

REGULAR MEETING CITY COUNCIL
June 20, 2011

The City Council of the City of Albemarle met in a regular session on Monday June 20, 2011 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, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Jeanette M. Napier.

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

Mr. David Hartigan with Hartigan Management was scheduled to come before Council to present a proposed Rural Center grant application for a building reuse and renovation project. The information needed for the application was not complete, so this matter was held over for a future meeting.

Ms. Gina Martin with ADDC came before City Council to present the name of the candidate for a new board member and to provide an update on the funding request that ADDC submitted to the County for repairs, maintenance, and upgrades at Market Station.

Ms. Martin thanked Council for their continued support of the ADDC. She also stated that at their board meeting last Monday night, Tim McCauley resigned as a board member and she said she would like to submit a replacement to fill Mr. McCauley's unexpired term. The ADDC board would like to nominate Claudette Burris to fill this term.

Councilmember Neel stated that he wished that the candidate's name had been enclosed in the agenda packet so Council has time to think before making a decision.

Councilmember Townsend asked that Council look at the people that have an interest in serving on a board and have signed up and consider them when an opportunity arises.

Councilmember Holcomb moved that Council approve Claudette Burris to fill the unexpired term of Tim McCauley on the ADDC Board that expires July, 2013. Councilmember Underwood seconded the motion. Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Neel, and Underwood. Voting against the motion was Councilmember Townsend. The motion carried.

Ms. Martin also stated that she would like to provide an update on the funding request that ADDC submitted to the County for repairs, maintenance, and upgrades at Market Station. She said that they received word that no money had been allocated in the County budget for this. The ADDC followed up by sending a letter to the Commissioners and County Manager Andy Lucas and has not received any word back at this time.

Councilmember Holcomb asked Council if we should write a letter to the County Commissioners. Mayor Whitley stated that we should let the ADDC continue to handle this.

ADDC Executive Director Kathy Almond stated that the Farmers Market is managed by the NC Cooperative Extension Agency and the ADDC. It was stated that the County uses Market Station as much as the City and should be in support of helping maintain the operations and building.

Mayor Whitley stated that City Council has a copy of the monthly departmental reports in their agenda packets and asked if there were any questions.

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

(Ordinance 11-16. AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE IX TO INCLUDE ADDITIONAL STREETS IN THE GRANDVIEW SUBDIVISION IN THE CITY OF ALBEMARLE, NORTH CAROLINA.)

(Ordinance 11-17. AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING CHAPTER 77 OF THE CITY OF ALBEMARLE CODE OF ORDINANCES, SECTION XXXV, TRAFFIC SCHEDULE, BY ELIMINATING THE TWO HOUR PARKING RESTRICTION ON A PORTION OF NORTH STREET.)

(Ordinance 11-21. AN ORDINANCE TO AMEND FY 2010-2011 BUDGET.)

Mr. Chuck Horne came before Council as an unannounced delegation and first thanked Council for all the work the City performed on Inger Street at West Drive. The tree trimming, the new light, and the clearing of vegetation. He also said that Lennox Street between Leonard and Arey Avenue needs to be done.

Ms. Horne also stated that he is a part of an after school program from 3-6 pm and summer program from 10am-4pm held at the EE Waddell Center. He said there are 30-45 kids that attend and this program needs solutions and intervention. He asked that the City partner with them in a request of a \$25,000 grant. He said that any amount the City could consider would be a great help.

Mayor Whitley said that due to the economic situation, the City has cut back the Parks and Recreation budget . He asked Mr. Horne what \$50,000 would cover in this operation. The Mayor also stated that the City has a full time director over the EE Waddell Center. Mr. Horne said that the director does not initiate the programs for these kids.

Mayor Whitley asked who is Anchor Life, Inc. and where are they located. Mr. Horne stated that Reverend Curtis Parker an instructor at Stanly Community College created this program and has more knowledge on this.

Councilmember Townsend stated that maybe they can work with the Parks and Recreation department and let them apply for grant opportunities.

Upon questioning, Mr. Horne stated that some of the funding would be for food and for staff.

Councilmember Hall stated that she would like to see a copy of a budget layout and see where the money is going for individuals who want to donate.

Mayor Whitley stated that Council needs to consider already having a director at the EE Waddell Center and the expense of this center and compare numbers. Mr. Horne was asked to provide a copy of the budget and other information about the program to be reviewed at the next Council meeting.

The Mayor and City Council discussed a request to modify or repeal the no parking zone on Leonard Avenue.

Police CEO Ronnie Michael came forward and explained the letter Council received about this item. He said based on the request that a consideration of changing the ordinance to state that parking would be allowed 20 feet past the driveway of 436 Leonard Avenue, which would be 150 feet from the intersection of Leonard Avenue and Lennox Street, to NC 24-27 except not in front of the Holiday Inn Express or Applebee's.

Councilmember Hall asked the Mayor if she could read the last paragraph of Ronnie Michael's letter to Council as follows:

“At the last meeting the resident stated there were no problems at this intersection and we did not need the no parking. In the last five years we have experienced nine accidents at or near the intersection. One of these being a fatality that occurred a couple hundred feet south of the intersection when a juvenile pedestrian was struck. At that point the call was for us to improve safety. This no parking has improved safety. In addition there has been two- Damage to Property, one- Common Law Robbery and one- Assault with a Deadly Weapon. (All of these occurring in 2008 or 2009). We also have multiple drug charges in the area, but most of these are actually vehicle stops, so I can't say they originated at the intersection.”

Councilmember Holcomb asked that Council not change anything, leave the no parking zone in place, and revisit this in 3 months to see how this is working.

Upon questioning, Ronnie Michael stated that presently there is no parking 150 feet before the intersection of Leonard and Lennox all the way to NC 24-27.

Councilmember Townsend moved that we change the ordinance to state parking allowed starting approximately 20 feet south of the driveway of 436 Leonard Avenue. All of the other areas would be left as is. Councilmember Hall seconded the motion. Voting for the motion was Councilmember Townsend. Voting against the motion were Councilmember Alexander, Hall, Holcomb, Neel, and Underwood. The motion did not carry and the ordinance remains as is.

The Mayor and City Council discussed appointments to City boards and commissions with terms expiring in July 2011. This item was laid over for further consideration from the June 6 meeting of City Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the following reappointments were made to the Planning and Zoning Board:

Rodney Morgan - Term Expiring 2014
Roosevelt Horne - Term Expiring 2014

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following appointment was made to the Zoning Board of Adjustment:

Todd Furr - Term Expiring 2014
Bill Sells - Term Expiring 2014

Since Bill Sells was the 1st alternate for the Zoning Board of Adjustment moved up to board member, Council decided to appoint the alternate position at the next meeting on July 5, 2011.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following appointments were made to the Community Appearance Commission:

Helen Hutchinson - Term Expiring 2014
Jane Snyder - Term Expiring 2014
Walt Misenheimer - Term Expiring 2014
Willie Napier - Term Expiring 2014
Deborah Blanding - Term Expiring 2014

Councilmember Hall asked that Council consider Misty Swaringen to replace Terri Griffin. Mayor Whitley asked that Planning and Community Development Director Keith Wolf get more information concerning Ms. Swaringen and this would be voted on next meeting on July 5.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following appointment was made to the Tree Commission.

Hannah Hearne - Expiring July 2014
Sue Massey - Expiring July 2014

Councilmember Holcomb moved that the following appointments be made to the Greenway Commission. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Neel, and Underwood. Voting against the motion was Councilmember Townsend. The motion carried.

Beth Chivington - Term Expiring 2014
Ritchie Hearne - Term Expiring 2014
Tracey Bristol - Term Expiring 2014

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the following appointments were made to the Parks and Recreation Advisory Board:

Shawn Baldwin	Electoral District (2 yr expiring July 2013)
Star Cagle	Electoral District (2 yr expiring July 2013)
Diane Billings	School District (2 yr expiring July 2013) North Albemarle Elementary
Steve Megson	School District (2 yr expiring July 2013) Central Elementary
Desi Dockery	(1 yr. term expiring – July 2012) Albemarle High School

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Historic Resource Commission:

Conrad Carter –	Term Expiring 2012
Stephen Chambers –	Term Expiring 2012
Roger Martin –	Term Expiring 2012
Gene Starnes –	Term Expiring 2012
Ritchie Hearne –	Term Expiring 2012
Meagan Cleavy –	Term Expiring 2012
Christy Stoner –	Term Expiring 2012
Barbara Thomas –	Term Expiring 2012
John Williams –	Term Expiring 2012

It was determined to vote on the replacement of Sheila Simpson at the July 5 meeting.

Councilmember Neel stated that the list of members for the boards need to include their physical address as well as the mailing address.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the Council approved each member on each board list contain their physical as well as their mailing address.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Housing Board of Appeals:

Joe Calloway - Term Expiring 2014

The Mayor and City Council received an update on safety concerns on Inger Street near West Drive. Mr. Chuck Horne addressed this issue at the last City Council meeting. He raised concerns over pedestrian safety on Inger Street from Leonard Avenue to the entrance of Amhurst Gardens.

The City Manager noted that the City has taken steps to improve this situation. The street light and globe on Inger Street at West Drive have been replaced by the Public Utilities Department. They also performed some tree trimming around the light. This has improved the lighting in the area of concern. The Public Works Department has cut back the vegetation along the edge of the road. This will also help

with visibility and provide more area off the road for pedestrians. One issue is that for a portion of Inger Street, there is very little shoulder between the road and ditch which does not provide a lot of space for pedestrians. The area on the back side of the ditch was also cleared, opening up as much of the right of way as possible.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 11-22) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE IX TO INCLUDE ADDITIONAL STREETS IN THE ANDERSON RIDGE SUBDIVISION IN THE CITY OF ALBEMARLE, NORTH CAROLINA.” passed first reading.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 11- 15) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF ALBEMARLE REGULATING PASSENGER LOADING ZONES ON THE PUBLIC STREETS IN THE CITY OF ALBEMARLE.” passed first reading.

The Mayor and City Council considered a Justice Assistance Grant (JAG) for 2011. This is a grant received almost annually. The Police Department will use their share of the funds to purchase equipment, though at this time they have not determined the specific equipment.

Mayor Whitley allowed time for Public Comment.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the City Council closed the public comment session.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council approved the City-County agreement and grant application for the Justice Assistance Grant (JAG).

The Mayor and City Council considered approval of the NC Statewide Mutual Aid and Assistance Agreement. Brian Simpson, the Stanly County Emergency Services Director, has requested that the municipalities in Stanly County approve this updated statewide emergency mutual aid agreement. The City Manager noted that this agreement sets forth the rules and requirements for requesting and receiving mutual aid in the event of disasters such as tornadoes, hurricanes, and ice storms. The City has previously approved earlier versions of this agreement and we have utilized this for past emergencies.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the NC Statewide Mutual Aid and Assistance Agreement.

The Mayor and City Council considered approval of participation in the NCMPA#1 high efficiency heat pump rebate program. The City Manager noted the NCMPA#1 is now offering high efficiency heat pump rebates as part of the compliance with the Renewable Energy Portfolio Standards that were adopted by the legislature a couple years ago. Councilmember Hall learned about this program and has suggested we participate.

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

(Resolution 11-21 - To establish a high efficiency heat pump rebate program.)

The Mayor and City Council received an update on Minimum Housing Code Enforcement. Council received an updated list of active, pending and closed cases from James Luster with COG.

Planning and Community Development Director Keith Wolf stated that after reviewing the list of Minimum Housing Code enforcement cases he and James Luster agreed to place priority on four cases. Two of these are houses with fire damage and two are vacant properties with numerous code enforcement issues. In all cases, the property owner has refused to make repairs or demolish the house. Attorney David Beaver is currently doing title work on these properties at the request of James Luster. The four cases are listed below.

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| 1. | 1222 Lundix Street | Bobby Reid Rushing | Fire Damage |
| 2. | 401 Lincolnton St. | Rosa Mae Watson | Fire Damage |
| 3. | 1006 Efird Street | David & Cheryl Kearns | Structure |
| 4. | 804 Austin Street | Oscar B. Hinson Jr. | Structure |

Upon questioning by Councilmember Hall, the City Manager stated that we will continue at some point to do all properties on the list, but they are being prioritized based on budget allowance of \$35,000 to proceed with title search and James Luster going through the legal process.

Mr. Wolf stated that with budget restraints, we can do four, maybe five properties. We are not sure yet of the costs for the 4 houses chosen.

Councilmember Hall asked that on the list where it states the date initiated, to please have Mr. Luster add the year to the month and day. She asked that Keith Wolf also ask Mr. Luster about adding more in depth comments and recommendations.

Mayor Whitley asked Mr. Wolf to get an estimate of costs from James Luster of providing this additional information.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the priority of four houses chosen by Keith Wolf and James Luster.

The Mayor and City Council received a report of the annual sold equipment declared surplus.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the annual sold equipment declared surplus.

The Mayor and City Council reviewed information concerning the mandatory training for the Zoning Board of Adjustment. The ZBA has selected Tuesday, August 16 from 1:00 - 4:00 in the City Hall Training / Community Room.

Planning and Community Development Director Keith Wolf asked that Council appoint the new alternate to the ZBA as soon as possible so they can attend this training in August also.

The Mayor and City Council were reminded that City offices will be closed on Monday, July 4 in observance of Independence Day.

Councilmember Townsend brought forth a request from St. Paul's Holiness Church on Lincoln Street. The members asked about an opening at the fence near the housing authority and asked if the HA could move the entry farther down.

The Mayor asked the City Manager to take a look into this situation.

Councilmember Hall stated that the property at Second and Carpenter Street still has people staying around there.

Police CEO Ronnie Michael stated that the owner, Mr. Kearns, has signed to let the police department handle this situation.

Councilmember Hall reminded Council about the June 21 Symposium at the Agri-Civic Center at 9am sponsored by the Gang Task Force.

Councilmember Hall also mentioned Small Cities Week is this week sponsored by the National League of Cities.

Councilmember Neel asked the City Manager about the house on North Second Street. The City Manager stated that at the time he checked, the trash was gone and he was on vacation last week and was unable to check.

Mr. Neel stated that in areas of the City there are tree limbs on the side of the road for pick up and then placed on top is leaves or grass clippings. Waste Management will not pick up those limbs if not separated from the yard waste. Mr. Neel stated that this has been done on Melchor Road. He asked that the City do more advertising to make the public more aware of this.

City Manager Raymond Allen stated that there is an item that Council needs to consider that came in after the agenda was published. He said that this parade is proposed for the area around Azalea Park on Monday, July 4. The neighborhood is asking for street closure in this area from 3:30 pm until 6:30 pm and to place a banner up to 7 days prior to this event.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved a request of the Forest Hills Neighborhood to close streets for an Independence Day Parade between 3:30 pm and 6:30 pm on Monday, July 4 and to place a banner up to 7 days prior to this event.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the meeting was adjourned.