

REGULAR MEETING CITY COUNCIL  
July 18, 2011

The City Council of the City of Albemarle met in a regular session on Monday July 18, 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.

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The Mayor presented a retirement certificate to Mr. Claude M. Burleson, Public Works. Mr. Burleson came to work for the Public Works Department as a laborer in 2000, and retired on June 1, 2011 in the position of equipment operator.

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Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the minutes of July 5 regular session and July 5 closed session were approved as submitted.

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The Reverend Bob Gruver, Stanly County Pays Tribute, came before City Council to request the closing of Franklin Street between First and Second Streets in conjunction with the September 11 Memorial Service on Sunday, September 11, 2011. The City Manager noted that this committee held observances in Cannon Park for a few years after the September 11 attacks and are planning to hold a 10th anniversary observance in Cannon Park. They are also requesting that the City supply temporary power for the event as we did for the other services.

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Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of Franklin Street between First and Second Streets from 1-11 pm in conjunction with the September 11 Memorial Service on Sunday, September 11 starting at 6 pm and the City to supply temporary power for the event.

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Mayor Whitley stated that City Council has a copy of the monthly departmental reports in their agenda packets and asked if there were any questions.

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

- (Ordinance 11-18)
- (Ordinance 11-19)
- (Ordinance 11-20)
- (Ordinance 11-23)
- (Ordinance 11-24)

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Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the following appointment was made to the Zoning Board of Adjustment:

Benjamin Lisk - 3<sup>rd</sup> alternate – expiring July, 2012

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the following appointment was made to the Community Appearance Commission:

Pauline Jackson – term expiring July, 2014

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The Mayor and Council decided to hold over the appointment to the Historic Resources Commission until the next meeting on August 1.

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The Mayor and City Council considered the approval of an agreement with the North Carolina Department of Transportation for the biennial inspection of municipal bridges. The City Manager noted that the City is required by law to conduct an inspection of its bridges every two years and 80% of the cost of doing so is paid by

NCDOT using federal aid highway funds, with the City paying the other 20%. This cost to the City is approximately \$4,000 per inspection cycle.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved an agreement with the North Carolina Department of Transportation for the biennial inspection of municipal bridges.

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The Mayor and City Council received a report on a question regarding the Albemarle ABC Board local distributions in FY 2011-2012. At the July 5 meeting of City Council Councilmember Holcomb had a question about the non law enforcement distribution to the City from the ABC board, which was not clear in the budget. The City Manager noted that he contacted System General Manager Karen Cranford about this and she advised that this \$96,000 annual amount was broken down into two places in the ABC Budget. \$66,000 is in the category of Mandatory 3.5% distribution and bottle tax, and \$30,000 is under Other County/Municipal distributions. All of this \$96,000 is proposed to be distributed to the City.

Councilmember Holcomb asked that the ABC Board notate the City in its budget to distinguish this yearly donated amount.

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The Mayor and City Council considered a resolution honoring the service of Carrie Lyerly on the Zoning Board of Adjustment. The City Manager noted that Councilmember Townsend had suggested this and City Council had concurred in doing something to recognize Ms. Lyerly's service on the ZBA.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved a resolution honoring the service of Carrie Lyerly on the Zoning Board of Adjustment.

(Resolution 11-22. To honor the service of Carrie Lyerly on the Zoning Board of Adjustment.)

Upon questioning, the City Manager stated that Ms. Lyerly can be invited to the joint meeting of City Council, Planning Board and Board of Adjustment this week and the resolution presented then or at the next City Council meeting. Councilmember

Townsend stated that he would prefer the resolution be presented to Ms. Lyerly at the next Council meeting.

Councilmember Hall asked that Council invite her to both meetings and present the resolution to her at the next Council meeting.

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The Mayor and City Council received a report on the status of construction at 109 Penny Street. The City Manager noted that Councilmember Neel asked that the property owner be notified of the tall grass growing at this location, and that notice has been sent. He also asked for a status report on construction at this location, since there has not been any apparent activity in recent months.

Planning and Community Development Director Keith Wolf provided Council with a report on this property. He stated that he had spoken with David Harrington in the County Central Permitting office on July 6 and he said state regulations required that the building plans be changed. The work on the building had to come to a halt until the building plan alterations are approved by the County. City Fire Marshal Brian Taylor had received a copy of the revised plans on July 13. Mr. Harrington also told Mr. Wolf that the large tank on the property was a grease retention device for the commercial kitchen in the building and confirmed that the facility will not have a septic tank. Mr. Wolf also stated that a violation regarding the high grass on the property has been sent to the property owner.

The City Manager stated that once a letter of violation is sent, the property owner has to be given 15 days to respond. If no response or action is taken, the City will have the grass cut and charge the expense back to the owner.

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The Mayor and City Council received a reminder that the individual payments are due from the Mayor and Councilmembers for the sign at Albemarle High School. Councilmember Neel had asked that this item be placed on the agenda to remind everyone to bring a personal check for the sign that the Mayor and Council have sponsored at the football field at AHS. The total annual cost is \$333.33, so the individual amounts are \$41.66.

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The Mayor and City Council were reminded that updates to the Code of Ordinances are available and asked to bring their code books in for updating.

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Councilmember Holcomb mentioned an incident with a Waste Management employee where he had pulled his vehicle into someone's drive as he was checking on pickup by Waste Management. The property owner had become scared and worried of the vehicle parked in her drive. The Waste Management employee had a Pennsylvania license plate and the property owner did not know who they were. Ms. Holcomb asked that Waste Management be contacted about this concern.

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Councilmember Hall invited the Council to attend the next RPO meeting that is being held in Marshville this Thursday, July 21 at 6 pm. Also, Ms. Hall asked everyone to come out to Market Station on Thursdays which is in week 10 of its summer concerts.

Councilmember Hall also mentioned a sight problem at the corner of 10<sup>th</sup> Street and Pee Dee Avenue, the abandoned house on the west corner. The hedges are over the walkway.

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Councilmember Neel stated that there are grass clippings being dumped on Smith Street south of Colonial Drive.

Mr. Neel stated that we need to do something about the night depository at City Hall. It is too awkward to get to and too high. It is around 5 feet high and needs to be 36-40 inches high. The City Manager stated that this is on his list and this will be taken care of.

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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.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, 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 there is nothing to report at this time.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council adjourned to Wednesday, July 20 at 6:30 p.m. for a joint meeting with the Planning and Zoning Board and the Board of Adjustment.