember serving on the Economic Development Board. She asked that the City send one more request.

Councilmember Michael stated that he had spoken with Chairman Lindsey Dunevant of the County Commissioners at the RPO meeting and Mr. Dunevant stated that the City will be receiving a letter about this.

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