

REGULAR MEETING CITY COUNCIL

July 5, 2011

The City Council of the City of Albemarle met in a regular session on Tuesday, July 5 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 Underwood, seconded by Councilmember Townsend, and unanimously carried, the minutes of June 20 regular session was approved as submitted.

A public hearing was held to consider adding an Institutional Office Zoning District. No one from the public spoke for or against this matter.

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 Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 11-24) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING CHAPTER 92 OF THE CITY’S CODE OF ORDINANCES, ZONING REGULATIONS, TO ADD THERETO A NEW ZONING DISTRICT, SECTION 85(C), I-O INSTITUTIONAL AND OFFICE DISTRICT, IN THE CITY OF ALBEMARLE, NORTH CAROLINA.” passed first reading.

A public hearing was held to consider a text amendment for Chapter 92.017 Fence, Wall, and Hedge Limitations. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, an Ordinance entitled (Ordinance 11-23) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING CHAPTER 92 OF THE CITY'S CODE OF ORDINANCES, ZONING REGULATIONS, TO PROVIDE FOR LIMITATIONS FOR CERTAIN FENCES, WALLS AND HEDGES IN THE CITY OF ALBEMARLE, NORTH CAROLINA." passed first reading.

Mr. Tyvon McDonald, Mt. Zion Baptist Church came before City Council requesting a street closing for a back to school gospel fest. They are requesting the closing of Wall Street between MLK, Jr. and Lundix Street between 10 am-3 pm and Gibson Street between Wall and Colston Street between 10 am-8 pm.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the closing of Wall Street between MLK, Jr. and Lundix between 10 am to 3 pm and Gibson Street between Wall and Colston Street from 10 am to 8pm on Saturday, August 13 for a Back to School Gospel Event.

Mr. Tim Lowder, WK Dickson came before City Council to provide a status report on the Concord/Kannapolis/Albemarle water line project.

Mr. Lowder stated that the preliminary design is complete. He said they are 45% complete with the engineering design and the pump stations are completed and sites identified for each county. The easements are 40% complete here in Stanly County and the permits are 50% complete. The railroad approval was received back in just 6 weeks. The bidding is scheduled for December if all easements are in place. Mr. Lowder answered questions that Council had concerning the project.

Mr. Lowder also stated that the proposed agreement with Norfolk Southern Railroad for the water line crossing on NC Hwy. 49 was given to Council and approval is requested.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved an agreement with

Norfolk Southern Railroad for the water line crossing on NC Hwy. 49 and correcting the spelling of Stanly.

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 Hall and unanimously carried, the following ordinances passed second reading and were duly adopted:

(Ordinance 11-15. AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF ALBEMARLE REGULATING PASSENGER LOADING ZONES ON THE PUBLIC STREETS IN THE CITY OF ALBEMARLE.)

(Ordinance 11-22. AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING CHAPTER 77, SCHEDULE IX TO INCLUDE ADDITIONAL STREETS IN THE ANDERSON RIDGE SUBDIVISION IN THE CITY OF ALBEMARLE, NORTH CAROLINA.)

The Mayor and City Council discussed some of the remaining appointments to be made to the City Boards and Commissions.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the following reappointment was made to the Historic Resource Commission:

Sheila Simpson - term expiring July, 2012

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

Misty Swaringen - term expiring July, 2014

Councilmember Townsend stated that he is going to ask Ms. Pauline Jackson if she would be interested in serving on the Historic Resources Board.

The Mayor and City Council considered an agreement with Houston-Galveston Area Council (H-GAC) for the purchase of fire apparatus under provisions of North Carolina purchasing law. The City Manager noted that the fire department is seeking to purchase two pumpers which were approved in the 2011-2012 budget. The fire department has utilized a fire apparatus committee to determine the manufacturer that would offer the best price, terms and delivery time. The apparatus committee has recommended the apparatus be built by Emergency One and be purchased from Fire Connections, the North Carolina E-One dealer which is located in Rocky Mount, NC. In order to accept the recommendation of the fire department apparatus committee and obtain the best possible price the city will need to join the Houston-Galveston Area Council (H-GAC) purchasing program. There is no cost to the city to join the program. The cost of utilizing this purchasing program is built into the price of the fire apparatus.

Fire Chief Shawn Oke and Purchasing Coordinator Linda Lewis answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved an agreement with Houston-Galveston Area Council (H-GAC) for the purchase of fire apparatus under the provisions of North Carolina purchasing law.

The Mayor and City Council considered having a Gang Awareness Program when the City hosts the Stanly County Council of Governments.

The City is scheduled to host the Stanly County Council of Governments in November, and Councilmember Hall had suggested that the City Council consider having a short program and viewing of a video about street gangs that was shown at the gang prevention workshop a couple of weeks ago.

The Mayor stated that the City will make the Gang Awareness Program a part of the November meeting that the City is hosting.

The Mayor and City Council considered a recommendation for a text change for Findings of Fact required for variance cases. It was noted that this text change was recommended by the Planning and Zoning Board at its meeting on June 28. A public hearing is required to consider this amendment.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved setting public hearing for Monday, August 1 to consider a text change for the Findings of Fact required for variance cases.

The Mayor and City Council considered a street closure request for an annual Tour de Elvis 5K and Cycle Tour. Parks and Recreation Director Toby Thorpe stated these events are sponsored by the Albemarle Parks and Recreation Department. This is the second year of these two events, which benefit the Snyder Greenway Fund, and are lead-ups to the "Elvis at the Lake" concert at City Lake Amphitheatre. The 5K event will take place on August 12 at 7:30 pm and will start and end at Don Montgomery Park. The Cycle Tour will take place on August 13 beginning at 8:00 am and will start and end at City Lake Park. Requests have been submitted to NCDOT for closure of DOT streets as well. AP&R will coordinate with Police and Public Works to properly sign and mark the street closures.

Upon a motion by Councilmember Holcumb, seconded by Councilmember Hall and unanimously carried, the City Council approved street closings for a 5K race on August 12 at 7:30 pm that will start and end at Don Montgomery Park and the Cycle Tour that will take place on August 13 beginning at 8 am and will start and end at City Lake Park.

The Mayor and City Council received a presentation of a trail mapping project by intern Shea McSwain.

Parks and Recreation Director Toby Thorpe introduced Shea McSwain, a Geography and Planning student at UNC Charlotte, who has completed a four-week

internship at the end of June. Mr. McSwain has been assisting the Parks and Recreation Department as an unpaid intern for the past month, and will present information regarding his work with the department.

Shea McSwain give a brief PowerPoint presentation of his internship duties, which was to plot and develop hiking trail maps of all trails in City Lake, Morehead, and Rock Creek Parks.

Mayor Whitley thanked Mr. McSwain for his contribution of trails to the Parks and Recreation department.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 11-18) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING ORDINANCE 01-31 ADOPTING A PROJECT BUDGET ORDINANCE RELATING TO THE CONSTRUCTION OF GREENWAYS TO BE USED AS A MULTI-USE BICYCLE/PEDESTRIAN PATH, TO TRANSFER RESIDUAL FUNDS AND TO CLOSE THE CAPITAL PROJECT” passed first reading.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 11-19) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING ORDINANCE 05-01 ADOPTING A PROJECT BUDGET ORDINANCE RELATING TO THE NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND ADMINISTERED BY THE NC PARKS & RECREATION TRUST FUND SUPPLEMENTED BY MATCHING FUNDS FROM THE CITY OF ALBEMARLE” passed first reading.

The Mayor and City Council considered closing the Alfred Street CDBG project and transfer remaining funds back to General Fund. Councilmember Townsend had some concerns over one of the homes in this project and asked to hold approval of this ordinance over, which would allow time to check on this house. Finance Director Colleen Conroy stated that this will just close the CDBG project which will only move the money to the General Fund and the funds will be available for future use on this same project.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, and unanimously carried, an Ordinance entitled (Ordinance 11-20) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, CLOSING GRANT PROJECT BUDGET ORDINANCE RELATING TO THE ALFRED STREET PROJECT THROUGH THE DEPARTMENT OF COMMERCE” passed first reading.

The Mayor and City Council received a report on the solid waste collection at 740 North Second Street. Councilmember Neel had noticed larger than typical amounts of household trash at this location, and had requested that City staff monitor this location and provide a report to City Council.

The City Manager stated that he was able to go by on June 27 and look at this location around 7:30 am, and took a photo that Council reviewed. The photo shows only 1 roll out cart and two small televisions which is well within the limit for household trash in the City's contract with Waste Management.

The Mayor and City Council considered attendance at the National League of Cities Congress of Cities, November 9-12, Phoenix Arizona. Councilmember Hall asked that this be placed on the agenda in case any members of City Council knew this far in advance that they planned to attend this meeting. There is a \$25 reduction in the registration fee if you register in early registration by July 7. The advanced registration fee requires that you register by September 15.

Mayor Whitley asked if any Councilmember is planning to attend, to notify the City Manager.

The City Council considered rescheduling the September 5 City Council Meeting due to a conflict with the Labor Day Holiday.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved rescheduling the September 5 City Council until Tuesday, September 6 at 7 pm.

The Mayor and City Council received information on the Albemarle ABC Board FY 2011-2012 budget. The City Manager noted that in accordance with the new state statutes governing ABC Board operations, the Albemarle Board has provided a copy of their FY 2011-2012 budget and budget message to Council.

Councilmember Holcomb asked why the \$8,000 monthly distribution from the ABC Board to the City is not showing up under distributions in their budget ordinance. The City Manager stated that he will ask the ABC Board.

The Mayor and City Council were informed that the updates to the Code of Ordinances are now available. City Council is requested to bring their code books in to be updated. The Code of Ordinances is also available online and the online version is updated quarterly.

The Mayor and City Council reviewed information of the State of NC ban on televisions and computer equipment in landfills went into effect on July 1, 2011. The City Manager noted that the State of North Carolina banned televisions and computer equipment from being disposed of in landfills effective July 1, 2011. The Department of Public Works accepts these items for recycling at the landfill for a reduced handling fee. Public Works has prepared a news release to inform citizens of this requirement, and have notified Waste Management not to collect these items with other solid waste. The City will continue to publicize this requirement among all landfill users to achieve compliance with this state law.

Councilmember Neel asked if City residents pay a fee for this disposal at the City landfill. Public Works Director Mike Lambert stated that the City residents pay a fee as everyone does. The fee is \$5 up to 1 ton.

Councilmember Hall stated that if you are a customer of Green Pieces Recycling, they take these items at anytime.

Councilmember Townsend stated a concern he has in the South Albemarle Community. Mr. Townsend stated that there were police license checks happening in front of a church during church hours within the last two weeks near the corner of Gibson

Street and Wall Street. He commended all the police officers for everything that they are doing in South Albemarle.

Councilmember Neel stated that the old eye clinic on Penny Street is an eyesore. Planning and Community Development Director Keith Wolf stated that they have a building permit and are in the process of renovating.

Councilmember Neel also stated that the weeds at the curb are chest high. Mr. Wolf said that he will give this information to Planner I April Underwood as high priority so she can send a letter out to the property owner.

Councilmember Underwood asked about the repair of the clock at the square. The City Manager stated that he will check on this.

Councilmember Holcomb asked who owns the house at the corner of Montgomery Avenue and Ninth Street and stated it always has grass clippings at the street. The City Manager stated that the Clyde Sawyer family owns the property and lives there.

Councilmember Alexander stated that maybe a reminder about grass clippings should be placed back in the bill stuffer again.

The City Manager asked that Public Housing Director Garry Lewis come forward and speak about the fence opening on Lincolnton Street.

Mr. Lewis stated that a complaint was made regarding the opening in the fence that separates the public housing property and the St. Paul Holiness Church property on Lincolnton Street. This fence is located at the rear of the church and runs along the property from one end of the apartments on South Bell to Inger Street. The housing staff will close this opening and move it farther away from the church about 25 feet with another opening in the fence.

Councilmember Townsend moved that the housing staff close this opening and move it farther away from the church about 25 feet with another opening in the fence. The motion was seconded by Councilmember Neel. Voting for the motion were Councilmembers Alexander, Neel, Townsend and Underwood. Voting against the motion were Councilmembers Hall, Holcomb and Holcomb. The motion carried.

The City Manager asked that Police CEO Ronnie Michael come forward concerning information just received. Mr. Michael handed out information to Council and stated that a piece of equipment had previously been declared surplus and left off the list that had been provided to Council and he is here to report the sale to Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council approved the report.

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

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, 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 to consult with the City attorney and to discuss real estate matters and there is nothing to report at this time.

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