

REGULAR MEETING CITY COUNCIL  
March 15, 2010

The City Council of the City of Albemarle met in a regular session on Monday, March 15, 2010 at 7:00 p.m. in the City Hall Annex. Mayor Elbert L. "Whit" Whitley, Jr. presided, and the following Councilmembers were present, to-wit: Troy E. Alexander, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, and T. Ed Underwood. Absent, Councilmembers Martha Sue Hall and Dexter Townsend.

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Mayor Whitley welcomed Boy Scout Troop 191 that was present and stated that they are working on their Citizenship in Community badge.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of February 25, 2010 adjourned session and March 1 regular session minutes were approved as submitted.

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A public hearing was scheduled to consider a conditional use permit for Prospect Baptist Church.

The Mayor stated that this public hearing will once again have to be rescheduled, as it did not run in the SNAP as specified. The City Manager stated that Planning and Community Development Director Bob Sasser has spoken with Prospect Baptist Church and they requested that the hearing be postponed until the April 19 City Council meeting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, Council approved rescheduling the public hearing to consider the request of Prospect Baptist Church for a Conditional Use Permit to Monday, April 19.

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Mayor Whitley stated that there are a couple of items that have been added to the agenda and they will be discussed first under new business.

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Mr. Carl Helms came before City Council to discuss Homes of Hope. Mr. Helms called administration and requested to appear on the March 15 agenda. He appeared before Council on December 7, 2009 to request \$5,000 each for Homes of Hope and the Community Inn homeless shelter. Per the City Manager, there was no appropriation included in the FY 2009-2010 budget for either Homes of Hope or the Community Inn. The City will be undertaking significant expense on behalf of Homes of Hope to renovate the Niven Center and provide space for HOH administration and storage, including building maintenance and utilities.

As the City Manager noted to Council, Mr. Helms also appeared before Council on November 10, 2008 and at that time City Council approved a waiver of the tap fee for the sprinkler system for the homeless shelter and to amend the FY 2008-2009 to appropriate \$2,500 for the homeless shelter.

Mr. Helms came before City Council and relayed stories of homeless people and what some have had to endure. He said that the Community Inn opened on September 7, 2009 and it has helped 1400 people in a six month period and served 2800 meals. He asked that City Council consider donating \$2,500 and he would match that amount.

The Rev. Dr. James B. Bernacki, Rector of Christ Episcopal Church in Albemarle came before Council and stated that he is the chair of the Community Task Force and he appreciates the waiver of the tap fee for the sprinkler system for the homeless shelter last year. He stated that he would like to also ask for monetary support from the City even if a minimal amount. He asked that the City consider donating \$2,500 with Mr. Helm's personal match of \$2,500.

Councilmember Holcomb stated that Council will consider this request along with all of the others at the next budget work sessions. Councilmember Holcomb stated that a letter of support could be written if they need this.

Councilmember Neel stated that he would like to let the public know that City Council had approved a waiver of the water tap fee for the Community Inn and an appropriation of \$2,500. Also, the City will be undertaking a great amount of expense on behalf of Homes of Hope to renovate the Niven Center and provide space for administration and storage, including building maintenance and utilities. The City will remodel and the cost is unknown, but will probably be several thousand dollars.

The Mayor stated that the FY 2010-2011 budget will be \$600,000 lower than the FY 2009-2010 including no new hires and a 5% cut back in each department. Times are not at their best and with the City upgrading the Niven Center involves a lot of

money already. The Council will talk about this at the budget work sessions and a final answer will be given at a later date.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the City Council approved further discussion on this item and delaying a decision on this matter until a later date.

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Dr. Bill Hatley, Chairman, ADDC Design Committee came before City Council to request funding in the FY 2010-2011 budget for downtown landscaping.

Dr. Hatley came before City Council and handed out an updated itemized sheet listing downtown projects and briefly reviewed the list of items and their cost for the downtown landscaping as follows:

1. Hanging basket project	\$1,700
2. Mound in Square Park	600
3. Hotel Corner Parking Lot Improvement	250
4. Urn at 2 <sup>nd</sup> and Main square	400
5. Crosswalk planters at City Hall	100
Total estimated expense	\$3,050
Total donations	\$2,000
Request from City	\$1,050

Councilmember Holcomb asked to hold this discussion until a later date and discuss during the next budget work sessions. She also stated that Dr. Hatley and his group are doing a fine job.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved holding a decision on the ADDC Design Committee request until this is discussed further at the upcoming budget work sessions.

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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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The Mayor and City Council considered the approval of a request of A & M Development, LLC for a .88 acre lot subdivision on Leonard Avenue.

Planning and Community Development Director Bob Sasser stated that this request is for a .88 acre lot to be subdivided from a 27.6 acre tract and was recently approved by the Planning Board. Mr. Cavin Holbrook was present representing the developer. Mr. Sasser handed out a copy of the plat and sketch of the location in question.

Upon questioning by Councilmember Neel, Mr. Sasser stated that this property is zoned General Highway Business District (GHBD) and also Murphy Oil across the street, both facing Leonard Avenue.

Councilmember Neel questioned why these properties are zoned General Highway Business and not under Shopping Center zoning and why is this zoning not used anymore. Mr. Sasser stated that Shopping Center zoning is typically used for retail development under single ownership.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council approved the request of A & M Development, LLC for a .88 acre subdivision on Leonard Avenue.

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The Mayor and Council considered the authorization of a Community Development Block Grant (CDBG) to pay for 50% of the cost of the demolition of the All Star Mills, owned by the ADDC.

Planning and Community Development Director Bob Sasser stated an option would be to draw up the specifications for the demolition and to hold a public hearing if the state allows which may include an environmental review.

Dr. Chris Bramlett with the ADDC came before Council and stated that they have the railroad insisting something be done now. Dr. Bramlett asked what if this takes up to 6 months for the funding and the building falls in the meantime. Mr. Sasser stated that including the public hearing requirement, it would take around 4 months, and up to 6 months if an environmental review is required. He stated that James Luster will call the State to see what can happen.

Councilmember Holcomb stated that the ADDC should go ahead and use their reserves. Mayor Whitley stated that he understands how tough the railroad is to work with on this and the possibility of up to 6 months trying to wait on a CDBG approval.

The City Manager asked to make a suggestion of maybe going ahead and getting Council's authorization tonight on considering a Community Development Block Grant (CDBG). If this is authorized, then this can be pursued and there is a possibility of saving the City and the ADDC money if approved, if the railroad will hold off until approval is determined.

Councilmember Neel stated that the railroad needs to learn something from this. They have also dragged their feet on past projects for the City. Dr Bramlett asked do we hold off, no matter the consequences. The ADDC property overlaps railroad property and he is concerned about the building falling on the railroad track at an inopportune time.

Mayor Whitley stated that if the motion passes tonight, delay a couple of weeks. Vicki Coggins stated that the contract for demolition was signed today. They plan to start next Monday on the demolition. She said that they will speak with Representative Larry Kissell's office tomorrow in hopes of speeding up the process. Dr. Bramlett stated that he will work on getting a two week delay with the railroad.

Upon a motion by Councilmember Neel, seconded by Councilmember Napier and unanimously carried, the City Council authorized pursuing a Community Development Block Grant (CDBG) and Dr. Bramlett working with the railroad on a two week delay until this can be discussed further.

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The Mayor and City Council considered approval of Change Order Request 37 for the Waddell Center Project. This change order is in response to a need identified by the Fire Marshal for a remote fire alarm panel and additional two pull stations at the Waddell Center. This change order came from the Fire Marshal and is estimated at \$7,000. There are sufficient contingency funds to cover this cost. This is to be billed against allowances involving a no-cost change order.

Parks and Recreation Director Toby Thorpe came before Council and stated that this change request is due to the building meeting fire code. The estimated cost of \$7,000 should most likely cost half of this amount.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the Council approved Change Order Request 37 for the EE Waddell Center Project for a remote fire alarm panel and two additional pull stations in the amount of \$7,000 billed against allowances involving a no-cost change order.

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The Mayor and City Council reviewed the FY2010-FY2014 Five Year Plan & FY2010 Annual Update for the Department of Public Housing. The Department of Public Housing is required to submit a Five Year plan and Annual update to HUD and provide a public hearing for comments along with a Board resolution.

Public Housing Director Garry Lewis came before Council and stated that this involves FY 2010-2014 Five Year Agency Plan and FY 2010 Annual update for housing. This is to inform Council of any changes or adjustments to the Agency Plan prior to the required public hearing that will be held April 1 at the Public Housing office at 300 South Bell Avenue. Mr. Lewis stated that Council received handouts explaining site improvements proposed in the Five Year Agency Plan to be made including:

General site improvements including replacing parking bumpers, adding parking pads and repairing sidewalks, Playground improvements at Amhurst Gardens, replace HVAC systems with air handler and condensing unit at Amhurst Gardens, and replacing HVAC systems with air handler and condensing unit at Elizabeth Heights.

Mr. Lewis asked Council to please consider and if they have any questions, just to let him know between now and April 5. He stated that he will be back at the April 5 Council meeting to have Council consider approval of the Board Resolution for PHA Certifications of Compliance with PHA Plans and Regulations.

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The Mayor and City Council considered a resolution for the financing of the Phone System and core switches. Council has already approved the financing with SunTrust and the budget amendment. The Resolution is a requirement of SunTrust and they need this for their records.

Councilmember Holcomb moved that Council approve a resolution for the financing of the Phone System and core switches. Councilmember Neel seconded the motion.

Councilmember Neel asked if he should exclude himself from voting on this item due to having stock in SunTrust. City Attorney David Beaver stated that since Council is acting as a quasi-judicial body, Councilmember Neel should excuse himself from the voting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, Councilmember Neel was excused from voting due to a potential conflict of interest.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the Council approved a resolution for the financing of the Phone System and core switches.

(Resolution 10-07. To authorize the execution of the Phone System and core switches.)

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The Mayor and City Council received a report on a variety of surplus scrap metals that have been collected and sorted by the Public Works Warehouse personnel that need to be surplusd and advertised for bid.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the following items were declared surplus and ordered sold:

(Surplus List)

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The Mayor and City Council discussed the importance of the 2010 United States Census. Census forms will be delivered by the postal service between March 15 and March 17, and are due back by April 1 in the postage paid envelope provided by the Census Bureau. The City included the attached Census flyer in the March utility bill stuffer, and this is also posted on the City's website. An accurate count of the City's population is critical, and all citizens should be encouraged to participate. All responses are confidential.

The City Manager reminded everyone that the Census forms will go out today and are due back in by April 1. The City has posted a flier about the Census on the City website.

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The Mayor and City Council reviewed draft letters to NCDOT and USDOT regarding a federal grant to construct Phase II of the Roger F. Snyder Greenway. Pursuant to the request of Councilmember Neel and the action taken by Council at the March 1 meeting of City Council, the City Manager drafted letters for Council consideration. These are regarding Phase II of the Snyder Greenway involving the additional expense of approximately \$18,000 for inspections and testing that the City was not made aware of at the outset of the project.

Councilmember Neel commended the City Manager and stated that these letters are very good.

Upon a motion by Councilmember Neel, seconded by Councilmember Napier and unanimously carried, the City Council approved two draft letters to NCDOT and USDOT regarding grant to construct Phase II of the Roger F. Snyder Greenway.

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The Mayor and City Council received a report on a complaint of Mr. Bill Woodruff, 807 Sylvania Avenue regarding relocation of a utility pole. The City Manager noted that pursuant to a request from Councilmember Neel at the March 1 Council meeting, the Electric Division investigated this complaint. The City Manager noted that it is not known when this pole was moved, but we believe it was more than 10 years ago since aerial mapping from 2000 appears to show it in its current location. The pole serves Mr. Woodruff's house directly, and then has a line to a service pole in the corner of several yards that feed four other homes.

City staff could not see that this line, which is an insulated secondary line, has caused any damage to Mr. Woodruff's trees. The Electric Division has estimated it will cost the City's electric utility system about \$2,100 to relocate the pole and lines, with no real benefit. Both Windstream and TWC will also have to relocate their lines as well. It is recommended by staff the pole be left in place.

Councilmember Neel stated that the property is soon to be sold and the current owner wanted this completed before the new owner moves in.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the City Council denied the request to relocate the utility pole at 807 Sylvania Avenue.

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The Mayor and City Council were advised staff will make a status report concerning the condemnation of 1136 Gibson Street. The deadline set for Mr. Rorie to bring this property into compliance has passed, and staff will make a report on this.

Councilmember Townsend has requested that this report be delayed until the April 5 meeting of City Council since he will be unable to attend the March 15 meeting.

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The Mayor and City Council reviewed information on the Albemarle Parks and Recreation Mini-Medley Relay Race March 27 beginning at 8:30 am. This event will not require that any streets be closed, but may cause some brief delays of a few minutes when the larger groups of runners pass along Third and Fourth Streets, and at their intersections with Montgomery Avenue and North Street. Parks and Recreation Director Toby Thorpe and Brian Hinson were present to discuss this event and answer any questions from City Council.

Parks and Recreation Director Toby Thorpe stated that he is aware that there were concerns with traffic last year at this event. The race heads north on Third Street to East Cannon, turns east for one block to Fourth Street, then runners turn south on Fourth and continue to North Street, where they turn west for one block, then turn back to the north on Third and return to the start line. Council has received a copy of the traffic route in the agenda packet. No streets are closed during this event but to create a safe environment, two off duty Albemarle police officers direct traffic at the two crossings of Montgomery Avenue. Brian Hinson is the Race Director for this event.

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The Mayor and City Council received a reminder about the Local Elected Officials Ethics Webinar on March 25, 2010 between 4-6 pm at City Hall.

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Councilmember Neel stated that he had talked with Mrs. James Norton at 301 Harvard Drive in the Ashley Heights subdivision. Mrs. Norton said that there had always been a sign in the neighborhood, placed there by the developer, announcing the subdivision and someone has taken it down. Councilmember Neel asked Chief of Police Michael if he would look into this situation.

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Councilmember Holcomb asked Planning and Community Development Director Bob Sasser if anything had been decided about the big chicken statue located at 1421 East Main Street in East Albemarle. She stated that several people had said something to her about it. Mr. Sasser stated it was discussed at a recent meeting with the Planning and Zoning Board and City Council and the consensus at that time was to leave it alone. However, this is something that can be talked about at the next joint meeting of City City/Planning Board/Board of Adjustment.

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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 (a) 4 to discuss economic development incentives.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318 (a) 4 to discuss an agreement for economic incentives and stated that there was nothing to report at this time.

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