

REGULAR MEETING CITY COUNCIL  
May 2, 2011

The City Council of the City of Albemarle met in a regular session on Monday, May 2 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.

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The Mayor delivered the invocation.

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The Mayor and City Council presented a retirement certificate to Ms. Martha Pruitt, Department of Public Works for 15 years of service.

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The Mayor and City Council recognized Parks and Recreation Department Program Supervisor Payne Caulder for his being awarded Outstanding Young Professional 2010 by the North Carolina Recreation and Parks Association.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the minutes of April 18 regular session minutes were approved as submitted.

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Mr. Bob Terhune, Facilities Manager with Monarch came before City Council to request a no parking zone on the north side of Greenwood Street in front of the Greenwood Center facilities. Mr. Terhune is requesting this no parking area because visitors and employees of Monarch are parking on the side of the road and it has made it more difficult for school buses to navigate this street.

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

for a no parking zone on the north side of Greenwood Street from Columbus Street to Carolina Avenue.

Mayor Whitley stated that the City Attorney will draft the ordinance and then bring it back before Council for approval.

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Ms. Pauline Jackson of 401 Summit Avenue came before City Council as an unannounced delegate to request a no parking zone on a portion of Summit Avenue. She said that since the City has approved a no parking zone on portions of Arey Avenue and Leonard Street, the crowds have shifted to Summit Avenue. This is going on 3-5 nights a week, all hours of the night until around 5:30 or 6 am when it quiets down. There are adults and children among the crowd of people there. When the police are called, things quickly slow down for the moment.

Mayor Whitley asked that Ms. Jackson give the City an opportunity to continue with progress in the South Albemarle Community by having the community meeting at City Hall on May 20.

Ms. Jackson asked if it is possible to make Summit Avenue a one-way street. Mayor Whitley stated that it could be considered. Other Councilmembers asked Ms. Jackson questions about the problems on Summit Avenue to help assess the problems they are having there.

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

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

(Ordinance 11-09. To amend Chapter 77 of the Code of Ordinances, Traffic Schedule XXXI to establish no parking zones on Arey Avenue (both sides of street) from East Main Street southwardly to the dead end and on Leonard Avenue (both sides of street) from NC Highway 24/27 north to 150-foot north of the intersection with Inger Street and Lennox Street.)

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The Mayor and City Council were presented with the FY 2011-2012 Budget. The City Manager noted that the City Council has previously set budget work sessions on May 5 and May 10 to review the proposed budget. City Council has not yet designated a starting time for these sessions, but in previous years they have started around 5:30 p.m.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the City Council set a public hearing for Monday, May 16, 2011 to consider the proposed budget for FY 2011-2012.

The City Council decided to meet on May 5 and May 10 for their final budget work sessions at 5 pm.

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Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 11-10) "AN ORDINANCE TO AMEND FY 2010-2011 BUDGET " passed first reading.

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The Mayor and City Council considered a recommendation to set a public hearing for the revocation of a conditional use permit. On April 26, 2011 the Planning Board recommended revoking a conditional use permit for a billiard hall at 1450 US 52 Hwy North in which a public hearing is required. It was noted that the owners and perspective new owners were informed by letter that this would be discussed at the meeting, but did not attend the meeting. Robbie Cohen told City Planning Staff that he and others will be buying the property within the next two weeks and that they are not opposed to this recommendation.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council set a public hearing for the revocation of a conditional use permit at 1450 US Hwy 52 North for June 6, 2011.

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The Mayor and City Council discussed a conditional use permit at 134 NC 740 Hwy. At its meeting on April 26, 2011 the Planning Board voted not to recommend

revocation of this conditional use permit for a billiard hall at the present time. It was noted that the property owner, Jimmy Guy, and family members spoke to the planning board at length opposing the revocation of the conditional use permit for a billiard hall at this address.

The Planning Board passed a motion to recommend allowing the Brandenburg Family an opportunity to open a billiard hall at this address with improved security and food service. A second motion was approved unanimously to review the conditional use permit in twelve months.

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The Mayor and City Council considered an agreement with Wynnefield Properties for the City Department of Public Housing to list Ardsley Commons in Locust as a Section 8 Participating Property and to provide voucher holder referrals to this property. The City Manager noted that this request is identical to one approved by Council on May 3 of 2010. The project was not funded at that time and Wynnefield Properties is applying for funding once again.

Councilmember Townsend stated that Wynnefield was the developer of Henson Place Apartments on Henson Street in Albemarle and they have had problems with noise, violence and drugs there. Mr. Townsend asked Section 8 Manager Rachel Hough if there is a limit to the percentage of vouchers that Public Housing can have outside the City of Albemarle. Ms. Hough said there is not a percentage limit and they can have any number of vouchers outside the City of Albemarle.

Upon questioning, the City Manager stated that the City Department of Public Housing operates the Section 8 program for all of Stanly County, not just the City of Albemarle. Council's purpose here is deciding if they would like to send a letter of support to Wynnefield Properties. Locust has the authority to decide to or not to have this housing in their City.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved an agreement with Wynnefield Properties for the City Department of Public Housing to list Ardsley Commons in Locust as a Section 8 participating property and to provide voucher holder referrals to this property for the purpose of support by Council.

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The Mayor and City Council considered a dedication ceremony for the Roger F. Snyder Greenway Phase II. The City Manager noted that Phase II of the Roger F. Snyder Greenway will be completed in the next few days, and we would like to hold a simple dedication ceremony to which members of the Snyder family, Greenway Commission, and Parks and Recreation Advisory Commission would be invited, along with any others that the Mayor and Council would like to invite. The ceremony would be held.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council approved a dedication ceremony for the Roger F. Snyder Greenway Phase II at the entrance to the greenway on Salisbury Avenue which will be held on Tuesday, May 17 at 5pm.

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The Mayor and City Council considered attendance at the Stanly County Council of Governments on May 24, 2011. This meeting will take place at Stanfield First Baptist Church at 6:30 pm.

Mayor Whitley and Councilmembers Alexander, Hall, Napier, Neel, Townsend and Underwood affirmed their attendance.

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Councilmember Hall asked the City Manager to please explain the difference between item 12 and 13 on the agenda for clarification.

The City Manager stated that item 12 – was regarding the recommendation for the revocation of a conditional use permit at 1450 US Hwy 52 N. The Planning Board unanimously passed a motion recommending that City Council revoke the conditional use permit for a billiard hall at the former location of Albemarle After Dark, 1451 US 52 Hwy N. with owners being informed by letter but no owners attending the meeting. Item 13 – was regarding considering the revocation of a conditional use permit at 134 NC Hwy 740. The Planning Board voted not to recommend revocation of this conditional use permit at the present time. The property Owner, Jimmy Guy, and a family (Mark and Nancy Brandenburg and their son Steve Compton) spoke to the Planning Board at length opposing the revocation of the conditional use permit for a billiard hall at this address. The Planning Board passed a motion to recommend allowing the Brandenburg Family an opportunity to open a billiard hall at this address with improved security and food service.

Councilmember Neel stated that in 12 months the Planning Board will review the conditional use permit.

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Councilmember Hall handed out to Council information from the Rocky River RPO concerning NCDOT's 2040 planning questionnaire.

Ms. Hall stated that Small Cities Week is in June and she gave information about this event to the City Manager.

Also, Ms. Hall mentioned a sign issue on the Northeast Connector at the Ridge Street intersection. The church sign was approved by the City Council but there at the sign is a large flag and a directional triangle on the sign. She asked Planning and Community Development Director Keith Wolf to take a look at this.

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Councilmember Neel stated that he received a call from a lady concerning a fence variance on East Cannon Avenue. He asked why the Board of Adjustment approved this variance and what was the hardship in this matter.

City Manager Raymond Allen stated that the Board of Adjustment is a quasi-judicial board. The City Council cannot override their decision, but can appoint members and choose members for this board. The City Council can ask the Board of Adjustment about this decision or a lawsuit can be filed with the Superior Court.

City Attorney David Beaver stated that the only thing the Superior Court would do is look to make sure if the Board of Adjustment handled the procedures correctly only. They would not analyze their decision unless their decision was completely out of line. Councilmember Neel asked that the Board of Adjustment come before Council to explain the hardship found in making this variance decision.

Planning and Community Development Director Keith Wolf stated that the Board of Adjustment made their decision with some questioning and some objection and it was not a unanimous vote. He said that the property owner had requested a nineteen foot variance from the twenty-two foot setback for a six foot privacy fence in the side yard. The owner changed his driveway from Moss Springs Road to East Cannon Avenue. The board compromised and approved a 10-foot variance of the nineteen foot variance requested.

Councilmember Neel would like to ask the Board of Adjustment to reconsider their decision and what hardship they found if any. He stated that some of the neighbors are having problems with this decision. He further stated that there will be

problems there and that the public has not been served in this situation. Mr. Neel asked that Mr. Wolf supply a map of this property and their application for a variance.

He also stated that we need to continue our joint meeting of the City Council, Planning Board, and Board of Adjustment.

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

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, 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 concerning real estate matters and the Mayor stated that there is nothing to report at this time.

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Upon a motion by Councilmember Neel seconded by Councilmember Underwood, the City Council adjourned until Thursday, May 5 at 5:00 pm for a City Council Budget Work Session in the Executive Conference Room.