

REGULAR MEETING CITY COUNCIL
July 20, 2009

The City Council of the City of Albemarle met in a regular session on Monday, July 20, 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.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the minutes of July 7 regular session was approved as submitted.

Mayor Whitley stated that City Council had a copy of the monthly departmental reports in their agenda packet and asked if there were any questions.

Councilmember Alexander asked if there would be any further updates to the financial report for 2008-2009. The City Manager stated revenues such as sales tax and utilities franchise tax sometimes are several months later being received and accounted for. As far as expenses for the year, not all bills are in but will but should be received and paid within 30-60 days.

Councilmember Townsend asked about the Fire Department monthly report and how normally there are 90 or so inspections each month, but this time there were 313 inspections. He asked is this normal or are they catching up on this particular month. The City Manager stated that they are catching up where they had been behind. Part time help has been employed to help bring these inspections up to date.

The Mayor and City Council reviewed a report on code violations at the Rorie property at Gibson Street and Arey Avenue. Mr. Rorie met with the Mayor earlier this week regarding the code violations at this property and Mr. Rorie's intentions. The City has received numerous complaints about the condition of this property and possible illegal activity taking place there. Mr. Rorie could not attend the City Council meeting as City Council requested, but the Mayor provided a report on his meeting with Mr. Rorie.

Mayor Whitley stated that he met with Ms. Alice Davis and Mr. Bobby Rorie and let them know that the building was being considered for condemnation. The

Mayor let them know that it is going to be difficult to bring this building up to code. Mr. Rorie asked to be allowed 6 months to work on this property to bring it up to standard. Mr. Rorie asked that the Mayor relay to Council that he would like 6 months to work on this property to bring it up to standard code.

Councilmember Holcomb asked if the City could do periodic checks on the progress of this building. The Mayor stated that this could be done and that he would personally keep check on the progress himself.

Councilmember Neel asked what happens if he does not bring the building up to code within the 6 month period. The Mayor stated that Mr. Rorie is fully aware that this is all the time he has. He also said that the building has asbestos that will have to be removed and if the City removes this, it will cost the City a substantial amount of money. If he does not bring the building up to code within 6 months, it will be up to Council to proceed after 6 months or condemn.

Councilmember Hall stated that pictures should be taken on a regular basis and brought before Council. She also stated that the 6 month period will be up on January 10. Also, that she would like to see within 6-8 weeks, photos of what has been accomplished on the building. The Mayor asked that Planning and Community Director Bob Sasser take photos once a month and bring forward for Council to observe. The Mayor also stated that the property does have a mortgage and that Mr. Rorie brought this up to him in their meeting.

Upon questioning, Bob Sasser stated that it would take approximately 60 days for the condemnation process. Councilmember Hall read from the previous set of minutes what City Attorney David Beaver had said. City Attorney, David Beaver had 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. Also, she said that Mr. James Luster had stated that a title search needs to be done.

Mayor Whitley stated that he did not think that a title search should be performed at this point. Councilmember Hall said that something should be put in writing so as to know exactly what is going on. The Mayor reiterated that Mr. Rorie had stated that there is a mortgage on this property.

Councilmember Townsend asked if this is dealing only with the exterior being brought up to code and about the time frame on the interior. He also asked if the building is bricked on the exterior, would he then have more than 6 months to complete the interior. The Mayor stated that he will have 6 months total to bring the building up to code with the aid of Mr. Harrington and his staff with the Stanly County Inspections department.

Upon a motion by Councilmember Holcomb seconded by Councilmember Napier and unanimously carried, the City Council approved giving Mr. Bobby Rorie six months to bring the building at 1136 Gibson Street up to building code compliance.

The Mayor and City Council considered an appointment of an Albemarle Middle School Representative to the Parks & Recreation Advisory Board. As a result of poor attendance, Council directed at its June 15 meeting for Parks and Recreation Director Toby Thorpe to contact Mr. Gardner and determine his commitment to serving on the Advisory Board. Mr. Thorpe is recommending the reappointment of Cale Gardner. Mr. Toby Thorpe stated in the agenda that after having been contacted, Mr. Gardner attended and participated in the Board's July 13, 2009 meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the following appointment was made to the Albemarle Parks and Recreation Advisory Board, term ending 6-30-2010:

Cale Gardner, Albemarle Middle School Representative

The Mayor and City Council considered bids and a budget amendment for 244 Concord Road for asbestos abatement and structure demolition.

This will authorize an appropriation of \$24,000 from the General Fund fund balance to pay for the asbestos abatement and the demolition and disposal of the house where the City hopes to build a fire station in the future.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 09-25) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE FY 2009-2010 BUDGET ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, City Council approved the low bidder, CST Environmental, LP to perform the asbestos abatement and demolition and disposal at the house located at 244 Concord Road in the amount of \$23,980.00.

(Bid List)

The City Manager stated that the grant to construct the fire station was submitted to the federal government last week. He stated that he believes the City has a strong application, and the consultant that worked with us felt so also.

The Mayor and City Council considered a request of Stanly County YMCA to close portions of Glenn Street and North First Street on August 1, 2009 for a YMCA fundraiser. The YMCA is sponsoring an 8K race as a fund raiser. The closing of North First Street will also require NCDOT approval.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, City Council approved the closing of portions of Glenn Street and North First Street on Saturday, August 1, 2009 for a YMCA fundraiser.

The Mayor and City Council received a status report on the EE Waddell Community Center PARTF Grant Project. Bids on this project will be taken on Tuesday, July 21 at the EE Waddell Center. The City received a \$500,000 grant from the NC Parks and Recreation Trust Fund for this project, which will be matched by the City in the same amount. A prebid conference was held by the architectural firm WHN Architects on Wednesday, July 8.

The City Manager stated that Council is aware that bids on this project are being taken tomorrow, July 21 at the EE Waddell Community Center at 2 pm and that Council is welcome to attend. He also said that there had been a great turn out at the pre bid conference and is looking for a good number of bidders.

The Mayor and City Council received a report on individuals asked to serve on the Historic Resources Commission. Mr. Gene Starnes and Mr. Ritchie Hearne have accepted the appointment to this board.

The Mayor and City Council discussed a request to consider the promotion of alternates for future board and commission appointments. Councilmember Underwood received a request from two of the current alternates on City boards that the City Council consider moving alternates up when vacancies occur on a board, and then appointing any new members as alternates. This used to be the practice of City Council, but Council has not taken this approach for the last several vacancies. Instead, Council

has appointed new members as regular members of boards and have left alternates in place.

Councilmember Neel stated that moving alternates up when vacancies occur on the board is a good point and should become policy. Councilmember Townsend asked if there are alternates only on the Planning Board and Board of Adjustment. The Mayor stated that this is correct. Councilmember Townsend stated that maybe it would be a good idea to do away with the alternates and increase the number of board members for each board. Councilmember Neel said that now there are 7 board members needing 4 members present to have a quorum. The alternates are in place to increase the number of members present and serve if they are needed to meet the quorum. Councilmember Hall asked if the alternates attend the meetings on a regular basis. Councilmember Neel stated that they do. Councilmember Hall said attendance records should also be strongly considered when considering moving an alternate to fill a board vacancy. Councilmember Townsend stated that as terms expire, they should let alternates move up to fill the vacancies.

Councilmember Hall stated that they need to continue to ask new people and invite the public to take part on boards by placing this once or twice a year in the bill stuffer. Councilmember Underwood stated that the City is lucky to have people volunteer with no pay to sit on these boards. The City Manager stated that Council has the right to move alternates up to fill member vacancy and move board members down to an alternate status if that is their choice.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier, and unanimously carried, City Council approved moving alternate members with good attendance records up when vacancies occur on the Planning Board and Board of Adjustment.

The Mayor and City Council received a status report on the City Hall Project. A number of items are proceeding with the project including the installation of the Council dais, which is almost complete. The installation of wainscoting in the Council Chambers and throughout the project is virtually complete. Carpet installation is proceeding on the second floor with carpet complete in the HR and IT areas, and almost complete in the Engineering area. They will then move to the PCD area. The copper is almost installed on the cupola roof, and the cupola roof is expected to be installed on top of City Hall next week.

Mayor Whitley inquired into the status of the 2nd Street doorway, the banister rails above the transom. Engineering Services Director Jon Mendenhall stated that it was a part of the original drawings. Mr. Mendenhall said that there would be a

walk through on Friday that will take around 2 ½ hrs. to look at the different systems in the building which precedes the punch list and will make going through the punch list later, much faster and simpler.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb, and unanimously carried, City Council approved changing the September 7 City Council meeting to Tuesday, September 8 due to a conflict with the Labor Day holiday.

The Mayor and City Council considered attendance at the Stanly County Council of Governments meeting on Tuesday, July 28 in Misenheimer at the Community Building on Lions Club Road beginning at 6:30 pm. Reservations will be made for any board members planning to attend this SCCOG meeting.

Councilmember Underwood asked the City Manager if he would have a City vehicle for everyone to go together. The City Manager stated that he would.

Councilmembers Hall, Napier, Neel, Holcomb, Townsend, and Underwood, stated that they would attend. Ms. Hall stated that she would be driving and would meet everyone there.

The Mayor and City Council considered attendance at the NC League of Municipalities Annual Meeting in Greenville, NC on October 25-27, 2009. This is the most important conference of the year for municipal elected officials in North Carolina, and City Council is encouraged to attend schedules permit.

The Mayor asked that in the next couple of weeks to let the City Manager know so he could make reservations for them. Councilmember Neel stated that he would be attending.

The Mayor and City Council received information on the National League of Cities (NLC) Workshop on Crisis Leadership for Public Officials. This workshop sponsored by the NLC and the International City County Management Association will be held at the Badin Air National Guard facility out at the airport. The registration fees

are covered by the Department of Homeland Security, but registration is limited. Councilmember Hall is responsible for persuading the National League of Cities to hold this workshop in Albemarle.

Councilmember Hall spoke to how Stanly County and the Badin Air National Guard facility location may have been chosen for the workshop. This will allow getting these officials from small rural areas to get involved that may not otherwise be able to.

The Mayor and City Council received information on the City Hall furniture samples. Pursuant to the presentation and discussion at the July 7 meeting of City Council, some additional furniture items have been delivered so that City Council can look at these and sit in them following the meeting.

Councilmember Hall reported on the Rural Planning Organization (RPO) meeting in Anson County. The Albemarle area had two projects funded in the first round of ARRA transportation funding: The NC Hwy. 73 bridge replacement over City Lake and the Ridge Street extension project. Stanly County and Anson County Schools are only systems in the region not participating in the vehicle idling program. The 2009 Charlotte Regional Transportation and Air Quality Summit will be held at the Westin Charlotte on August 14. Ms. Bowers called the Charlotte Chamber of Commerce twice today to request a copy of the preliminary program be emailed or faxed to us but has had no return call from them at this point.

Councilmember Hall asked if the August 31 date was tentative for the Parking Plan special meeting. If so, she asked that this date go ahead and be approved at tonight's meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, City Council approved having the Parking Plan special meeting on Monday, August 31 in Council Chambers at 5:30 pm.

Councilmember Hall stated that she still has tickets to the BBQ dinner being held at First Street Baptist Church for \$7. This money is being raised for the Community Inn, sponsored by Homes of Hope and Community Christian Ministries.

Councilmember Neel stated that Waste Management had been slow about clearing the limbs from last Monday's storm. The City Manager stated that the Assistant City Manager Michael Ferris has been in contact with Grover Shankle with Waste Management and they are trying to catch up within the next day or so and Mr. Shankle will stay in contact with Mr. Ferris until the debris is cleared.

Councilmember Townsend asked if there had been any response from customers about the utility billing that is available on line for. The City Manager stated that this is available on line but he was not aware of any response or questions.

Councilmember Alexander asked about the pampas grass at the intersection of North 4th Street and E. Cannon Avenue and if it had been cut back by the City in previous years due to being a sight obstruction. He said this sight distance impediment contributed in causing an accident at this intersection last week. Mr. Alexander asked if a resident is warned about something like this, are they liable if something happens. The City Attorney David Beaver stated that a lawsuit of damages could be brought up in situations as this.

Councilmember Neel asked if anything had been done to correct the sight distance problem at Hawthorn and North 6th Street that he had mentioned at the July 7 Council meeting. The City Manager stated that this situation is in the process of being corrected. The stop sign is being moved closer to the intersection. The property owner is being contacted to ask them about trimming off limbs from their evergreen tree.

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