

REGULAR MEETING CITY COUNCIL
October 3, 2011

The City Council of the City of Albemarle met in a regular session on Monday, October 3, 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, Jeanette M. Napier, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

The Mayor delivered the invocation.

Mr. Matt Schull, ElectriCities of North Carolina came before City Council to present the 2011 Public Power Awards of Excellence to the City of Albemarle. The City has been awarded four Public Power Awards of Excellence for 2011 by ElectriCities of North Carolina and they are Service Excellence, Competitive Business Environment, Energy Efficiency, and Financial Stability. Mr. Schull presented the awards to Mayor Whitley, Director of Public Utilities Ellen Huntley, Assistant Director of Public Utilities Judy Redwine and Superintendent of the Electric Division Charles Burris.

Mayor Whitley introduced Ellen Huntley who is the new Director of Public Utilities.

Upon a motion by Councilmember Holcomb seconded by Councilmember Napier, and unanimously carried, the minutes of September 19 regular session and September 19 closed session were approved as submitted.

Ms. Kay McCathen, Weatherization Director of Gaston Community Action came before City Council to discuss the Weatherization Assistance Program available to low income residents. The City Manager noted that Gaston Community Action is the regional agency designated by the State of North Carolina for responsibility of administering this program. Councilmember Hall requested that a representative of GCA be invited to a City Council meeting to promote the availability of this assistance to low income individuals to our residents and utility customers.

Ms. McCathen came before Council and stated that she is the Director of the Weatherization Program. This program began August 1, 2009 and runs until September 30, 2011. There have been 59 total units repaired in Stanly County in the amount of \$160,042.

Mr. Mitchell Smith the Outreach Specialist for Gaston Community Action came before Council and stated that this program covers four counties. The program is for low income families and helps make their home more energy efficient. Residents have to apply for this service and funds are in place for this. Mr. Smith gave the income requirements based on size of family to qualify. If a resident is approved, a work order is created, the work is performed and then inspected.

The Weatherization Program prioritizes eligible families, serving the elderly, people with disabilities and families with children first.

Size of Family Unit	200% of the Poverty Threshold
One	\$21,660
Two	\$29,140
Three	\$36,620
Four	\$44,100
Five	\$51,580
Six	\$59,060
Seven	\$66,540
Eight	\$74,020
Each Additional Household member	Add \$7,480 (FY 2009 levels)

Upon questioning by Councilmember Townsend, Ms. McCathen introduced the Executor Director Mr. Joseph Dixon and he explained that the R program which is the stimulus program ends March 2012. Mr. Dixon stated that there was a total of \$8,000,000 dollars in the beginning in the R program for four counties with \$3,000,000 left at this point. Councilmember Hall stated that she would like to see as many families helped with the monies available before the March 2012 deadline.

Ms. Regina Butler, Volunteer Coordinator of Esther House came before Council to inform City Council of events in October involving Esther House. The City Manager noted that Ms. Butler had contacted him a couple of weeks ago and requested to be on the City Council agenda to discuss upcoming events for this organization.

Ms. Butler came before Council and gave the activities planned for October by the Esther House as follows:

- October 6 – Public article in the Stanly News and Press
- October 7 – Speak at the American Legion
- October 13 – Speak at the Rotary Club
- October 16 - Churches will be involved along with donations
- October 27 - Candlelight Service and Balloon release at the YMCA at 6 pm
 - Purple balloons representing domestic violence
 - Yellow balloons representing hope

Ms. Butler asked Council and the public to attend the ceremony. Ms. Butler also asked the City for a proclamation similar to the one she provided to Council, proclaiming October as domestic violence awareness month.

Mayor Whitley thanked Ms. Butler for being here tonight.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved drafting a proclamation proclaiming October as domestic violence awareness month containing specific statistics pertaining to Stanly County supplied by Ms. Butler.

Mr. Wesley Clark, 114 South Cotton Avenue was scheduled to appear before City Council to discuss the creation of a local skate park but asked to be rescheduled for a later date.

Battalion Chief Tony Upchurch came before City Council to discuss the 2011 United Way of Stanly County employee campaign and to request approval from City Council for 20 annual leave days to be in a drawing for "Fair Share" givers.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved 20 annual leave days to be in a drawing for "Fair Share" givers.

Mr. Jack Foutz, 1416 Northcrest Drive came before City Council to request a sewer reimbursement. Mr. Foutz explained that he had reseeded his lawn and used extra water, therefore being charged for the water usage plus sewer, which was not used. He asked Council to consider a credit for three months in the amount of \$124.00 to cover just the water usage and no sewer charge.

Councilmember Hall stated that the City normally allows this for residents if they call and apply in early spring or summer and give this information. Utility Customer Service Coordinator Scott Hopkins has the authority to recalculate and adjust the billing in these cases which follows the City's policy.

Councilmember Hall moved that Council allow the recalculation of Mr. Foutz's billing to remove the sewer usage charge. Councilmember Underwood seconded the motion. Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Neel, and Underwood. Voting against the motion was Councilmember Townsend. The motion carried.

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 setting a public hearing for further action on minimum housing code violations at 1006 Efird Street. The deadline for compliance has passed.

James Luster with Centralina Councils of Governments came before City Council and stated that this is one of the three properties remaining in the standard minimum housing code violation process. He stated there was an administrative hearing with the property owner, a Findings of Fact regarding the non-compliance was issued and a deadline of September 5 was provided. The structure is still in violation and Council can consider the next step in this process, which is a public hearing and can be set for November 7 to consider one of the following options available to the City:

- A. Demolish the structure
- B. Repair the structure (This ordinance authorizes the use of public funds to repair a private property) Not a common or popular decision
- C. Vacate and close the structure
- D. Issue additional time for compliance

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the City Council set public hearing for November 7 to consider the options available to the City for 1006 Efird Street.

The Mayor and City Council considered setting a Public Hearing for further action on minimum housing code violations at 1222 Lundix Street. The deadline for compliance has passed.

This is one of the three properties remaining in the standard minimum housing code violation process that staff is handling. Following an administrative hearing with the property owner, a Findings of Fact regarding the non-compliance was issued and a deadline of September 5 was provided. The structure is still in violation and Council can consider the next step in this process, which is a public hearing and can be set for November 7 to consider one of the following options available to the City:

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council set public hearing for November 7 to consider the options available to the City for 1222 Lundix Street.

The Mayor and City Council considered setting a Public Hearing for further Action on Minimum Housing Code Violations at 401 Lincoln Street.

This is one of the three properties remaining in the standard minimum housing code violation process that staff is handling. Following an administrative hearing with the property owner, a Finding of Fact regarding the non-compliance was issued and a deadline of September 5 was provided. The structure is still in violation and

Council can consider the next step in this process. A public hearing and can be set for November 7 to consider one of the following options available to the City:

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Mr. Luster stated that a letter was received requesting an extension of the deadline for 90-days from Mr. Tim Wilson on September 19. Mr. Wilson is a relative of the property owner and is seeking to acquire the property at 401 Lincolnton Street and wishes to make improvements. It is at the discretion of City Council whether or not to grant the extension or proceed with the current schedule.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the City Council approved a 90 day extension to Mr. Wilson starting today and ending January 3, 2012 to make the property compliant at 401 Lincolnton Street.

The Mayor and City Council discussed a public hearing for a map amendment for Stanly Community College and State of North Carolina Property. The City Manager noted that on September 27, 2011, the Planning Board recommended that City Council approve the map amendment to place the following property in the newly established Institutional and Office District:

- 1. All of the Stanly Community College property recently annexed.
- 2. All of the Stanly Community College property that is currently zoned GHBD.
- 3. The lot with the Armory that is owned by the State of North Carolina.

Planning and Community Development Director Keith Wolf stated that the Planning Board had a long discussion about this at their last meeting and they expressed concerns at the meeting. A public hearing for this case can be set for November 7. It was noted that we do not have a good map of the entire property being rezoned and will get Stanly County GIS to create a better map before the public hearing.

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

map amendment for Stanly Community College and State of North Carolina Property for Monday, November 7.

The Mayor and City Council received a report from the Planning and Zoning Board on Donation Drop Boxes.

Planning and Community Development Director Keith Wolf advised that the Planning Board discussed this issue at length on September 27 and would like to continue discussion with Council at the next joint board dinner meeting on October 19. The Council received a preliminary proposal with two options from the Planning Board. If Council is in agreement, the Board will plan to recommend specific regulations at the next Planning Board meeting.

The Mayor and City Council consider approval of the financing bids for Fire Trucks & Equipment with RBC Bank who is the low bid of \$835,000. City Council received a copy of the bid tabulation and a resolution authorizing the financing with RBC and can be approved by the City Council.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier, and unanimously carried, the City Council approved the following Resolution was duly adopted:

(Fire Truck Financing Bid)

The Mayor and City Council considered Bid 2012-01 for Digger Derrick Truck in the Public Utilities Department Electric Division.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, the City Council approved Bid 2012-01 for Digger Derrick Truck in the Public Utilities Department Electric Division and low bidder Terex Utilities in the amount of 199,887.

(Bid 2012-01)

The Mayor and City Council received an update on preparations for the 2011/2012 loose leaf collection season which begins on Monday, October 17. The City Manager noted that recently we held our annual preparatory meeting with Waste Management to discuss the upcoming season. Representing the City were Michael Ferris, Mike Lambert and Raymond Allen and Waste Management seems to be well prepared for the upcoming season. Waste Management will dedicate two automated trucks to Albemarle, a pull behind unit, and the use of boom trucks. One change Waste Management will make for this season is to have the trucks working out of the Albemarle office instead of the Granite Quarry office.

Councilmember Holcomb stated that the Clean Tech jobs are still needed in Stanly County and hopes they will be able to locate here.

Councilmember Townsend stated that he had talked about trash and debris in his district at a previous Council meeting and that he had spoken with Stan Joseph with Waste Management and now he hopes they will be more assertive in their efforts.

Councilmember Townsend stated that he agrees with the decision which our City Manager made in regard to stating the City of Albemarle could not treat the sewage for Horsehead Corporation which was looking at the Alcoa Badin Site back in January without the sewage going through a pretreatment process. However, he stated that all elected leaders campaign with Economic Development opportunities as one of their goals and said it was very disturbing to find out nine months later and 24 hours prior to a local news release that we had a company considering on making such a large capital investment in the local area and creating at least 250 jobs that none of the City elected leaders were made aware.

This company eventually located in Rutherford County. He hopes that regardless to how business has been done in the past, we improve on this in the future because it's quite embarrassing when your constituents ask you of such large projects and we have no knowledge of it at all.

Councilmember Hall stated that the Public Housing's Resident Appreciation Day on Saturday, October 1 was a success. She commended Public Housing Director Garry Lewis and his staff. Also, the Uwharrie Storytelling Festival with ADDC on Saturday, October 1.

Councilmember Hall stated that at the last meeting, Mia Bailey with ElectriCities was here and ElectriCities has developed Public Relations clips and they have been given to Leon Warren with 1010WSPC radio and Cable 21. Cable 21 is running these clips now and throughout the year.

Councilmember Hall also mentioned Tuesday, October 4 is the Day of Caring as part of Public Power week and we will be meeting here at City Hall at 8 am and will arrive at the first of eight residents' homes at 8:30 am as part of the NC Weatherization Assistance Program.

City Manager Raymond Allen stated that the Strategic Visioning for Downtowns Seminar sponsored by Stanly Community College is this Thursday, October 6 at Eli's starting at 5:30 pm. He said that he and Councilmember Alexander are already registered and if anyone else is interested, it is not too late to register, just let him know.

Mayor Whitley and Councilmember Holcomb and Napier stated they would like to register for this event.

Upon a motion by Councilmember Underwood, seconded by Councilmember Hall and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 3 to consult with the City Attorney and to discuss Monarch Apartments Properties LLC v. City of Albemarle.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel, 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) 3 to consult with the City Attorney and to discuss Monarch Apartments Properties LLC v. City of Albemarle.

Mayor Whitley stated that Council needs to report that a lawsuit of Monarch Apartments v. City of Albemarle due to a sewer bill at Monarch Apartments from a leak at a water meter on their property has been voluntarily dismissed. This was a private line leaking on private property.

Councilmember Neel stated that there is a pickup load of trash on the street at a property on Lauras Lane and has been there a couple of months. The City Manager stated that he will take a look at this and have it taken care of.

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