

REGULAR MEETING CITY COUNCIL
April 4, 2011

The City Council of the City of Albemarle met in a regular session on Monday, April 4 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 Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of March 21 regular session minutes were approved as submitted.

A public hearing was held to consider amending the code of ordinances by revising chapter 31, section 999 (C) of the NC Fire Code. No one spoke for or against the request at the 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 11-09. To amend the code of ordinances by revising chapter 31, section 999.)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 11-07) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 31, SECTION 999 (C)- PENALTY, BY DELETING NOS. 1-47 INCLUSIVE THEREIN, AND REPLACING THEM WITH A NEW SCHEDULE OF PENALTIES NUMBERED 1-14 INCLUSIVE,” passed first reading.

A public hearing was held to amend the Code of Ordinances by revising Chapter 31, Section 25-14 Permit Fee Schedule by removing from code of ordinance in its entirety. No one spoke for or against the request at the hearing.

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

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

(Resolution 11-10. To amend the Code of Ordinances by revising chapter 31.25-14 Permit Fee Schedule by removing in its entirety.)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 11-08) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 31, SECTION 25-14 – PERMIT FEE SCHEDULE, BY REMOVING THE SCHEDULE FROM ITS CODE OF ORDINANCES IN ITS ENTIRETY.” passed first reading.

Mr. Stan Joseph, Government and Community Relations and Mr. David Bernat, Residential Route Supervisor with Waste Management of the Carolinas came before City Council to provide an update on Waste Management services.

Mr. Joseph came before Council and stated he wanted to check with Council and make sure everything is okay with the City’s service with Waste Management. He stated that Waste Management is transforming into new levels of service. Also, Mr. Joseph stated that Annette Harkey in their office is retiring at the end of April and she will be missed. He said she had been a tremendous asset for Waste Management.

Mr. Bernat came before Council and stated he has been working with City Manager Raymond Allen, Assistant City Manager Michael Ferris, and Public Works Director Mike Lambert and has a good rapport with them. He stated that he is from Massachusetts and has been in NC the last 4 years. Lastly, he stated that the past leaf season was a successful one and improvements have been made.

Councilmember Hall stated that Annette Harkey had been the face and voice of Waste Management in Albemarle. She asks that he give Annette our word of appreciation.

Councilmember Townsend stated that he had an observation he would like to share. He sees couches and debris on the side of the street that sometimes are not removed for weeks. Mr. Bernat said he would keep an eye open for these types of things and work proactively on this.

Councilmember Holcomb stated that this has been a good year.

The Mayor and City Council received comments from concerned citizens of the South Albemarle community about their concerns over drug use and violence in their community.

Mary Davis came before Council and stated she owns property at the corner of Arey Avenue and Lundix Street and groups of kids are standing on the side of the street. She has filed reports with the police and signed a petition for no trespassing. Also, she has asked the police to park anytime and observe. She stated the incidents need more patrolling in this area.

Councilmember Alexander asked if the groups of kids are on her property and she affirmed this.

Brenda Townsend came before Council and said she has also called the police and maybe some of them are scared to come. Once an officer arrives and calls for backup, the kids disperse. There is a lot of shooting going on there and neighbors cannot even sit on their porch.

Councilmember Napier asks the ages of the kids and Ms. Townsend stated they range from 14-25 years of age. Councilmember Holcomb asked if they are driving to this area. Ms. Townsend stated that some of them are driving. They are cursing, drinking and not respecting anyone or anything. Also, Ms. Townsend stated that it is a certain shift on the Police force that is not doing as much to control this situation.

Deborah James came forward and stated that her mother lives on Arey Avenue. She and her mother had been away and when they came back to her mother's home on Arey, there had been a gun shot through the window, leaving a bullet on the floor in one of the bedrooms. The next morning, her mother's fence had been torn down,

leaving another expense for her mother to cover. She is very worried that someone is going to be hurt.

Councilmember Townsend stated that Ms. James' mother has lived there all her life and has kept a nice home and yard and cannot feel safe there. It is all due to these young guys that congregate near her property with no respect for anyone.

Upon questioning by Councilmember Hall, it was verified that the location of this problem is on Lundix Street and Gibson Street. Councilmember Holcomb asked CEO Ronnie Michael of the police department to come forward.

Mr. Ronnie Michael stated that the acting Police Chief Ted Smith as well as Captain Danny Bowen will also be able to answer any questions that Council may have. Mr. Michael stated that the concentration of police forces is 25% in the North, 25% in the West, and 50% in the East of the City which includes the South Albemarle Community. One thing discussed 4-5 years ago concerning this type of problem is a no parking zone. Making a street a no parking zone to get cars off the street. He continued in saying that the following crimes are down in the east policing district – down 33% robberies, down 20% assaults, and down 35% burglaries. Mr. Michael asked the citizens present to please call his office if officers arrive and do not try to do anything. He stated he can track the officer based on the police car no and the time of day they were there.

Councilmember Townsend stated that in his opinion, the officers cannot be too aggressive on drug dealers, outside of mistreating them. A no parking zone for vehicles may help, but is not the biggest problem. Standing on the street and in the road is the major problem. The City Council needs to do what we can and then if need be, the Council should contact State level help. The police officers will have to take the initiative and not the citizens. If the officer will not be able to do this, then a resident should call the Police office and let them know.

Mr. Michael stated that presently there are 3 positions frozen in the police department. He asked Council to allow him to apply for the COPS hiring grant, which would be at no cost to the City for extra officers that are needed.

Citizens were asked if they were in agreement about having a no parking zone on both sides of the street on Arey Avenue.

The Reverend Richardson of Saints Delight Church came forward and stated kids parking not on the side of street, but in the street, blocking traffic. Also, another citizen came forward and stated that this has been a problem for years. She mentioned the areas most prevalent such as Arey Avenue, Coggins Avenue, Leonard Avenue, and Summit Avenue. Residents are tired of not getting any relief from the

Council or Police Department. The residents of these streets will allow the police to park in front of their homes to watch anytime. Something needs to be done; they have tried everything they know to do as citizens. She said this is a cry of desperation, and asked that Council please address this issue with some force.

Councilmember Alexander asked is there anything in the ordinance preventing officers from arresting them for parking. Mr. Michael stated that there is a charge for blocking traffic, where the officer would issue a traffic violation. Mr. Alexander asked about maybe changing the ordinance. Mr. Michael stated that he would like to talk with the District Attorney on this.

Councilmember Holcomb asked could the City place signs stating that loiterers will be hauled away and Mr. Michael stated this would be a no trespassing sign. Also, Councilmember Holcomb asked about a sign addressing the standing in the streets.

Betty Edwards came forward and continued to explain incidents occurring and kids blocking the streets in several incidents and several locations. Upon questioning, Mr. Michael stated that the majority of the problems in this area are from 12 noon forward.

John Anderson asked that Council help remove the gang members from the streets. He asked who would be able to talk with the judges in allowing police to check people standing on the streets for drugs and weapons.

Bobby Crump stated it was a misfortune that he was sitting on his porch one day and bullets were flying by and hoping not to get shot. He emphasized South Albemarle as a whole and requested no loitering signs.

Councilmember Alexander stated that Council has got to do something to help these residents. We need to get our heads together, look at the suggestions, maybe take a tape of this meeting and send to the judges to view this problem. Councilmember Hall stated that one also needs to be sent to the District Attorney and the probation department.

Brenda Stanback came before Council and stated that a meeting with judges, the probation office, City Council and the South Albemarle community for a discussion would be good.

Acting Chief Ted Smith stated that at the corner of Leonard Avenue and Inger Street there is usually a lot of kids standing and vehicles parked on the street causing traffic problems. If we take away parking there, maybe it will eliminate kids standing around there.

Mayor Whitley stated that Council, the police department, judges, the probation office, district attorney's office and the South Albemarle community need to have a joint meeting. He said that he understands the fear that everyone has in that neighborhood. He asked the residents to allow Council a little time to get this meeting set up and we will get back to you.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council authorized the drafting of an ordinance for no parking on both sides of the street on Arey Avenue.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council authorized the police department to apply for the NC COPS grant.

It was determined to write the three judges, District Attorney and the probation office about attending a meeting with Council and the concerned residents over concerns of drug use and violence in the South Albemarle community.

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

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

(Ordinance 11-05. To amend Grant Ordinance 09-38 Public Housing Capital Fund.)

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

(Ordinance 11-06. To amend 2010 Grant Ordinance 10-34 Public Housing Capital Fund.)

The Mayor and City Council considered approval of an assessment write off. The Finance Department has recommended the water/sewer assessment to John D. Gould be written off. It is past the statute of limitations and Mr. Gould is deceased. Staff was unable to locate his heirs.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the water/sewer assessment to John D. Gould in the amount of \$ 228.85 be written off.

The Mayor and City Council considered an agreement with Stanly Community College for Law Enforcement Services. The City Manager noted that this agreement has been reviewed by City Attorney David Beaver and E.H. Morton, the SCC Attorney. This agreement was requested after the remaining parts of the SCC campus were annexed into the City at the college's request. Under the terms of the agreement, the College would contract with Albemarle Police Department reserve officers for law enforcement on the campus. The college would pay all of the costs associated with the officers.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved an agreement with Stanly Community College for Law Enforcement Services.

The Mayor and City Council reviewed updates to the 2011 Public Housing Agency Plan. The City Manager noted that HUD allows housing agencies to update their policy and also submit a Capital Fund request. A public hearing is required prior to City Council review and approval of the updates. The hearing is conducted by housing staff and will be held at Amhurst Gardens, 300 South Bell Avenue, on April 6 at 5:00 p.m. This will come back for approval after the Agency Plan hearing.

Public Housing Director Garry Lewis stated that each year the Department of Public Housing develops its formal Agency Plan for submittal to HUD. The capital items included in the 2011 Plan are included in the Department's 5-year plan that was approved in 2010 by the City Council.

The most crucial items are as follows:

1) 2011 Capital Fund Budget detail:

Operations	\$ 5,000
Management Improvement	\$ 5,000
Administration	\$ 5,000
Fees & Cost	\$ 60,000
Dwelling Structures	\$270,334
Non-dwelling equipment	\$ 7,000
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Total	\$352,334

2) Electric Allowance in kwh – residents billed above this amount

Ms. Connie Hathcock came forward and explained how residents are billed above the electric allowance and the rate they are charged per kwh. A review of the appropriate utility consumption for each type of unit was conducted. The review takes into consideration the construction characteristics, major appliances, small appliances and the resident being conservative on heating. The housing units at both sites are all electric – HVAC, stove, refrigerator, water heater and residents are not charge for water/sewer cost.

In the past several years the Housing Department has upgraded the units by having: New double pane windows installed in 2009, electric meter bases, Vinyl siding & installation in 2010, new appliances in 2011. Utility assistance payment will be reducing based on the investment by the City in making the units more energy efficient.

3) HUD mandated Community Services & Self Sufficiency Policy – requires 8 hours of community service for residents 18 years to 62 years of age that are not employed, not in school, and are not disabled under Social Security.

Ms. Emily Moose came forward and explained the community service requirements and how residents can fulfill those obligations. She reported that not all residents have fulfilled their service obligations, and if they have, not provided the appropriate info to the Department concerning their activities. Housing staff will continue to work with residents to ensure these obligations are met, but will consider it a violation of the lease agreement if community service is required but not performed.

The Mayor and City Council considered the sale of surplus carbon from WS Plants Division to Town of Denton. Pursuant to NCGS 160A-274, to declare surplus carbon at Tuckertown Water Treatment Plant and sell to Town of Denton by negotiated sale. The City Manager noted the carbon was purchased in 2000 for use at the

Tuckertown water treatment plant, but it did not work well and after experimentation it was never used. There are approximately 200 40 lb. bags that are deteriorating and need to be disposed of. Our staff has negotiated sell to the Town of Denton for \$500.00 and they will come and pick up the material.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, the City Council declared carbon surplus and authorized the sale of the surplus carbon from the WS Plants Division to Town of Denton, Pursuant to NCGS 160A-274 in the amount of \$500.

The Mayor and City Council reviewed a presentation of the 2012-2016 Capital Improvements Program. City Council received copies of the City's five-year capital plan. Assistant City Manager Michael Ferris coordinated the compilation of the CIP and presented this to City Council.

Assistant City Manager Michael Ferris came before Council and stated that this is the proposed 2012-2016 five year budget and planning documentation. This is a draft for Council to review and he stated he will be back before Council in the next few weeks to request adoption of the capital plan. He stated that he will answer any questions Council may have.

It was noted that capital improvements are physical assets, constructed or purchased that have a useful life of 5 years or greater and a cost of \$40,000 or more. Examples are new and expanded facilities, replacement of existing facilities, equipment or improvement when first constructed or acquired, cost of engineering or architectural studies and services related to improvement, acquisition of land, purchase of vehicles or equipment

CIP is designed to be a flexible tool for the City and each year the list of projects is reviewed for need, cost and priority. City staff provides recommendations regarding the alternation of the desired timetable of projects with responsibility for approval and implementation with the Council.

The Mayor and City Council received an update from the Planning and Zoning Board. At the meeting of the Planning Board on March 22, 2011, the proposed new zoning district, institutional and office, was reviewed again. The Board did not come to an agreement about sign regulations and setbacks for the district and requested a presentation

with pictures of signs and setbacks for schools and other institutions that currently exist in other zoning districts in Albemarle. The Planning Department is preparing a power point presentation to show to them at the next meeting on April 26, 2011.

City Manager Raymond Allen stated that this item is for information only.

The Mayor and City Council received information to confirm the date of Thursday, May 19 for the City Employee Picnic. The City Manager noted that this event is proposed for City Lake Park from 11:30 am to 1:30 pm. This will be the third year that we have held this event, and we hope that the Mayor and all members of City Council will be able to attend. The City's management team will handle most of the preparation, serving, and clean up with assistance from some other employees.

The Mayor and City Council considered attendance at ElectriCities of North Carolina Legislative Reception. This is scheduled for Tuesday, April 12 at 5:30 pm at the North Carolina Museum of History. We can RSVP for any members of Council who plan to attend.

The Mayor asked that Council let the City Manager know this week if they will be able to attend.

Councilmember Holcomb stated that the ADDC will not be conducting the Beach Blast this year. Mayor Whitley stated that the ADDC decided this at their last meeting because they were unable to secure a primary sponsor for the event.

City Manager Raymond Allen said that this was mentioned at the last Council meeting when Peter Ascitutto came before Council to approve the annual 5k Beach Blast Race.

Councilmember Townsend stated that he would like to ask since NCDOT calculated an error in the Powell Bill Funds, how much money the City would be receiving of this amount. The City Manager stated that the City will be receiving around \$20,000 in this current fiscal year.

Councilmember Hall stated that she would like to follow through with the Life Scan Wellness physicals that were received at the fire department last year. This was discussed during the budget meetings about members of Council and employees of the City being able to have a physical, if they paid for it at their own expense.

The City Manager stated that the YMCA Community Prayer Breakfast will be on Wednesday, April 20 in the Family and Education Center at Stanly Regional Medical Center. Buffet breakfast will begin at 6:30 am and the program starts at 7:00 am.

Councilmembers Alexander, Hall and Underwood affirmed their attendance.

CEO Ronnie Michael of the Police Department came before Council and mentioned a request of a no parking zone on Leonard Avenue.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a no parking zone on Leonard Avenue, from its intersection with NC Highway 24/27 to 150 north of the intersection with Inger and Lennox Streets.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the meeting was adjourned.