

REGULAR MEETING CITY COUNCIL

July 6, 2010

The City Council of the City of Albemarle met in a regular session on Tuesday, July 6, 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 presented a Certificate of Appreciation from the Stanly County Chapter of the American Red Cross that the City received. This certificate is in recognition for the City's employees for the blood drives that have been sponsored by the City. As noted by the City Manager, these have been hosted by the Fire Department in their community room, and have been coordinated by the Public Works Department, particularly Nina Underwood and Darren Preslar.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the minutes of the June 21 regular session and June 21 closed session were approved as submitted.

Ms. Gina Martin, Chairman of the Albemarle Downtown Development Corporation came before Council. Ms. Martin newly elected by the ADDC Board as its new Chairman also introduced Ms. Almond as the new ADDC Director to the City Council. Ms. Almond began her new duties on July 1.

Ms. Gina Martin thanked Council for having the opportunity to serve as a board member and now new chairman of the ADDC Board and introduced Ms. Kathy Almond who is the new ADDC Director.

Ms. Kathy Almond came before Council and stated that she is excited to be on board with ADDC and looks forward to working with City Council in the future.

Ms. Helen Hutchinson came before City Council concerning her property located on Lincoln Street. The City Manager noted, there has been a sewer line on this property for over 50 years, but Ms. Hutchinson was not aware of this fact until the City did some repair work on the line and cleared out the right of way for the line a couple of years ago. This is part of a sewer line that goes from Dr. Martin Luther King, Jr. Drive down to Glendale Street and is a one acre land locked tract on the west side of Lincoln Street. The County has valued the parcel at \$1,010, and Ms. Hutchinson pays \$5.66 annually in City property taxes. Council received a map showing this parcel along with tax information regarding the property.

Ms. Hutchinson stated that she is trying to sell this parcel and she believes that due to the City placing a sewer line, two manholes and a road on the property, she cannot sell it. She stated that the property was bought by her grandfather and all their children, her and siblings, and her children were born in the house that used to be on the property before it burned down. She said that she had a buyer but due to the sewer line going through the property, she could not sell it.

Ms. Carrie Lyerly came before Council and stated that Ms. Hutchinson is willing for the City to buy the property or compensate her due to the sewer line running through the property.

Mayor Whitley stated that he and Council have a map showing the location of the property and that it is landlocked behind another parcel. He said that the sewer lines and manholes were placed there somewhere between 1940-1945 and would not have been placed through her property without approval from the owner at that time. The sewer line crosses a corner of the property at the back.

Ms. Hutchinson stated that she inherited the property and pays taxes on the property and her family did before her.

Councilmember Townsend asked Ms. Hutchinson if the sewer line was on the property when her mother was alive. Ms. Hutchinson stated that it was not.

Councilmember Neel stated that the sewer line was placed there in 1945, almost 70 years ago. Ms. Hutchinson stated that the house that was on the property burned down.

Mayor Whitley stated that Ms. Hutchinson pays \$5.66 in City taxes each year. Councilmember Townsend stated that the property has an appraised value of \$1,010 and asked Ms. Hutchinson what amount she is hoping to sell the property for. Ms. Lyerly stated that Ms. Hutchinson wants a fair price.

Mayor Whitley stated that the City has a considerable number of sewer lines across the City and has to receive permission from the homeowner to create the right of way through their property for this. The City would not have placed a sewer line at that time without the permission of the owner.

Councilmember Townsend asked Mayor Whitley if the City has any documentation showing the approval and date for the sewer line. The Mayor said no not that far back in time. Councilmember Townsend asked Ms. Hutchinson what dollar amount she is hoping to receive for this property. Ms. Hutchinson said she would like to receive the amount it is worth. She stated with the sewer line there, she cannot sell the property and get anything out of the land.

Councilmember Neel stated that the sewer line is through the back corner of the property only and runs from Glendale Street to Summit Street and the City had to have received permission from Ms. Hutchinson's grandfather.

Councilmember Hall stated that the property was deeded to her parents in 1938. She asked Ms. Hutchinson who Jones Harris was and also Bessie Harris. Ms. Hutchinson stated that Jones Harris was her grandfather and Bessie Harris was her mother. Ms. Hall asked Ms. Hutchinson exactly how much she is wanting for the property and the buyer that is interested in the parcel. Ms. Hutchinson stated that a real estate agent had been interested in the property before knowing of the sewer line. Ms. Hall asked if there was a neighbor interested in the property since it is landlocked and she said no. Ms. Hall stated that you have to go through someone else's property to get to this parcel. Ms. Hutchinson stated that there is a street there.

Councilmember Neel said there is no road frontage to this parcel and no direct access to a public street.

Mayor Whitley stated that there will not be a decision made tonight. He asked Ms. Hutchinson to give Council time to refer with the City attorney, fully understanding the property and sewer lines, and he or the City Manager would get back with her.

Ms. Becky Weemhoff, Director of Stanly County Senior Services came before City Council to request a grant from the City Electric Fund to purchase fans for

low income senior citizens. Ms. Weemhoff had spoken with the City Manager and asked to appear before Council to request this appropriation. The City Manager noted that she indicated that Duke Energy provides an annual appropriation for this purpose, and that Senior Services received \$270.00 this year. She has advised that fans can be purchased for around \$15 each.

Ms. Weemhoff stated that her office received \$283 from the Duke Energy Foundation and they purchased 29 fans. With the extreme hot temperatures this June, all of them have been distributed. She has received \$100 from retired seniors, four fans have been donated, and she has received \$200 from Progress Energy. Ms. Weemhoff said that seniors are very susceptible to problems with the heat of summer. She said any donation from the City for fans would be greatly appreciated.

Mayor Whitley stated that the City's budget has been frozen and all departments have been asked to cut back 5%. The City has denied requests from others also due to the economic times.

Councilmember Holcomb asked the cost of the fans and Ms. Weemhoff stated that they are \$15 each for a 20" box fan. Ms. Holcomb asked how many fans they normally give out each year and Ms. Weemhoff stated 20-30.

Councilmember Holcomb and Townsend stated that they would donate money for 2 fans each.

Councilmember Alexander stated that Stanly County Christian Ministries (SCCM) received money from Duke Power and Ms. Weemhoff may want to check with them. Ms. Weemhoff stated that she would check with them.

City Manager Raymond Allen stated that the City's Public Utilities Department employees are collecting money for fans and they are planning to donate 10-12 fans also.

Councilmember Hall stated that Council will need to change the first meeting in September due to the Labor Day holiday. She asked if Council could go ahead and vote on this tonight.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, City Council approved moving the Monday, September 6 meeting date due to the Labor Day holiday to Tuesday, September 7 at 7 pm.

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 Hall, seconded by Councilmember Townsend and unanimously carried, the following Ordinance passed second reading and was duly adopted:

(Ordinance 10-28. ARRA Grant for Electric Division for a Main Street lighting grant)

The Mayor and City Council received an update on Bobby Rorie's property at Gibson Street and Arey Avenue. Mr. Rorie was given a 90-day extension by Council on April 5 in order to have the opportunity to demonstrate a good faith effort in rehabilitating his property. This extension has now expired. Council received photographs of this property taken last week.

Planning and Community Development Director Bob Sasser came before Council and referred to the photos that Council had been provided and stated that work has been done on the brick veneer exterior recently. He said that the original County permit is still good but there has not been an inspection yet.

Ms. Carrie Lyerly and Ms. Davis were present and Ms. Lyerly asked that Council continue to allow Mr. Rorie to update this property.

Councilmember Townsend stated that the photos Council reviewed were taken June 29 and there has been work done on the exterior of the property since then. The brick on the front of the building has been completed and they only lack the side closest to the house on the east side. Ms. Townsend asked Council to consider the economic times and that Mr. Rorie has shown a good faith effort.

Councilmember Holcomb asked if any other work had been done to the property and Bob Sasser stated that only some clean up around the property and nothing to the inside.

Councilmember Underwood stated that he had talked with Mr. Rorie last week. He asked that Council either stop giving extensions or go forward since he is continuing to spend money on this property.

Councilmember Townsend stated that improvements being made on the outside and the City not being in a position to deal with the asbestos problems, extra time might be best.

Councilmember Hall stated that there had been more progress on improvements in the last 90 days than in the entire time and especially the last two weeks on the outside. The inside needs to also meet code.

Upon questioning, Bob Sasser stated that the legislature extended all permits because of economic hardship for 6 months through the end of the year.

Councilmember Neel stated as a level is complete, approval is needed at that time.

Upon questioning, Ms. Lyerly stated that with the weather this past winter and Mr. Rorie being sick and having surgery with 6-9 weeks of recovery time, she asked for more time on Mr. Rorie's behalf. She said that he is putting forth his best effort.

Mayor Whitley asked who is locally looking after this project for Mr. Rorie and Ms. Lyerly stated that a man in Concord is doing this and she is the contact person for him. Councilmember Townsend asked Ms. Lyerly if the City has any questions, do they contact her, and she said yes.

Councilmember Townsend moved that City Council approve another 90 day extension and Mr. Rorie to complete enough improvements to have an inspection by the Stanly County Inspections office by October 5, 2010. Councilmember Alexander seconded the motion. Voting for the motion was Councilmembers Alexander, Hall, Napier, Neel, Townsend, and Underwood. Voting against the motion was Councilmember Holcomb. The motion carried.

The Mayor and City Council considered an appointment for an expired term of third alternate on the Zoning Board of Adjustment. The City Manager noted that there was a misunderstanding that this position was to be eliminated after the current term expired so this position was not on the agenda for reappointment at the June 21 meeting, but that is not the case. Only the 4th alternate position was eliminated by City Council due to the importance of having alternates to ensure

sufficient members are present to take action on variance requests. This position is currently held by Terry Pleasant, and he is eligible for reappointment. His attendance record for the past year was 6 of 7 meetings for a percentage of 86%. Planning and Community Development Director Bob Sasser was contacted by Mr. Pleasant and he wants to serve.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, City Council approved the reappointment of Terry Pleasant to the Zoning Board of Adjustment term expiring, July 2013.

The Mayor and City Council reviewed information concerning a Planning Board resignation. Craven Lowder at the June 22, 2010 Planning Board meeting informed the board that he was resigning due to health reasons. Craven Lowder has been a dedicated and productive member since December 23, 1997. Perry Moser has been an alternate member since 1999 and has attended 10 of the past 12. Also, Nancy Jolly who was reappointed in June with a term expiring July, 2013 is also resigning from the board.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, City Council approved appointing Perry Moser to fill the unexpired term of Nancy Jolly, term expiring July 2013.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel, and unanimously carried, City Council approved appointing Randy Shank to fill the unexpired term of Craven Lowder, term expiring July 2012.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood, and unanimously carried, City Council approved moving Bill Sells to alternate #1 and Terry Pleasant to alternate #2 on the Zoning Board of Adjustment, both terms to expire July, 2012.

The 3rd alternate position on the Board of Adjustment will now be vacant after moving the above to alternates 1 and 2 respectively. The City Council decided to hold over and vote on this at a later Council meeting.

The Mayor and City Council considered the approval of an Interfund Loan. This loan would be from the Electric Fund to the Solid Waste Fund. There are a number of items that the engineering firm assisting the City at the landfill have

identified as key projects to improving operations and remaining in regulatory compliance at the landfill.

The City Manager noted that the Public Works staff has evaluated financing operations for these recommendations, and some items such as the rain flaps in Phase II and the Posi shell can be handled with existing project and operating funds. The remaining items will need to be financed. The most cost effective method of doing so is to borrow these funds from the Electric Fund, which has strong reserves, and pay this back with interest. Finance Director Colleen Conroy has confirmed with the Local Government Commission that this is acceptable. A resolution and amortization schedule for this proposed loan was given to City Council.

Upon a motion by Councilmember Alexander, seconded by Councilmember Neel and unanimously carried, the City Council approved an Interfund Loan from the Electric Fund to the Solid Waste Fund.

(Resolution 10-27 - An interfund loan from the Electric Fund to the Solid Waste Fund)

The Mayor and City Council considered authorization to take possession of the Parks and Recreation conveyance for the former Jesse F. Niven Army Reserve Center. The City Manager noted that the City has received notification from the United States Department of the Interior that the conveyance for parks and recreation has been approved. This conveyance has been approved; however it will be approximately three months before the City receives the deed to the property. The National Park Service has requested that the City take "constructive possession" of that part of the property that has been conveyed for parks purposes. This is because they do not have any staff in this area to monitor the property. Since this property will be conveyed in two separate transactions, and the City is still waiting on the homeless assistance portion. He also stated that this deed was signed by the City several weeks ago, so the City should be receiving this deed within the next few weeks.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, City Council approved the authorization to take possession of the Parks and Recreation conveyance for the former Jesse F. Niven Army Reserve Center.

The Mayor and City Council considered a proclamation recognizing National Independent Retailers Week. Prior to her retirement, ADDC Executive Director Vicki Coggins requested that the City Council consider approving this proclamation recognizing independently owned businesses.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a proclamation recognizing National Independent Retailers Week.

The Mayor and City Council considered a resolution honoring the service of Victoria Coggins as Executive Director of the Albemarle Downtown Development Corporation.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved a resolution recognizing the service of Victoria Coggins as Executive Director of the Albemarle Downtown Development Corporation.

Councilmember Hall asked that Council give this resolution to her at a Council meeting.

(Resolution 10-26 - To honor the service of retiring Executive Director of the Albemarle Downtown Development Corporation, Vicki Coggins.)

The Mayor and City Council reviewed proposed logos for Albemarle Public Power 100th Anniversary. This year is the City's 100th year as a Public Power Community. Public Utilities staff has been working with ElectriCities of NC to put together a series of logo options for City Council consideration.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, City Council approved logo option #1 for the Albemarle Public Power 100th Anniversary.

The City Council received information about the Planning and Zoning Board's meeting on June 22, 2010. The Planning Board at its June 22, 2010 unanimously denied the following requests:

- 1) A request of Kay Wilder to rezone 8.6 acres on Speight Rd from R10 to GHBD

- 2) A request of David Robertson, owner of the Badin Rd Drive-In to reduce the required distance from residential districts for theater structures from 500' to 100'

- 3) A request of Wayne Eury and Nancy Miller to rezone the lot at the southwest corner of Concord Rd. and Pickler St. from R8 to GHBD. No City Council action is required unless the applicants appeal the Planning Board decisions

The City Council received information concerning a letter of appreciation from Stanly County Historic Preservation Commission. The City Council received a copy of the letter from the HPC in appreciation for the 2009-2010 appropriation from the City.

The Mayor and City Council received information that the FYI 2010-2011 Budget Books have been printed.

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 are also available online and the online version is updated quarterly.

Councilmember Napier asked that Council receive an updated report on the Bobby Rorie property every 30 days by Bob Sasser or Keith Wolf.

Councilmember Holcomb stated that she noticed the Welcome to Albemarle signs that are now up and they look nice.

Councilmember Hall asked about the resolution for the City of Albemarle's 100th anniversary in Public Power that Senator Purcell and Representative Burr worked with ElectriCities to develop. City Manager Raymond Allen stated that he had received a call from Mia Bailey with ElectriCities earlier today and she said that it would be read in the House tomorrow afternoon, but not sure of the time. Ms. Bailey will call tomorrow and he said that he will let Council know of the time.

Councilmember Neel asked about the letter from South Central Oil Company on the picket signs that were displayed by a local business last week and over the weekend. This was pertaining to Sandy's Home Furnishing signs advertising they are going out of business.

City Manager Raymond Allen stated that no they are off premises signs and are in violation of the City's zoning ordinance. He advised the City Council that the Planning and Zoning Department has notified the owners that these signs are not allowed. Also, Mr. Allen stated that there are some situations in which these types of signs have been used, where the City has not been able to enforce the ordinance such as in a bankruptcy. In this case, the federal law supersedes the local ordinance and the City would not be able to enforce the sign ordinance.

Councilmember Neel stated that some residents are confused on the location of the City's night deposit located on the brick column due to the lack of signage identifying its location. People do not see it and cannot locate. He said that there should be a small sign directing drivers to the brick column and a sign on the brick column saying deposit. More signage is needed at least until people learn the location.

The City Manager stated that Engineering Services Director Jon Mendenhall has recommended on signage for the depository.

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