

REGULAR MEETING CITY COUNCIL
February 7, 2011

The City Council of the City of Albemarle met in a regular session on Monday, February 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 participated in Youth In Government Day. The City Manager noted that the Albemarle Optimists Club coordinates Youth In Government day in which 8th grade students from Albemarle Middle School learn about municipal government. These students spent the morning learning about municipal government including shadowing the department director to which they were assigned. The Mayor and City Council students participated in a mock Council meeting conducted by Assistant City Manager Michael Ferris.

Participants:

Mayor-Cameron Hood

City Council:

Brandon Costello

Mason Krol

Cindy Xiong

Morgan Smet

Vearro Lo

City Manager-Evan McDow

Finance Director-Leanne Mansfield

Parks and Recreation Director-Lee Autry

Police Chief-Aaliyah Grady

Fire Chief-Andrew Oke

Public Works Director-Elizabeth Halton

Public Utilities Director-Jasmine Benson

The Mayor and City Council presented the NC League of Municipalities Retirement Resolutions to the following:

G. Ronnie Boysworth, Police Department-3 years, 9 months of service
Lewis Calloway, Public Works Department-12 years, 2 months of service
Eddie Baldwin, Parks and Recreation Department- 36 years, 3 months of service

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

A public hearing was held to consider zoning 2.01 acres belonging to Anderson Grove Baptist Church to R10 Single Family Residential. This property was annexed into the City at the request of the church and this process is to assign City zoning to the annexed tract.

Planning and Community Development Director Keith Wolf came forward and stated that the zoning of this property had been initiated because recently the property was annexed into the City. The proposed zoning is R10 Single Family Residential the same as the remainder of the church property.

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

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

(Resolution 11-03. To rezone 2.01 acres of Anderson Church to R10 Single Family Residential.)

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 11-03) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA." passed first reading.

Ms. Amy Yow, Butterfly House and Mr. Brian Freeman, Stanly Regional Medical Center came before City Council to request support for continued operations of the Butterfly House on a per case fee basis.

The Butterfly House provides interview and case management for child abuse cases in our area. The City Council received a letter from Police Chief Michael to City Manager Raymond Allen stating the cost of the program has previously been borne by SRMC, but they are no longer able to fully fund the program. They are asking the law enforcement agencies that use services to pay a portion of the cost of the service. As noted, any cases initiated by the Dept of Social Services and the Sheriff's Department, would result in the County funding a large part of the cases handled by the Butterfly House if this is approved by the Board of Commissioners.

Ms. Yow came before City Council and explained what the Butterfly House is and its location. She stated that the Butterfly House is a child advocacy center for child maltreatment. It is comprised of a team of representatives from the medical community, social services, law enforcement, court system, mental health and school system, which is a critical need for children in our area.

Mayor Whitley asked Ms. Yow where they are presently located and Ms. Yow stated at Stanly Regional Medical Center. The Butterfly House has two full time employees and 1 part time.

Councilmember Hall stated that Cabarrus County is the next closest center. She asked Ms. Yow if Stanly County services care for Montgomery, Anson and Richmond counties also. Ms. Yow affirmed this.

Mr. Brian Freeman came before City Council and stated that law enforcement and medical examiners are all working as a team with the clients. Since 2005, SRMC has carried all of the costs for this service. Two years ago, SRMC identified that this is not a core service and therefore, may not be able to totally bear 100% of the cost. Mr. Freeman also stated that SRMC will continue to provide the center if municipalities will assume the service cost. He stated that Monarch looked at doing this, but were unable to, so it was decided to go to the municipalities to ask for help in sharing the burden of the costs as a team. This way, each municipality will pay for the services that they use. Each service is presently calculated at \$840 per case. The Butterfly House will continue to bill Medicaid and insurance if available. We are expecting a guarantor from each municipality. This will be based on a trust situation, but if not paid, we would not be able to take any more patients. Mr. Freeman mentioned the handout Council received, which shows their funding sources for 2010-2011 and totals \$96,897.70.

Councilmember Hall stated that the City of Albemarle's budget year is from July 1 – June 30 each year. We will be going into budget work sessions soon and asked that Ms. Yow and Mr. Freeman work with the City on this. Mr. Freeman agreed coming to a resolution that everyone is happy with during the budget work process.

Ms. Yow stated that they will probably work with close to 20 clients this year from the City of Albemarle. Mr. Freeman stated that he will get data from the last three years and give to City Manager Raymond Allen for Council to look at during the budget process to help make a decision for the City on this.

Councilmember Alexander asked if this is a 501(c)(3) (non-profit)? Mr. Freeman affirmed this.

Mayor Whitley stated that the City's first budget work session will be on Saturday, February 19. We also will have a couple more in March and May. City Council will take this under advisement. The Mayor thanked Ms. Yow and Mr. Freeman for coming in and explaining the needs of the center tonight.

Mr. Freeman stated that there is one downside, if one municipality cannot pay, the costs will go up for the other municipalities.

Upon questioning by Councilmember Holcomb, Mr. Freeman stated that the City will receive a scheduled report from the Butterfly House periodically of exactly what is going on.

Ms. Kathy Almond, Executive Director, Albemarle Downtown Development Corporation, came before City Council to request blocking off the north end of Railroad Street next to West Main Street for the following events:

Stanly County Winter Wine Festival-Saturday, February 26
Outdoorsman's Bonanza-Saturday, March 26

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved blocking off the north end of Railroad Street next to West Main Street for the following events at Market Station:

Stanly County Winter Wine Festival-Saturday, February 26
Outdoorsman's Bonanza-Saturday, March 26

Councilmember Hall asked Ms. Almond to speak about the NC Main Street Awards that took place in Shelby, NC recently.

Ms. Almond stated that the annual Main Street Conference and Awards dinner, was held on Thursday, Jan. 27, 2011 in Shelby, NC which recognizes communities, individuals and Main Street programs from across the state, for their efforts in preserving and enhancing their downtowns. Also she stated that Roger Dick, President and Chief Executive Officer for Uwharrie Capital Corp, was named Albemarle's Main Street Champion for 2010 and the City of Albemarle received special recognition for their recent renovation and expansion of City Hall. Mayor Whitley was present and accepted the award for the City of Albemarle.

Mr. Michael Snyder, Uwharrie Wheelmen, came before City Council to request the closing of streets on March 18 and 19 for the Albemarle Criterium. City Council received a map showing the route for this bicycle race. The City Manager noted that this would be a sanctioned race that the sponsors anticipate would draw riders to Albemarle from across the state and even from outside the state for this event. Insurance would be provided through the sanctioning body, USA Cycling. Mr. Snyder has spoken with a number of the businesses along the route to explain what the event would involve and to address any concerns they may have.

Mr. Snyder came forward and answered any questions that Council had and stated that the race will start at City Hall running clockwise. Also, Mr. Snyder stated that if Council approves this tonight, he will contact NCDOT for approval on closing Main Street and First and Second Streets.

Chief Michael with the Police Department came forward and stated that Main Street would need to be closed also from Depot Street to Third Street. He asked if the City Police would be handling the street closings and security for this event. It was determined by Council that street closing and security for both Saturday and Sunday would be handled by the City Police department.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of First Street between North and South Street, Second Street between North and South Street, Main Street between Depot Street and Third Street on Friday, March 18 between 6:15-10 pm and on Saturday, March 19 between 7 am – 6 pm for the Albemarle Criterium. The City Police will be handling the street closings and security Friday and Saturday for the event.

Mr. Charles Allen Justice came before City Council to request a City of Albemarle Peddler License. City Council received a copy of Mr. Justice's application and background check.

Several Councilmembers asked Mr. Justice about his vehicle insurance and license, as well as where he would be setting up to sell his appliances.

Councilmember Holcomb moved that a Peddler License be granted to Mr. Justice. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Napier, Townsend and Underwood. Voting against the motion was Councilmember Neel. The motion passed.

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 ABC Board. This is to fill the unexpired term and new term of the ABC Board Chairman. Don Frey retired from the ABC Board effective January 31, 2011. The City Council will need to appoint a new member and chairman. and the City Manager is recommending that the appointee to replace Mr. Frey be appointed to fill the remainder of his unexpired term as well as for the full term of 3 years that will expire on March 16, 2014. City Council received lists of volunteers willing to serve on the ABC Board. Also, the City Manager received a phone call from Mr. John McIntyre who has also asked to be considered by City Council for this vacancy.

Councilmember Hall moved to appoint Terry Blue to fill the unexpired term and new term of Don Frey on the ABC Board. Councilmember Townsend seconded the motion.

There was question whether Councilmember Hall moved for appointment of Terry Blue or moved to nominate him as a candidate to the ABC Board. It was determined that Ms. Hall moved to appoint Mr. Blue to the ABC Board. With this understanding, Councilmember Townsend withdrew his second to the motion.

Councilmember Townsend offered a substitute motion to nominate Terry Blue as a candidate for the unexpired term and new term of Don Frey on the ABC Board. Councilmember Neel seconded the motion. Upon unanimous vote, the motion passed

Councilmember Napier offered a motion to nominate John McIntyre as a candidate for the unexpired term and new term of Don Frey on the ABC Board. Councilmember Holcomb seconded the motion. Upon unanimous vote, the motion passed.

Councilmember Townsend moved that the nominations be closed for the unexpired term and new term of Don Frey on the ABC Board. Councilmember Underwood seconded the motion. Upon unanimous vote, the motion passed.

Voting for Terry Blue to fill the unexpired term and new term of Don Frey on the ABC Board were Councilmembers Hall and Neel. Voting for John McIntyre to fill the unexpired term and new term of Don Frey on the ABC Board were Councilmembers Alexander, Holcomb, Napier, Townsend, and Underwood. On a vote of 5-2, Mr. McIntyre was voted to fill the unexpired term and new term of Don Frey on the ABC Board expiring March 2014.

Councilmember Hall moved to appoint Joe Calloway as Chairman of the ABC Board. Councilmember Neel seconded the motion. Voting for the motion were Councilmembers Hall, Neel and Townsend. Voting against the motion were Councilmembers Alexander, Holcomb, Napier, and Underwood. The motion did not carry.

Councilmember Holcomb moved to appoint John McIntyre as Chairman of the ABC Board. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Napier, Townsend and Underwood. Voting against the motion were Councilmembers Hall and Neel. The motion carried. Mr. John McIntyre was appointed as the new Chairman of the ABC Board.

Councilmember Hall requested that City administration staff call Mr. Blue and Mr. McIntyre and send all ABC board members and Karen Cranford a copy of the appointment letter to Mr. McIntyre on Tuesday, February 8 of the new board member and new Chairman appointed at tonight's meeting. Mr. Terry Blue was to also receive a letter of the results of tonight.

The Mayor and City Council considered a recommendation to set a public hearing for a conditional use permit to allow a flea market. At its January 25 meeting, the Planning Board approved the request of Naheed Haque and 786 A & C Properties for a Conditional Use Permit to allow an outdoor flea market on the back side of the building located at 1434 East Main Street. The City Manager noted that this property is zoned General Highway Business District. The proposed outside flea market must meet current

regulations for that use and any conditions that Council and applicant can agree are necessary. A public hearing can be set for March 7 if City Council so ordains.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved setting public hearing for March 7 to consider a conditional use permit to allow a flea market at 1434 East Main Street.

The Mayor and City Council considered a recommendation to set a public hearing to rezone two lots at 2000 East Main Street from R10/Single-Family Residential to GHBD/General Highway Business District. This issue was brought before the Planning Board at its January 25 meeting. It was noted that this property is in the southeast corner of the intersection of East Main Street and Anderson Road. The property owners and the Planning Board members are aware of the NCDOT plan to widen NC 24-27 Highway in this area. The location of the new right-of-way has not yet been determined. A public hearing can be set for March 7 to consider this request if approved by City Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved setting public hearing for March 7 to consider rezoning two lots from R10/Single-Family Residential to GHBD/General Highway Business District.

The Mayor and City Council considered a request for a large 100 Year Anniversary Banner for 100 business days. This request is from Home Savings Bank on the occasion of their 100th Anniversary.

Planning and Community Development Director Keith Wolf came forward and stated banners of this size displayed for this long (100 business days) are not allowed under the current City regulations. He also stated the Planning Board recommended that the City Council consider approving a special sign for this special occasion instead of making a change in the ordinance to allow such large signs as a general rule. He then stated that the Planning Board did discuss wording for anniversary signage, but there was no consensus among board members regarding what would be an appropriate size or duration of an anniversary sign as well as the issue of what anniversaries could be celebrated with an oversize sign. Home Savings Bank would like to put this sign up in early February.

If the Council wants to consider a text change to the sign regulations to handle future requests, Mr. Wolf will pass this information to the Planning Board.

Ms. Kelly Lowder with Home Savings Bank came forward and stated that the bank has chosen a banner that is 14 feet X 10 feet and constructed of mesh to display.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a request of Home Savings Bank for an exception to the City Sign Ordinance concerning the size and duration of a temporary sign by approving the request for a 14 feet X 10 feet mesh 100 Year Anniversary Banner for 100 business days, which is allowing a variance to the City ordinance.

The Mayor and City Council considered approval of the Analysis of Impediments to Fair Housing December 2010. It was noted that this Fair Housing Plan identifies the impediments to home ownership that exist and identifies activities that the City will take each year to address this issue.

Planning and Community Development Director Keith Wolf came forward and stated that the City is required to adopt this plan in order to be eligible to receive Federal funding such as Community Development Block Grant Funds. The plan was developed by James Luster and staff of Centralina COG with assistance from Bob Sasser and Keith Wolf. It identifies the impediments to home ownership that exist and identifies activities that the City will take each year to address this issue.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the City of Albemarle Analysis of Impediments to Fair Housing Plan.

Mr. Wolf introduced Ms. April Underwood who has just been hired as a Planner I in the Planning and Community Development Department.

The Mayor and City Council reviewed a bid tabulation for the Electric Division of the Public Utilities Department. The bids were received on January 6, 2011.

Jonathan Misenheimer Project Coordinator noted that the transformers are used in the Electric Division and five companies submitted bids for consideration. Council received the bid tabulations with extended bid evaluations. Mr. Misenheimer noted that there are sufficient funds in the FY 2010/2011 Public Utilities budget for the listed recommendations.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a bid tabulation for the Electric Division for transformers as follows:

(Bid Tabulation)

The Mayor and City Council considered meeting with NC Department of Transportation to discuss potential intersection safety improvements on the Northeast Connector. NCDOT Staff has offered to make a presentation on the possibility of constructing roundabouts on the Northeast Connector at the Mountain Creek Road and Ridge Street intersections.

Councilmember Hall requested that NCDOT make one presentation to both the City Council and the County at one time.

Mayor Whitley stated that NCDOT can make their presentation at a regular City Council meeting. He asked the City Manager to call them and determine a date.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-02) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AN ORDINANCE TO AMEND FY 2010-2011 BUDGET OF THE CITY OF ALBEMARLE, NORTH CAROLINA." passed first reading.

The Mayor and City Council considered a resolution to request the NC Department of Transportation permit change in signage. The City Manager noted that NCDOT has reviewed and approved the new sign design approved by City Council that will include all 5 championship years. He said that they had advised him that they also need a resolution of City Council requesting this change. Also, when the new signs are installed, it is recommended that the signs that are taken down be declared surplus and sold with the proceeds to go to offset the cost of the new signs which were an unbudgeted

expense. City Council could donate one to the high school if they are so inclined for display at the school.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution to request the NC Department of Transportation a permit change in signage.

(Resolution 11-04. To change permit in signage by NCDOT for the Albemarle Football Championship sign.)

The City Manager also said that he had been advised by Dave Bright that the coaches have selected February 21 for the football team to attend the Council meeting for the presentation of the resolution adopted by City Council.

The Mayor and City Council received a copy of the Police Department Annual Report. The Annual Report shows significant decreases in crime in the City during 2010. The Police Chief encouraged City Council to review the information at their convenience and feel free to contact him if they have questions. He also stated that the City is very fortunate not to have an increase in crime since we were short handed with the positions frozen during the year. The report will show the breakdown in different types of crime and the decreases in each. The report incorporates a great deal of information about the department.

The Mayor and City Council discussed NC League of Municipalities 2011-2012 Advocacy Goals. These goals were adopted at the Legislative Goals Advocacy Conference on January 20, 2011. Councilmembers Hall, Neel, and Townsend, and Assistant City Manager Michael Ferris and the City Manager attended the initial NCLM Legislative Goals Advocacy on January 20 in Raleigh. The City Manager thought this was a very useful and productive session, and it resulted in the adoption of the attached goals through a democratic process in which every municipality present had a vote on proposed legislative goals.

Councilmember Townsend stated that he was well please with the conference and thought it was very successful.

Councilmember Hall stated that there were around 300 people there and was a huge undertaking.

The City Manager asked Council to look at some of the issues which are already actively being discussed and bills already introduced such as reforming annexation.

The Mayor and City Council reviewed the proposed Electricities of NC Legislative agenda. The City Manager noted that this agenda will be considered for adoption by the ElectriCities Board of Directors at their February 2011 meeting. ElectriCities has sent out this proposed legislative agenda and invited members to make any comments or recommendations regarding this proposal prior to its consideration by the ElectriCities Board of Directors.

The Mayor and City Council reviewed information on the status of the zoning of Stanly Community College property. The Planning Board recommended at its January 25 meeting the creation of an Institutional and Office District. No action is required from the City Council at present and this information is being provided as an update.

The City Manager noted that at the meeting on January 25, 2011 the Planning Board reviewed options for creating a new zoning district that could be used for both all of the community college property and the armory. This was in response to concerns expressed at the December meeting about using the current zoning of the campus, General Highway Business, for the property recently annexed into the city limits. Staff was asked to prepare a zoning text amendment for the February meeting creating an Institutional and Office District with permitted uses. Some or all uses considered, could require a conditional use permit.

The City Manager also stated that a zoning map amendment could be drafted by City staff for the next meeting or a following meeting to include all of the community college property and the county property where the armory is located.

The Mayor and City Council received information on a presentation on the proposed Duke Progress Energy Merger. This information was provided at the North Carolina Municipal Power Agency Board of Commissioners Meeting on January 25,

2011. This merger has a potential impact on the two public power agencies and so it is being closely studied by the staff at ElectriCities.

Councilmember Holcomb stated that she and several of the City Council members attended the dedication for the Anderson Grove Baptist Church new building on Sunday, February 6. She wanted to thank Anderson Grove Baptist Church for inviting them and that they have a beautiful facility.

Councilmember Townsend asked that our City Council get involved and be a part of Charlotte hosting the Democratic National Convention in 2012. He stated that we need to see what services we may offer Charlotte which would give our City great exposure. Charlotte may need extra police force during the convention.

Councilmember Townsend also mentioned the value of the City staying informed on the local, state, and national levels about issues. He mentioned the NLC Congressional City Conference in Washington, DC which will be held March 12-16. Municipal officials from across the country come together to gain valuable insight into the latest Capitol Hill activities affecting cities and members and to share best practices. Mr. Townsend stated that it allows us to talk with senators and congressman and is good exposure.

Councilmember Hall reminded Council that the Stanly County COG meeting is on February 22 in Richfield.

Councilmember Hall also mentioned attending the dedication of Anderson Grove Baptist Church's new center on Sunday and how nice and large it is.

Councilmember Hall stated that on Saturday, February 5, 2011 at 10:30 A.M., the Albemarle-Stanly County Airport Authority dedicated their new terminal as the Stanly County M.W. Mullinix, Air Terminal. She stated that around 250 people attended the dedication. She asked that if anyone has the opportunity to please go out and see it.

Councilmember Underwood stated that he and Councilmembers Hall, Holcomb, Napier and Townsend all attended the dedication of Anderson Grove Baptist Church's new center this past Sunday.

Councilmember Alexander wanted to congratulate the Electric Division. He stated at 4 pm yesterday a transformer went out and within 40 minutes power was back on.

Councilmember Hall congratulated Judy Redwine as being appointed the interim Public Utilities Director at this time.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, the City Council adjourn until Saturday, February 19 at 8:00 am for a City Council Budget Work Session in the City Hall.