

REGULAR MEETING CITY COUNCIL

July 7, 2009

The City Council of the City of Albemarle met in a regular session on Monday, July 7, 2009, at 5:30 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, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

Mayor Whitley delivered the invocation.

The Mayor presented the N. C. Department of Labor Certification of Safety Achievement Awards. The City received several workplace safety awards at the recent ceremony held in Albemarle by the NC Department of Labor.

First Year Silver - Police Department
Second Consecutive Year Silver - Fire Department
First Year Gold - Administration, Community Development, Engineering & Housing
First Year Gold - Public Utilities
Second Consecutive Year Gold - Parks & Recreation

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 rate for days away from work must be 50 percent below that industry rate.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the June 15 regular session, and June 15 closed session were approved as submitted.

A public hearing was held to consider a proposed Justice Assistance Grant in the amount of \$16,977.00. No one from the public spoke for or against this matter at this time.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the Justice Assistance Grant in the amount of \$16,977.00. The Police Department will use these funds to purchase equipment and will provide the County with \$4,249 of the award for the Sheriff's Patrol Program. The County agrees to use the \$4,249 for the Sheriff's Patrol Program until August 1st, 2013.

Mr. Alvin Currie, 220 North Seventh Street, came before City Council as an announced delegation to request a City of Albemarle Peddler's License. Councilmember Townsend mentioned the extra items listed on his application that he is also interested in selling. Mr. Currie was asked if he knew he would have to talk with the Parks and Recreations Department if he wanted to sell items in the parks and he stated that he was aware of this now.

Councilmember Neel asked Mr. Currie if he would be selling in one location or moving around and Mr. Currie stated that he would be moving around to different locations.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved a City of Albemarle Peddler's License for Mr. Alvin Currie.

The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

The Mayor and City Council reviewed a report on the 433 Alfred Street construction quality concerns. Planning and Community Development Director Bob Sasser has met with David Harrington, Director of Inspections with the Stanly County Building Inspections Department regarding the concerns expressed about quality and code issues at 433 Alfred Street. Mr. Harrington advised Mr. Sasser that some of the pictures would be code issues, and that the building code would be strictly enforced prior to a certificate of occupancy being issued. Mr. Harrington was also informed about the

concerns expressed about the roof at 416 Colston Street and Mr. Harrington agreed to investigate this issue also.

Mr. James Luster with Centralina Council of Governments stated that the inspector on site was aware of all items in question and this would meet code.

Mayor Whitley asked if there was an inspector on the property 8 hours a day. Mr. Luster stated that there is an inspector on site when inspections are required before moving to the next stage. Mayor Whitley mentioned his concerns about the photos and if an inspector was always on site, these situations would not have occurred. He also said that he was glad that the photos were taken and brought forward.

Councilmember Hall stated that not just the photos but the community watching what was going on and bringing this forward.

Mr. Sasser stated that he met with Mr. Luster and Mr. Luster met with the contractors over the renovation and that he will follow up with the work being performed, making sure everything is meeting code requirements until the project is completed.

Councilmember Townsend asked if Mr. Harrington viewed the photos. Mr. Sasser stated that one of his inspectors on site did. Mr. Harrington issued a stop work order and took photos then. Mr. Sasser stated that Mr. Harrington does not normally do the inspections himself.

Councilmember Townsend asked about the house at 416 Colston Street with the sagging roof and what had been determined. Mr. Sasser stated that he would be taking a look at the final inspection. Councilmember Hall stated that she understood this home being ready to move in when originally talked about at the June 1 Council meeting. Mr. Sasser stated that Mr. Harrington said that the roof is still sagging, but will meet code.

Upon questioning, Mr. Luster stated that the roof has been corrected as not to damage any existing structures which included the roof being jacked up and raised. Mr. Alexander stated that in cases as this, are these things normally addressed at the original inspection. Mr. Luster stated that this work is being performed within budgetary constraints. They do the best they can and put out bids. When bids come in and there are not enough funds to build a new home, they provide the best structure with the monies available. Mr. Luster stated that this house needed substantial renovation, including rebuilding the walls. He also said that everything is done according to code and state requirements and any issues unexpected are dealt with.

Fernando Ponds came before City Council and thanked Mr. Sasser and Mr. Luster for their dedication and the good job they have done. He said that he had concerns about the quality of the work the contractors performed when Mr. Luster, Mr. Sasser, or the inspector were not present. Mr. Ponds' concerns of the roof and floors of Ms. Rivers home and that the inspector said the floors were sound. He said the beams seem to need replacing under the house.

Upon questioning, Mr. Luster stated that 1 year from the time the contract is signed, any concerns of the homeowner will be checked out and repaired at no cost to the homeowner. Ms. Daisy Ponds came forward to ask why she had to pay \$420.20 to have concrete poured in the driveway back to the end of the house. Mr. Luster stated that her wanting to extend the driveway length longer than originally planned when the project was bid caused the extra expense. The concrete pad was set up for a certain square footage and that was what the bid was based on. The original square footage provided ample parking space staying within the budget and she paid for the extra square footage for the driveway above the bid amount. Ms. Ponds stated that she was not told anything about this.

The Mayor and City Council received a report on the property owned by Bobby Rorie and the code violations at Gibson St. and Arey Ave. The Mayor and Council reviewed photos of the property that Keith Wolf Planner II took so as to see the condition of the buildings, which varies.

James Luster with Centralina Council of Governments came before Council and stated that the condition of the structures has been determined, both exterior and interior. He stated that the structure at 1136 Gibson Street is basically a shell with a dirt floor. Councilmember Hall asked if Mr. Luster had meet with the owner and Mr. Luster stated that he had met with Mr. Rorie and explained the condition of the structure. Ms. Hall asked the request of the home owner and Mr. Luster stated that he wants to repair the structure.

Mr. Chuck Horne, a representative of Mr. Rorie stated that he is in the process of redoing the building at 1136 and putting vinyl siding on the house at 1138. Mr. Luster stated that once the copies of the permits are received the renovation will begin. Councilmember Townsend stated that he had noticed a lot going on at the property the last couple of weeks including cleaning up debris on the outside. Mr. Luster stated that the intention is to renovate but no specific dates are available yet.

Councilmember Townsend asked if the September timeframe was to finish or to start by that time. Mr. Sasser stated that the September deadline was for the exterior of the buildings in question and he also added that it would hold true if Mr. Rorie had not gotten building permits nor was making progress toward correcting the code violations.

Mayor Whitley asked if repairing the building would be feasible. Mr. Horne stated that it is feasible to get it in shape based on the owner's need to do so and he just needs more time. Councilmember Townsend asked if the reason the owner is not demolishing the store is because if he does he can not rebuild the store. Mr. Horne stated maybe that could be the reason.

Mayor Whitley stated that he is worried about the building being able to meet code. He also said that the owner needs to come before Council and talk with them about this at the next Council meeting which is Monday, July 20. The City will contact Mr. Rorie about being here on July 20 with photos of the property.

City Attorney, David Beaver stated that Mr. Rorie may not want to condemn this property due to having a loan on the property. If this is the case, the mortgagee would have to be notified. There needs to be a notice to Mr. Rorie from Mr. Luster with COG that Council request his presence at the July 20 City Council meeting. Mr. Luster stated that a title search will need to be done.

The Mayor and City Council were asked to provide clarification of City Council's intent at the June 15 Council meeting concerning the approval of an additional holiday at Christmas. The recommendation was to add a third day each year. This will need to be incorporated into an ordinance for Council's consideration, and need to know what to include in the ordinance. To determine if Council stated 3 days at Christmas each year or employees receive two days if Christmas Day falls on Friday, Saturday, Sunday, or Monday; and three days if Christmas Day falls on Tuesday, Wednesday, or Thursday.

The Mayor and City Council agreed to handle this as the County does with being off on "Christmas Day" plus one extra day if Christmas falls on Friday, Saturday, Sunday or Monday. Or being off on "Christmas Day" plus two extra days if Christmas falls on Tuesday, Wednesday or Thursday.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the following appointment was made to the Albemarle Historic Resources Commission:

Gene Starnes – Term Expiring 2010

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the following appointment was made to the Albemarle Historic Resources Commission:

Ritchie Hearne – Term Expiring 2010

Both appointments were made subject to both of them being willing to serve.

Mayor Whitley stated that he had received a thank you letter from Tommy Hearne about him having the opportunity to serve on the Planning Board and that he would like to serve again at a later time.

The Mayor and City Council considered an agreement to accept a Housing Development Grant. The City has been awarded a Housing Development Grant in the amount of \$237,336 from the NC Division of Community Assistance. The Grant is to pay for public improvements to water, sewer, and streets to serve 48 apartments for the elderly being built by the Wellons Foundation. The Wellons Foundation studied the City's current housing availability and determined that there is a definite need for affordable housing for the elderly. This is a request for the City Council to authorize the Mayor's signing this grant agreement, and appoint four individuals to sign the requisition for funds forms for the grant.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, City Council authorized the Mayor's signing of the Housing Development Grant agreement.

Upon a motion by Councilmember Neel, seconded by Councilmember Napier and unanimously carried, City Council authorized the appointment of four individuals to sign the requisition for funds forms for the grant as follows:

Mayor Whitley, Mayor
Raymond Allen, City Manager
Michael J. Ferris, Assistant City Manager

Colleen Conroy, Finance Director

(Resolution 09-35. To authorize four individuals to sign the requisition for funds forms for the grant.)

The Mayor and City Council considered the approval of Safe Routes to Schools NCDOT Sidewalk Agreement. This is an agreement to cover the cost of materials only, construction via force account. City Council had been advised that the City has been awarded a \$50,000 Safe Routes to School grant to construct sidewalks on Badin Road, Berry Avenue and Parkway Street in the vicinity of East Albemarle Elementary School and Albemarle Middle School.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Safe Routes to Schools NCDOT Sidewalk Agreement.

The Mayor and City Council considered the approval of the 2009 Municipal Records Retention and Disposition Schedule. This schedule is established by the State to regulate how long certain records must be kept and in what manner they may be disposed. The State has overhauled the Schedule and is asking that it be adopted. The schedule governs how municipalities across North Carolina address their records.

Upon questioning, the City Manager stated that these are the minimum guidelines required by the State and that the City Council could adopt more than the minimum guidelines if desired. He also said that the items Council may be faced with more often can be pulled from the schedule and those can be brought before Council for a decision.

Upon a motion by Councilmember Hall seconded by Councilmember Neel and unanimously carried, the City Council approved the 2009 Municipal Records Retention and Disposition Schedule.

The Mayor and City Council considered Premier Services request for zoning text change and rezoning at 109 Penny Street. The Planning Board on June 23, 2009 unanimously recommended adding "Level IV treatment facility for mental

rehabilitation limited to minor children thru 17 years of age" to the HMD Hospital Medical District and to rezone 109 Penny Street from NBD/Neighborhood Business District to HMD/Hospital Medical District. This is the former Gaskin Eye Clinic located across North Second Street from Stanly Regional Medical Center. Public hearings can be set for August 3 to consider these matters if City Council so chooses.

Councilmember Hall stated that this will be a 24/7 treatment facility, not just a medical office to inform the Council and the public.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved setting public hearing for Monday, August 3, 2009.

The Mayor and City Council considered a resolution for Special Waste Disposal Fees at the landfill.

Upon questioning, Public Works Director Michael Lambert explained that the special waste disposal fees requested for the landfill is for the disposal of dead animals including road kill animals and asbestos. He also stated that if the street department or the state picks up a dead animal then they are charged by the landfill for the disposal. The adjustment of the cost per ton to dispose of dead animals and asbestos with the advance notice needed, site preparation and that they must be covered immediately, the fee adjustment is needed to cover these extra costs of the landfill.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the following Resolution was duly adopted.

(Resolution 09-36. To establish landfill rates for dead animal collection and asbestos.)

The Mayor and City Council considered the Parking Plan recommendations from the ADDC Parking Plan Consultant and consideration of amendments to City Ordinances to update the City's traffic schedules. Chief Ronnie Michael has done an extensive review of the recommendations from the ADDC Parking consultant and recommendations from the Public Works Department to clear up parking restrictions and related ordinances where circumstances have changed over the years and current restrictions may not be applicable any longer.

Councilmember Neel stated that he thought this discussion should wait until the new City Hall is complete. Mayor Whitley stated that this could wait until the next meeting and each item could be looked at one at a time. Chief Michael asked that Council review items on Page 1 thru Page 10 before the next City Council meeting for discussion.

The City Manager stated that the ADDC Parking Plan consultants were aware of the new City Hall project when the recommendations were made. Councilmember Underwood stated that he felt like this needed to be reviewed in a special meeting called just for this.

A tentative date was set for the special meeting to review the parking management plan of the Downtown Master Plan Update for Monday, August 31 at 5:30 pm in the Council Chambers.

The Mayor and City Council considered a request to declare surplus equipment for sale. The Council received a memo which lists several pieces of equipment that is no longer in use by the City.

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

(Surplus List)

The Mayor and City Council reviewed current and near term capital projects and debt obligations. The Mayor had requested at the last Council meeting that staff prepare this information so that Council has a complete understanding of all of the projects that have been agreed to in order to assess the City's ability to take on any additional capital projects.

The City Manager stated in the agenda packet that the City had built up reserves, especially in the General Fund, and have used some of these reserves for capital projects. He said that the City has now drawn these down to the extent that no additional funds are available from this source. Also, he said that any additional projects will need to be financed, either through bank financing or from burrowing from the Electric Fund, which still has strong reserves. The City Council received a memo describing all of the

projects the City is committed to, not including the costs of the asbestos abatement and disposal of the Harwood house on NC 73 which is approximately \$24,000.

The Mayor and City Council received a status report on the City Hall Project. Work continues at a significant pace on most aspects of the project, including painting, woodwork, masonry, fencing, and sidewalks. Most of the ceilings have been installed as well as light fixtures and cabinetry. As a result of discussions between Creech and Associates, Stanly County Inspections and the NC Department of Insurance, the City is not going to be required to replace the historic staircase. City Council received a letter from Creech and Associates summarizing the work that will need to be done to comply with the building code.

The City Manager expressed appreciation to Councilmember Neel who suggested that this be discussed with the Department of Insurance, and him providing Creech with some useful contacts at DOI. DOI was able to provide the local building inspections department with guidance that brought about this result. He also said that this resulted in a cost of \$12,500 instead of the original estimate of \$30,000 due to Mr. Neel's suggestion.

Upon questioning, Engineering Services Director Jon Mendenhall came before Council and stated that some of the brick ties had originally been improperly installed. Contractor, CM Black received an assessment of this problem and is taking care of this with no extra cost to the City.

Councilmember Hall commended Councilmember Neel, Jon Mendenhall, and David Bowers for all the hard work and dedication on the new City Hall project.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved the following change orders:

Change Order Request #055 the repair and replacement work on the existing stair #3 in the new City Hall in the amount of \$12,529.00

Change Order Request #060 to add 2 exhaust fans per drawings (M0.0 &M1.0) not shown in the original drawings in the amount of \$11,152.00.

The Mayor and City Council reviewed furniture options for the Council Chambers and conference room area. At the last Council meeting Councilmember Neel

had expressed an interest in having the City Council participate in the selection of the furniture for the Council Chambers and the executive conference room area.

Valerie Brafford, who is assisting the City in preparing the bid specifications and in selecting furniture lines for bidding came before Council to make a presentation. She brought before Council samples of the lines of furniture that have been approved for the new building for the Council Chambers and the Council conference room. A chart was displayed of the 3 lines that had been selected for the bidding of desks, seating and tables for the Council areas. The City will be soliciting bids for this furniture, so Council will not be able to choose just one line. However, Council can select the items they would like to have included in the bid so that whatever is the low bid will have been approved by them.

Ms. Valerie Bradford stated that there currently is not a sample of all items on the chairs upstairs for Council to take a look at. She said within a couple of weeks, all the samples will have arrived, and City Council can come up and take a look at all the items at that time.

The Mayor and City Council discussed attendance at the National League of Cities Congress of Cities, 11.11.09-11.14.09 in San Antonio, and Texas. The brochure for the conference has not been received yet, but information regarding it can be found on the National League of Cities website, and registration for the conference has begun.

The City Manager stated that the City's auditor, Kenneth Anderson has recommended that City Council consider changes to the City's travel policy. He has recommended that the City not pay for travel for the spouses of board members. This would primarily affect registration fees, airline tickets and meal reimbursements. Any expense such as hotel room or taxi charges that the board member would incur would not be affected. Mr. Anderson has also advised that the \$100 per diem for meals exceeds the IRS allowance for most cities, and recommends that the City only reimburse up to the IRS allowance without receipts. If receipts are presented, reimbursement could occur up to the \$100 maximum in the City's policy.

Councilmember Neel stated that this may be okay for this year with the economy the way it is, but maybe not determine this yet on a permanent basis. It was the consensus of the City Council to not make any changes to the travel policy at the present time.

Several of the Councilmembers including Councilmembers Hall, Holcomb, Neel, Townsend, and Underwood affirmed their attendance at the conference. The Mayor and other Councilmembers will let the City Manager know within the month.

The City Council reviewed information that the City has received two water and sewer infrastructure grants from the NC Rural Economic Development Center. The City was notified by telephone last Friday by the offices of Senator Purcell and Representative Burr that the City had received these two grants from the Rural Center.

The Mayor received this week the official letters from the Rural Center, copies of which Council received in their agenda. The City Manager stated in the agenda packet that these are very important grants, and the City is grateful to the Rural Center for this assistance. He also said that he would like to commend Public Utilities Director Ernie Borders and his staff for their work on these grants, as well as the consulting engineering firms that put together the applications. The inflow/infiltration grant was developed by Chambers Engineering and the WWTP grant was developed by Municipal Engineering. The City is required to provide a 100% match for both of these grants, and these funds have been included in the FY 2009-2010 Water Sewer Budget.

The Mayor stated that he would like for Council to write a note of thanks to Charles Brown for his assistance in the water and sewer infrastructure grants.

The Mayor and City Council reviewed a letter of thanks from the Stanly County Arts Council. The City received a letter this week from Sarah Domenech regarding the \$2,500 appropriation in the fiscal year just ended.

Councilmember Napier asked if residents within the City limits have a better chance when applying for a job with the City. She stated that she feels they should because they do pay City taxes.

The City Manager stated that if you have two applicants that are equal and one lives within the City and one does not, the one living within the City would have first choice of the position open.

Councilmember Townsend stated that a business owner had asked him about the sign that had been displayed on NC 24/27 (Troy Rd.) and he had noticed it had been moved today. He asked Planning and Community Development Director Bob Sasser if the City had found out anything yet. Mr. Sasser stated that he had been in contact with the owner and that the vehicle and trailer is in violation of City code.

Councilmember Hall stated that there is going to be a new emergency shelter operation in Albemarle called the Community Inn, sponsored by Homes of Hope and Community Christian Ministries. She stated that they are trying to raise \$40,000 to finish this project and will be holding a chicken dinner benefit on Friday, July 31 at First Street Baptist Church. She stated that she had tickets and they are \$7 each for anyone wanting one. She asked the City Council to support this benefit and purpose.

Councilmember Neel stated that at the intersection of North 6th Street and Hawthorne Ave, if you are going west at North 6th Street, you cannot see down North 6th Street far enough to determine when to pull out. He stated that some trees may need to be cut back to improve the sight distance or a 4-way stop sign placed at the intersection. The tree is 20-30 feet high and spreads out over the sidewalk there near the Holbrook duplex.

Councilmember Neel requested that an area light be installed near the dugout at the Don Montgomery Park. He stated that if this was installed, they could cut off the lights at the main field 30 minutes before they do now.

Councilmember Neel asked about a carnival he saw out on the NC 24-27 bypass and if the City can have a carnival in that location. Planning and Community Development Director Bob Sasser stated that it is not classified as a fair or carnival but a type of commercial recreation and that it does meet the zoning ordinance requirements for that location.

Councilmember Neel stated that during Council's visit to the Wastewater Treatment Plant they had a spill due to the failure of a valve. Director of Public Utilities

Ernie Borders stated that this was a bypass instead of a spill due to the valve failure. He advised that NCDENR was notified as required by state law.

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