

REGULAR MEETING CITY COUNCIL  
June 21, 2010

The City Council of the City of Albemarle met in a regular session on Monday, June 21, 2010 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, Dexter Townsend and T. Ed Underwood. Absent, Councilmembers Jeanette M. Napier and Jack F. Neel.

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The Mayor presented a retirement certificate to John A. Lambeth, Jr. who retired on June 1, 2010 after 30.4 years of service.

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The Mayor presented the N.C. Department of Labor Safety Achievement Awards. The Gold Award criteria is based on achieving a rate of days away from work, job transfer or restriction that is at least 50 percent below the industry rate. The Silver Award criteria includes lost workday cases but not restricted work activity and the applicant must attain a rate for cases with days away from work that is at least 50 percent below the industry rate.

Third Consecutive Year Silver - Fire Department presented to Fire Chief Shawn Oke

First Year Gold - Police Department presented to Police Chief Ronnie Michael

Second Consecutive Year Gold - Administration, Community Development, Engineering & Housing presented to Planning and Community Development Director Bob Sasser

Third Consecutive Year Gold - Parks & Recreation Department presented to Parks and Recreation Director Toby Thorpe and Recreation Superintendent Oliver Webster

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the minutes of June 8 regular session were approved as submitted.

Mr. Monte Mauldin came before City Council as an announced delegation to request a refund for taxes billed and collected for property outside the city limits. Mr. Mauldin is making the request on behalf of his father, Phillip Mauldin, regarding property he owns at 206 Anderson Grove Church Road.

Mayor Whitley stated that the assessed value of Mr. Mauldin's property is \$2,921 and the City tax is \$.56 per \$100 dollars each year. This equates to \$16.36 per year times 30 years which equals \$490.00 due Mr. Mauldin. He also stated that Council received a copy of the letter from Assistant City Manager Michael Ferris explaining this situation.

Councilmember Hall asked how many others that may have the same issue. She stated that GIS has come a long way and there may be several people in this same situation. The City Manager stated that there are other similar cases, but there has only been one request for a refund so far.

Councilmember Townsend asked how long the City tax rate has been at \$.56 per \$100. The City Manager stated that the tax rate has been \$.56 for 4-5 years. He also said that over the past 30 years the rate has been higher and lower than \$.56, but this is a good average tax rate for the City of Albemarle.

Councilmember Alexander stated that there is no interest payment involved in the payment to Mr. Mauldin.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved a refund of taxes billed and collected regarding property Mr. Mauldin owns at 206 Anderson Grove Church Road in the amount of \$490.80.

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The Mayor and City Council reviewed a presentation of the Stanly County Comprehensive Parks and Recreation, and Trails Master Plan. This project was a cooperative effort jointly funded by Stanly County, all of the Stanly County municipalities, and the Carolina Thread Trail. Parks and Recreation Director Toby Thorpe coordinated this effort on behalf of the Stanly County local governments, and a steering committee with appointees from each local government selected the consultant and guided this process.

Mr. Toby Thorpe presented the proposed Comprehensive Parks and Recreation part of the presentation. He stated that Travis Morehead of the Carolina Thread Trail will present the Trails and Greenways part of the presentation. As part of the presentation, Mr. Thorpe stated that the public outreach, public surveys and responses

were completed. Out of over 4,000 households, there was an 8% response rate. Mr. Thorpe stated that there are three priorities which include 1) Trails and bikeways, 2) conservation of green space, and 3) to improve existing Parks and Recreation facilities. Presently, the County is not involved in providing parks and recreation services, only the municipalities within Stanly County. Next is completing the priority action steps and policy recommendations.

Mr. Travis Morehead with Carolina Thread Trail came forward and stated that he is the Community Coordinator with CTT. He displayed the counties in the planning phase or implementation phase of the project. Mr. Morehead said that they are now in Phase III of the process for Stanly County which includes 109 miles of trail being planned for Stanly and 9.8 miles of trail within the City limits of Albemarle. He displayed the proposed CTT routes.

Councilmember Hall asked that Council consider approval.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Stanly County Comprehensive Parks, Recreation, and Trails Master Plan.

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Dr. Chris Bramlett, Chairman, ADDC came before City Council to report on ADDC activities for FY 2009-2010 Fiscal Year Report and to present recommendations for the ADDC Board of Director appointments. Gina Martin is the ADDC Vice Chairman, and has been elected as the incoming Chairman by the ADDC Board. Dr. Bramlett has served as the ADDC Chairman for several years.

Dr. Bramlett thanked the City Council and the City for their great support over the last few years. He stated that Gina Martin will be coming in as the new chairman of the ADDC. Mr. Bramlett gave a brief report of the ADDC including:

- 1) All Star Mills Project
- 2) Farmers Market underway for this year
- 3) Market Station needing repairs and is underway
- 4) Design Committee – hanging baskets and urns, rose garden added
- 5) Promotions Committee – Outdoorsman Bonanza – huge success and 1/3 of budget comes from this event
- 6) Beach Blast – huge success this year
- 7) Wag fest – success
- 8) Downtown Christmas – huge success
- 9) Economic restructuring is underway
- 10) New visitors center in the old Cabarrus Bank Building

Dr. Bramlett stated that Albemarle has great quality restaurants for a town of its size including: JD Shuckers, Pontiac Point, Off the Square, The Boardroom along with a lot of others.

Dr. Bramlett stated that the recommendations for the ADDC Board of Director appointments is as follows:

Tamara Singletary  
Betty Crook  
Tim McCauley  
Blake Martin to fill unexpired term of John Mullis

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved the recommendation for the ADDC Board of Director appointments for the ADDC Board terms expiring including Tamara Singletary, Betty Crook, Tim McCauley and Blake Martin.

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Mr. Terris Little came before City Council as an unannounced delegation requesting a street closing for a 4<sup>th</sup> of July Block Party on Lennox Street from 1 pm until 11 pm. Mr. Little asked that from the intersection of Arey Avenue and Lennox Street to the intersection of Leonard Avenue and Lennox Street be closed on July 4 during the requested time frame.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a street closing for a 4<sup>th</sup> of July Block Party on Lennox Street from 1 pm until 11 pm including paying a \$50 street closing fee.

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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 Holcomb, seconded by Councilmember Hall and unanimously carried, the following ordinances passed second reading and were duly adopted:

(Ordinance 10-23. To rezone 3.25 acres from (CBD) Central Business District to (LID) Light Industrial District.)

(Ordinance 10-24. To appropriate fund balance for transfer to City Hall Project.)

(Ordinance 10-25 - To amend Ordinance 09-32, establishing the Morrow Chase Project Budget.)

(Ordinance 10-26 - To amend Ordinance 08-05, the City Hall Project Budget.)

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The Mayor and City Council considered appointments to City boards and commissions with terms expiring in July 2010.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the following appointments were made to the Albemarle Downtown Development Commission.

- Tamara Singletary - Term Expiring July 2013
- Gina Martin - Term Expiring July 2013
- Betty Crook - Term Expiring July 2013
- Tim McCauley - Term Expiring July 2013
- Blake Martin - Fill unexpired term ending July, 2012

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Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the following appointment was made to the Tree Commission.

- Dr. RV Liles - Term Expiring July 2013

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the following appointment was made to the Parks and Recreation Advisory Board:

- Ben Davis                      Electoral District                      (2 yr expiring July 2012)

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the following appointment was made to the Parks and Recreation Advisory Board:

Anita Owens-Scott    School District                    (2 yr expiring July 2012)

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the following appointment was made to the Parks and Recreation Advisory Board:

Ken Russell                    Electoral District                    (2 yr expiring July 2012)

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Greenway Commission:

Julie Snyder Curtis    -            Term Expiring 2013  
Willie Napier            -            Term Expiring 2013  
Lawrence Durrett       -            Term Expiring 2013

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the following appointments were made to the Planning and Zoning Board:

Nancy Jolly                    - Term Expiring 2013  
Peter Henkmenjohann - Term Expiring 2013

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following appointments were made to the Zoning Board of Adjustment:

Kent Newport -    Term Expiring 2013  
Kent Harkey    Term Expiring 2013

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Historic Resources Commission:

Conrad Carter –	Term Expiring 2011
Stephen Chambers –	Term Expiring 2011
Sheila Simpson –	Term Expiring 2011
Ritchie Hearne -	Term Expiring 2011
Roger Martin –	Term Expiring 2011
Meagan Clavey –	Term Expiring 2011
Gene Starnes -	Term Expiring 2011
Christy Stoner –	Term Expiring 2011
Barbara Thomas –	Term Expiring 2011

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council reappointed the following to the Historic Resource Commission:

John Williams –	Term Expiring 2011
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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council reappointed the following to the Housing Board of Appeals:

Shirley Lowder -	Term Expiring 2013
Paul Childress -	Term Expiring 2013

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The Mayor and City Council considered the adoption of a No Idling Policy for City of Albemarle vehicles. The City Council authorized drafting this policy at its June 8 meeting. This policy is based on a similar policy adopted by the City of Concord with some minor modifications based on input from City staff.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a No Idling Policy for the City of Albemarle.

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The Mayor and City Council received a report on recommendations regarding speed and traffic control measures for Anderson Ridge Subdivision. Pursuant to City Council's request, Chief Michael has investigated the speeding complaints from Anderson Ridge subdivision. The Mayor and City Council received a copy of the speed trailer results of this study, along with his recommendations.

Chief of Police Michael came before Council and stated that they were unable to get a true idea due to the low amount of vehicles in the neighborhood. He stated that the manual on Uniform Traffic Control Devices (UTCD) states that speed limits should be set to within 5 MPH of the 85<sup>th</sup> percentile which in this case is 30MPH. There are no through streets with resident or their guest's traffic only. If the speed limit is lowered, the City needs to consider the cost of Speed Limit signs as anywhere we make a change, we would need to put up signage. There would be a cost each time signs are changed. Council could determine some guidelines of what would allow a lowered speed limit. There is no 4-way stops, all are 3-way and area does not meet the requirements for a stop sign placement policy that Council adopted a few years ago.

Councilmember Townsend stated that a 35 MPH speed limit had been changed to 30 MPH by Council some time back. He also said that he lives in this neighborhood with kids playing in the street because the subdivision has no playground and he would like to see the speed limit lowered to at least 25 MPH. He asked that Council consider the policy now or in the future with the sign cost being the responsibility of the residents.

Councilmember Holcomb stated that they need to talk this over and determine the neighborhood and then Council could consider this. Councilmember Hall stated that this needs more investigation.

Mayor Whitley stated that with budget restraints, to lay this item over and determine after more conversation and a plan is determined.

Councilmember Hall stated that the HOA could pay for signs in these subdivisions and the City could put them up. She asked the City Manager to get with the HOA of the Anderson Ridge Subdivision about these issues. Ms. Hall mentioned a possibility of Children At Play signs being used.

Councilmember Townsend stated that speed limit lowering may work better than Children At Play signs.

Mayor Whitley stated that this item will be held over until the City Manager speaks with the HOA of the Anderson Ridge Subdivision.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 10-28) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING AN ARRA GRANT PROJECT BUDGET ORDINANCE RELATING ELECTRIC MAIN STREET LIGHTING PROJECT GRANT." passed first reading.

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The Mayor and City Council considered a request for a street closing for the Tour de Elvis 5K Race and Bicycle Tour. As noted by the City Manager, these events will raise funds for the City's Roger F. Snyder Greenway Fund. A 5K race will be held on Friday, August 13 and a bicycle ride on Saturday, August 14 sponsored by Albemarle Parks and Recreation and several other agencies to raise funds for the Roger F. Snyder Greenway Fund. Permits for street closings and APD assistance have been filed with APD and NCDOT.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a street closing for the Tour de Elvis 5K Race and Bicycle Tour which will be held on Friday, August 13 and a bicycle ride on Saturday, August 14 sponsored by Albemarle Parks and Recreation and several other agencies to raise funds for the Roger F. Snyder Greenway Fund.

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The Mayor and City Council received a report on the NC League of Municipalities Town Hall Day. Mayor Pro Tem Alexander, Councilmember Hall and the City Manager represented the City at this event. Municipalities from across the state were well represented, and there was a significant amount of opportunity for interaction with legislative delegations and the leadership in both houses of the legislature.

Councilmember Alexander stated that the main subject was the State budget and the \$500,000,000 they hope to get from the federal government, and hopefully in turn pass some down to the municipalities.

Councilmember Hall stated that the State developed two budgets, one with and one without the federal funds Mr. Alexander mentioned. She stated that other main issues covered were the alcoholic beverage control, broadband, and annexation.

City Manager Raymond Allen stated the Senate is expected to okay the ban on electronic gaming. Councilmember Alexander stated that this will affect a lot of jobs being lost if this is ban. Councilmember Holcomb said that there are 600 Sweepstakes

Cafes in North Carolina now and does not see banning electronic gaming with the revenue that will be lost.

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The Mayor and City Council considered a request of the Forest Hills Neighborhood to close streets for an Independence Day Parade. This parade is proposed for the area around Azalea Park on Monday, July 5. City Council received a copy of the street closing application along with a copy of the policy adopted by the City Council for street closings.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a request of the Forest Hills Neighborhood to close streets for an Independence Day Parade between 9:30 am and 11:30 am on Monday, July 5 and to place a banner up to 7 days prior to this event.

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Councilmember Hall gave Council a handout of activities proposed for Albemarle's 100<sup>th</sup> Public Power Anniversary celebration. These include activities for elementary, middle school and high school kids. She stated that the City was wanting to get the hybrid car for the first week in October which is Public Power Week, but Gastonia had already asked a year ago to have the car that week.

Councilmember Hall stated that Senator Purcell and Representative Burr are working with ElectriCities to craft a resolution recognizing and honoring Albemarle on their 100<sup>th</sup> anniversary in Public Power.

Councilmember Hall asked that everyone consider Thursdays at Market Station each week at 8 pm and that the music has been great.

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Councilmember Alexander asked if City Council is invited to be there when the Albemarle Public Power 100<sup>th</sup> anniversary resolution is read. The City Manager stated that Albemarle's history information has been sent in by Public Utilities Director Ernie Borders and he will find out and let Council know.

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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 (a) 3 & 6 to consult with the City Attorney and to discuss personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to 143-318 (a) 3 & 6 to consult with the City Attorney and to discuss personnel matters.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved delaying billing and collection of business license fees for internet gaming activities until pending litigation regarding this matter and potential State law changes are resolved.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council noted a problem with the survey of the Moss Springs Road water pumping station property was recently discovered and authorized a quit claim to correct legal documents regarding the property previously thought to belong to the City and that all expenses be paid for by the surveyor.

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Councilmember Hall indicated that Albemarle Downtown Development Association Executive Director Vicki Coggins would be retiring soon. She suggested drafting a resolution to honor her years of service.

It was the consensus of Council that a resolution be drafted to honor the career and service of Vicki Coggins.

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