

REGULAR MEETING CITY COUNCIL
September 6, 2011

The City Council of the City of Albemarle met in a regular session on Tuesday, September 6, 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.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the minutes of August 15 regular session was approved as submitted.

Ms. Geannie Langston, Director of Esther House came before Council to advise them about the establishment of a new domestic abuse shelter sponsored by Homes of Hope. She stated that their opening was in July and programs and services are in place. The shelter has already served 22 victims since July 5. This is a much needed service in this community. Ms Langston stated that there is a staff of 8 and there is a crisis hotline 24 hours a day. She stated that domestic violence and sexual assault affects 1-4 women in this country.

Ms. Langston stated that her mission tonight is several things:

- 1) Financial Support
- 2) Help getting the word out to the community about this service
- 3) Donations
- 4) Community Support

She handed out brochures and cards for Council and answered any questions that Council had.

Mr. Robert Furr of 115 N. Cotton Avenue came before Council as an unannounced delegation. He stated that behind his house along with 3 other neighbors: Linda Francis, Ms. Rhyne, and Ms. McCleod there is a ditch that runs underneath Pee Dee Avenue through three properties and onto E. Main Street. He stated that he had tried to correct the problem with this ditch but that he is no longer able due to his age. He asked that the City please take care of this as stated in a letter from the City in 1996. Mr. Furr said that if the City would clean the ditch once a year, he would take care of it the remainder of the time.

City Manager Raymond Allen stated that the City letter sent to Mr. Furr in 1996 was based on information from a retired employee. We have since found out that the information acquired was incorrect. He said that the City does not have an easement onto these properties. It was improper when the City did clean this ditch area and if there is waste water in the ditch, the City will take care of that by repairing any broken sewer lines.

Councilmember Holcomb asked the City Manager to have the City go ahead and check this out tomorrow and help Mr. Furr clean out the ditch this one time.

Councilmember Neel stated that he was City Manager from 1967 until 1985 and explained what the City had agreed before he came addressing this ditch and the main sewer line from Pee Dee Avenue over to E. Main Street.

Mayor Whitley asked the City Manager to have public works determine what lines are coming into that ditch and clean it out. Councilmember Hall agreed with the Mayor.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the City Manager having City staff go out and check the ditch and determine what type of water is there behind 116 N. Cotton Avenue and clean out the ditch this one time.

Mayor Whitley asked Mr. Furr to give the City a chance to check this out and while there clean the ditch.

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 an appointment to the Historic Resources Commission. The City Manager noted that City Council had asked Councilmember Holcomb to contact Vicki Galloway to see if Ms. Galloway would consent to this appointment. Ms. Holcomb contacted Ms. Galloway, who advised her that due to other obligations she would be unable to serve. Ms. Galloway suggested to Councilmember Holcomb that the City Council consider appointing Ms. Zelma Eudy who resides at 1506 West Main Street to this vacancy.

Councilmember Holcomb asked that a letter be sent to Ms. Eudy of what is expected when serving on this board. The City Manager stated that Planning and Community Development Director Keith Wolf will send a letter to Ms. Eudy.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved Zelma Eudy to fill an unexpired term on the Historic Resources Commission.

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

(Ordinance 11-27. To revise chapter 77, Schedule XIV – A: Naming of Streets, to rename Heathwood and Woodhaven Drives.)

The Mayor and City Council discussed proposed activities for Public Power Week which will be from October 2 - 8, 2011.

Mia Bailey with ElectriCities came before Council to discuss activities for Public Power Week this year. She reviewed several plans including a Day of Caring on October 2. She stated the fire department also will be participating this year by installing fire and carbon monoxide alarms. Senator Purcell and Representative Burr will be invited again this year.

The Mayor and City Council considered approval of revised recommendations for street resurfacing program. Council received a memo from Public Works Director Mike Lambert regarding these revised recommendations. The City Manager noted that pursuant to requests from Councilmembers Neel and Townsend, Pineview Street and Henry J Street have been removed from the recommended list of streets to be paved and portions of Melchor Road and Colonial Drive have been added along with the unpaved portion of Spaulding Street.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the revised recommendations for the street resurfacing program, removing Pineview Street and Henry J Street and adding portions of Melchor Road and Colonial Drive along with the unpaved portion of Spaulding Street.

The Mayor and City Council considered an agreement to participate in a Regional Hazard Mitigation Plan. The City Manager noted that currently the state requires all municipalities and counties to update their HMP every five years. They can do this individually or jointly with other jurisdictions. This requires state and federal approval, and can take a large amount of staff time and effort. County Emergency Management Director Brian Simpson is proposing a three county planning effort including the municipalities in these counties to prevent from having to develop so many individual plans. Police CEO Ronnie Michael and Fire Chief Oke both endorse this multi jurisdictional approach.

Councilmember Neel asked that a letter be sent to our US Senators and Congressman Larry Kissell about requiring state and federal approval every 5 years which requires a large amount of staff time and effort.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council approved an agreement to participate in a Regional Hazard Mitigation Plan including Stanly, Cabarrus and Union counties and all municipalities within these counties.

The Mayor and City Council considered adoption of a proclamation joining the National Moment of Remembrance of the 10th Anniversary of September 11th.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council approved adoption of a proclamation joining the National Moment of Remembrance of the 10th Anniversary of September 11th.

Resolution 11-25)

The Mayor and City Council considered a resolution honoring the service of Nancy Jolly on the Planning and Zoning Board. Councilmember Holcomb requested that this resolution be drafted for City Council consideration since resolutions were adopted for other PB and ZBA members with long tenures including Ell Wilson, Elworth Plyler, and Carrie Lyerly.

The City Council decided to ask Ms. Jolly to a meeting and present this resolution to her.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, and unanimously carried, the City Council approved a resolution honoring the service of Nancy Jolly on the Planning and Zoning Board.

(Resolution 11-26)

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, an Ordinance entitled (Ordinance 11-28) "AN ORDINANCE TO AMEND FY 2011-2012 BUDGET" passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-29) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT PROJECT BUDGET ORDINANCE RELATING TO THE 2011 JUSTICE ASSISTANCE GRANT FROM THE US DEPARTMENT OF JUSTICE" passed first reading.

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 11-30) “2011 GRANT ORDINANCE FOR A PUBLIC HOUSING CAPITAL FUND PROGRAM” passed first reading.

The Mayor and City Council discussed an advertising and sponsorship policy for City programs and facilities. The City Manager noted that Councilmember Holcomb learned recently that Stanly County and the Stanly County Schools were going to be selling advertising and sponsorships, and requested that this issue be placed on the agenda for Council discussion. City Council received a copy of the County policy which was adopted in June and a sample policy provided by the UNC School of Government.

Councilmember Holcomb stated that she is on the SCUSA Board and learned about this and stated that the City Manager has been in contact with the County Manager and talked with Stanly County School Superintendent Dr. DePaul and they are developing a similar policy but that it is still in the draft stage. She asked that the City Council allow having a City wide policy like this.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the City Council approved doing a study on a joint advertising and sponsorship policy for local government based on the County’s proposal and bring back before Council for consideration.

The Mayor and City Council received an update on minimum housing code enforcement at 804 Austin Street. At the August 15 meeting, City Council made an amendment to the normal minimum housing code enforcement process by granting Mr. Hinson 90 days to make some of the required improvements to his property at 804 Austin Street. The City Manager noted that since this property is now following a different timeline than the others in the minimum housing code process and Mr. Hinson may not be required to make all the improvements necessary to bring the structure up to the minimum code, we did want to coordinate with him regarding this new arrangement. Council received the letter that Assistant City Manager Michael Ferris sent to Mr. Hinson in an effort to describe the new understanding and timeline.

The Mayor and City Council received a report on clothing donation drop boxes. This issue was raised at the last meeting by Councilmember Neel and staff has researched this organization and has prepared a report on the issues. Council received a copy of a memo from Assistant City Manager Michael Ferris and a copy of the organization's documentation with the NC Secretary of State.

Councilmember Neel stated that the donation drop boxes need to be so many feet back from the right of way. This is in direct competition with our Stanly County Christian Ministries.

Mayor Whitley stated that we do not need to be in direct competition with SCCM. City Manager Raymond Allen said that we cannot ban a legal organization without a zoning ordinance stating how many drop boxes there can be or their location, etc. This can be considered by the Planning Board. Mayor Whitley asked the City Manager to pass this request to the Planning Board.

The Mayor and City Council received a report on the status of construction at 109 Penny Street. Councilmember Hall had requested that the City Council be provided a status report on the renovations to this building. Council received a memo from Planning and Community Development Director Keith Wolf regarding this.

Mr. Wolf came before Council and stated that he had spoken with Nancy Whitley at the Stanly County Central Permitting Office and she reported that the revised plans for the Level IV facility under construction have been submitted to Raleigh for approval. Work can not be resumed until those plans are approved. Further modifications to the plans may be required. The building permit is still open. Mr. Wolf stated that the developers of the property are concerned about the delay and that they will resume work as soon as they are allowed to do so by the building inspector.

The Mayor and City Council considered an appointment to the Zoning Board of Adjustment. This appointment is to fill the unexpired term of Bill Sells, who has resigned. City Council received a list of the current board members and volunteers for this board.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved Terry Pleasant to fill the unexpired term of Bill Sells on the ZBA expiring July, 2014.

Councilmember Hall stated that Councilmember Neel will make phone calls to check on a couple of people to serve as alternate to replace Terry Pleasant. The vote on the alternate for the Zoning Board of Adjustment can be brought before Council at the next meeting on September 19.

The Mayor and City Council received a report on City Council mandated training for the Zoning Board of Adjustment Members. The City Manager noted that all members of the Board of Adjustment including alternates attended the mandatory training at the City Hall on August 16th, except for Charlie Frye and Bill Sells. The training is a new City Council requirement. Mr. Frye contacted Keith Wolf prior to the training to advise that he had to work that day and Mr. Sells is resigning from the ZBA. Council needs to decide how they would like to proceed to address the lack of training for some members.

Planning and Community Development Director Keith Wolf stated that Charlie Frye and the new alternate when chosen, will need to attend mandatory training. He stated that this can be accomplished one of three ways. He can train them, we can pay Mr. Bill Duston of Centralina COG, or we can waive the training requirement for them.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved Planning and Community Director Keith Wolf to train Mr. Frye and the new alternate when chosen in-house.

The Mayor and City Council considered moving the agenda publication from Friday to Thursday. The City Manager noted that over the years it has been the City's practice to complete and make public the agenda on Friday morning and was more of a necessity during the days of paper agendas that were more labor intensive to build. Our paperless system allows us to construct the agenda earlier and has saved time in the over all process. As a result, we feel the agenda could be completed on Thursday mid-morning without causing any hardship on staff trying to meet this deadline. This would give the Mayor and members of City Council an additional day to read the agenda and attachments.

The City Council agreed to Thursday for the agenda publication.

The Mayor and City Council considered designation of the 2011 Christmas Holidays. These recommended dates are Friday, December 23 and Monday, December 26. Robert Whitley polled the management team for this recommendation, and the majority consensus was that these dates will work the best for departmental operations.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood, and unanimously carried, the City Council approved Friday, December 23 and Monday, December 26 as the 2011 Christmas Holidays for City employees.

The Mayor and City Council discussed the designation of a voting delegate and alternate voting delegate to the NLC Conference in Phoenix. The City can designate one voting delegate and one alternate delegate. The City's delegates to this conference will be Councilmembers Hall, Holcomb and Townsend.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend, and unanimously carried, the City Council approved Councilmember Hall as voting delegate to the NLC Conference in Phoenix.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved Dexter Townsend as alternate voting delegate to the NLC Conference in Phoenix.

The Mayor and City Council considered attendance at the Strategic Visioning for Downtowns seminar. This seminar will be at the SCC Small Business Center in downtown Albemarle on Thursday, October 6 from 5:30 pm to 8:30 pm. This will be conducted by former NC Main Street Director Rodney Swink. The City Manager encouraged any member of our governing board who can attend to consider doing so.

Councilmember Hall stated that she has already pre-registered. Councilmember Alexander confirmed his attendance.

The Mayor and City Council reviewed information regarding the Stanly County Sports Hall of Fame Banquet. The City Manager noted that tickets can be purchased for members of City Council if they would like for us to do so.

Councilmember Alexander, Hall, Holcomb, Neel, and Townsend confirmed their attendance.

The Mayor and City Council were reminded of the September 11th Observance on Sunday, September 11. This county wide observance will be held at Cannon Park in Albemarle beginning at 6:30 pm and Council received a flyer regarding this event.

Councilmember Holcomb asked if tasers are now in force in the City Police Department. Police CEO Ronnie Michael stated that the first shipment of tasers has arrived but the training has not occurred yet.

Councilmember Hall commended law enforcement for a recent roundup of drug law violators. She advised she was interested to know if a pending felony, where if someone has a section 8 voucher and commits a crime, are they disqualified from the program. Ms. Hall said that Public Housing Director Garry Lewis said this is being investigated.

Councilmember Hall asked that everyone try to attend the Stanly County Remembers Ceremony on September 11.

Also, Ms. Hall mentioned the Celebration of Play event September 10 at City Lake, which is part of our Playful City USA designation at City Lake Park from 10 am until noon. She commended the Parks and Recreation Department.

Parks and Recreation Director Toby Thorpe stated that the City received the Playful City USA designation for the second consecutive year, and was officially notified on Tuesday.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11 (a) 3, 5 and 6 to consult with the City Attorney, to discuss real estate and personnel matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, 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, 5 and 6 to consult with the City Attorney, to discuss real estate and personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved an acquisition of Stanly County easements for the Concord Kannapolis Albemarle Water Transmission Line on NC Hwy. 49 by W.K. Dickson in the amount of \$23,384.

(List of Easements)

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