

REGULAR MEETING CITY COUNCIL
March 7, 2011

The City Council of the City of Albemarle met in a regular session on Monday, March 7, 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, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

The Mayor delivered the invocation.

The Mayor and City Council presented a resolution to the Albemarle High School Football Team honoring their 2010 1AA State Championship.

Mayor Whitley presented the resolution to Head Coach Danny Akins and the football team members.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of February 19 adjourned session, February 21 regular session, February 21 closed session, February 28 adjourned session and March 1 adjourned session minutes were approved as submitted.

A public hearing was held to consider a conditional use permit to allow an outdoor flea market at 1434 East Main Street. Council received a notice of hearing, findings of fact and resolution. The Mayor noted that since this is a quasi-judicial process, anyone wishing to speak would need to be sworn in prior to providing testimony.

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

Councilmember Townsend stated that this is a great asset but he has concerns about the church across the street due to the Sunday hours that the flea market may have.

Mr. Chuck Nance owner of the building came before Council and waited until the public hearing could be reopened to speak.

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

Mr. Chuck Nance owner of the building came before Council and was sworn in and stated that the flea market would have Sunday hours but should not open until 11-12 pm. Also, he stated that they will not be using the parking lot of the church across the street. Councilmember Hall said that the business plan states the open hours of the flea market is 7am – 5pm Fri-Sun. Mr. Nance stated that vendors will be there before opening time to set up their wares but can wait to open after church hours. It was determined that the resolution state preferred operating hours and church parking lot not to be used on Sundays.

Councilmember Alexander asked about the service time of the church across the street. Councilmember Townsend stated between 9am – 1pm.

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

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

1. 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 Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #2.

3. The use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved finding of fact #3.

4. 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 Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #4.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following resolution was duly adopted as amended and the business plan to add the following:

That the flea market not open until 12 noon on Sundays and the church parking lot not to be used for customers.

(Resolution 11-05. Conditional Use permit to allow an outdoor flea market at 1434 East Main Street.)

(Business Plan)

City Attorney David Beaver stated that these items need to be changed in the business plan for the flea market and in the resolution, change plan to amended plan.

A public hearing was held to rezone two lots from R10 Single-Family Residential to GHBD. Council received a copy of this rezoning application, resolution and ordinance are attached.

Mr. Charles Burris owner of the property at 2000 East Main Street, came before Council and stated that his interest is to later as his tenants move out, determine another usage for the property if rezoned.

Councilmember Neel asked the zoning of the property beside Mr. Burris. Mr. Burris stated that it is zoned R10 Single Family. Mr. Burris stated that he had spoken with the neighbor and they have no problem with him asking to rezone his property. Mr. Neel stated that the City needs to consider rezoning that property also to GHBD. It was noted that to do this, a new public hearing would need to be set to consider property in addition to what was included in the advertisement for the current hearing.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following resolution was duly adopted.

(Resolution 11-06. To rezone two lots from R10 to GHBD located at 2000 East Main Street.)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-04) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA.” passed first reading.

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

The Mayor and City Council considered approval of an agreement with Chambers Engineering. The City Manager noted that Chambers Engineering will study alternatives for residuals management at the US Highway 52 Water Treatment Plant. The City Council previously approved Chambers Engineering preparing a Special Order by Consent with NCDENR that will allow the City to study and address through construction, changes to the residual management systems without any violations of the NPDES permit. This SOC has been submitted to NCDENR and the next step is this study.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved an agreement with Chambers Engineering to study alternatives for residuals management at the US Highway 52 Water Treatment Plant.

The Mayor and City Council reviewed a report concerning 430 Salisbury Avenue, Tax Record 36513. City Council had received complaints regarding some properties on US Hwy. 52 and Salisbury Avenue owned by Mr. Richard Honeycutt. Council received a preliminary report conducted by Planning and Community Development Director Keith Wolf.

Mr. Wolf came before Council and reviewed information from his report. Upon questioning by Councilmember Alexander, Mr. Wolf stated that Mr. Honeycutt should move materials and vehicles from the property until he is ready to get his permit.

Councilmember Townsend asked Mr. Wolf if a flood prevention ordinance prevents having a chain link fence. Mr. Wolf stated that based on state standards it does not. He also said that he can check with other cities and if it is common not to allow chain link fences then the City could consider this.

Mayor Whitley stated that he should not receive a permit for any further work until he removes items in violation and submits all required construction drawings to Albemarle and to Stanly County and obtain a valid building permit.

The Mayor and City Council reviewed a recommendation for revisions to the Community Center rental policies. EEWCC Director Billy McRae and Parks and Recreation Director Toby Thorpe have made recommendations, primarily to clarify the intent of the policy that was originally adopted by City Council

Parks and Recreation Director Toby Thorpe came before Council and outlined changes or clarifications to the Community Room rental policies. He stated that one recommendation they have received is, and do not see any problem in changing this to one year if Council favors this change. Also changes as follows:

Page 3, Community Center Meeting Room Rental Fee Schedule

Deposit rental and cleaning charges

Page 3, Community Center Meeting Room Rental Fee Schedule

New sound system / public address system was purchased for the Waddell Center recently. The system is available for use by renters on a first-come first-serve for an additional \$50 per day. To be used indoors only and only after an instructional meeting with the Center Director or designee. This will help to recover costs for wear and tear resulting from such use.

Page 4, Application Procedures and Policies

- 1) To allow the reservation of facilities for one year in advance rather than six months.

2) A facility use for large-scale events not to exceed three consecutive days is permissible with approval of the Facility Coordinator.

Page 5, Application Procedures and Policies

A special waiver for the Kingville Alumni Association for one day of free usage of the E.E. Waddell Center Community Room per calendar year for its annual reunion.

Councilmember Holcomb stated that under rules governing facility use, sex offenders is not listed.

Councilmember Townsend stated on Page 4, item 2, the wording may be confusing. Mr. Thorpe stated that this information is covered on Page 3 of the policy. Mr. Townsend asked about Page 3, cleaning charges for the small classroom being \$50 rental and \$50 cleaning charge. Mr. Thorpe stated if there is no food served, maybe the cleaning crew would consider a smaller charge. He stated that he can look at this and come back before Council.

Councilmember Alexander asked about the special waiver for the Kingville Alumni Association for one day of free usage of the E.E. Waddell Center Community Room per calendar year for its annual reunion. He asked what if other groups decide to request this. Mr. Thorpe stated that this will probably not happen with any other group. This is the only group that has strong ties, helped put this policy together and gave back to the community.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved recommendations on Page 3, 4, and 5, primarily to clarify the intent of the policy that was originally adopted by City Council except for Page 3, cleaning fee for small classroom and Page 6, adding no sex offenders to the rules governing facility use.

The Mayor and City Council considered a resolution to support the construction of two roundabouts on the Northeast Connector. The City Manager noted at its February 28 meeting with the North Carolina Department of Transportation, the City Council voted unanimously to authorize the drafting of a resolution of support for the installation of two roundabouts on the Northeast Connector, one at the intersection with Ridge Street and the other at the intersection with Mountain Creek Road. Each intersection has been the source of multiple citizen complaints and traffic accidents

since the NEC open in 1999. Each intersection has also experienced fatal motor vehicle accidents. The NCDOT staff recommended at the February 28 meeting that if the City Council wanted to officially provide its support for roundabouts, the best way to do so would be to adopt a resolution of support to be provided to the NCDOT.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved adopting a resolution of support to be provided to the NCDOT to officially provide its support for roundabouts on the Northeast Connector.

(Resolution 11-07. To approve support for NCDOT placing roundabouts on the NE Connector at Ridge Street and Mountain Creek Road.)

Mayor Whitley stated that NCDOT received a grant and will build two roundabouts located at the intersection of the Northeast Connector and Ridge Street and at the intersection of the Northeast Connector and Mountain Creek Road.

The Mayor and City Council received information on the 2010 United States Census Data that has been released. The City Manager noted that the 2020 US Census Data can be obtained at the website entitled American Fact Finder. Council received a copy of some of the basic Census information. Albemarle grew a modest 1.4% from 2000 to 2010 from 15,680 to 15,903. Stanly County was one of the slower growing counties in the state at 4.3%. One area of concern is the number of vacant houses in Albemarle, which the Census lists at 987.

The Mayor and City Council considered participation in the Stanly County Chamber of Commerce legislative visit. The City Manager noted that Chamber President Tom Ramseur has extended this invitation to the Mayor and Council to participate in this legislative trip. They will be chartering a bus, and have capacity for 56 participants. Bank of Stanly is sponsoring the bus, and the legislative delegation may be sponsoring the lunch so the cost to participate would be minimal, other than board members' time.

Mayor Whitley asked that if anyone is able to attend to let the City Manager know. Councilmember Hall indicated she planned to attend this meeting.

The Mayor and City Council considered attendance at the NC League of Municipalities Regional Meeting on April 7 at 4 pm in Kannapolis. The City Manager noted that this is the closest regional meeting to Albemarle, and he encouraged members of City Council to consider attending to keep up with legislative issues that affect municipalities.

Councilmembers Alexander, Neel and Townsend affirmed their attendance.

The Mayor asked that any remaining Councilmembers let the City Manager know if they will be able to attend.

The Mayor and City Council were reminded of the City Council budget work sessions which will be held on March 8 and March 10 in the Executive Conference Room starting at 5 pm. The City Manager noted that these sessions will provide department heads an opportunity to discuss the highlights of the items they plan to propose in their FY 2011-2012 budget submittals to the City Manager.

Councilmember Hall stated that she would like to see the City participating in a Weatherization Plan for customers. She hopes the City can receive assistance to offer this plan in Albemarle.

Also, Councilmember Hall informed everyone about Operation Medicine Drop. She stated that this is the 2nd year offered in NC and is sponsored by the Insurance Commission. This allows residents to have a safe and non threatening place to dispose of medications with date expirations. Albemarle will take part in this on March 22 from 8 am – 5 pm.

Councilmember Neel stated that Whiteville is coming to Albemarle to look at our City's Main Street Program. City Manager Raymond Allen said that City Manager Larry Faison and others with the City of Whiteville will be coming to take a look at our program.

The City Manager stated that he received an invitation for the Mayor and Council from the Stanly County Museum for their annual meeting.

Mayor Whitley stated that he would be attending. He asked that if any members can attend to contact the City Manager.

The City Manager asked that when Council adjourns to a closed session to add concerning personnel matters.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 5, 6 concerning real estate and personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318.11 (a) 5, 6 concerning real estate and personnel matters and the Mayor stated that there is nothing to report at this time.

Upon a motion by Councilmember Alexander seconded by Councilmember Underwood, the City Council adjourned until Tuesday, March 8 at 5:00 pm for a City Council Budget Work Session in the Executive Conference Room.