

REGULAR MEETING CITY COUNCIL
November 2, 2009

The City Council of the City of Albemarle met in a regular session on Monday, November 2, 2009, 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, Dexter Townsend and T. Ed Underwood. Absent, Councilmember Martha Sue Hall.

Bishop Richardson delivered the invocation.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of the October 19 regular session were approved as submitted.

A public hearing was held to consider an amendment to the Zoning Ordinance to amend the Sign Ordinance in the CBD/Central Business District. The proposed changes would allow signage more historic in nature in the downtown area, such as signs mounted on poles and neon signs.

Ms. Deanna Bell, a volunteer with the Albemarle Downtown Development Corporation who was on the ad hoc subcommittee making the proposal, was present to discuss the matter. She said the revisions to the downtown Sign Ordinance were suggested at the annual ADDC retreat. The proposed changes would allow greater visibility by allowing historic signs to be utilized. Currently, signs are only permitted to be mounted flush with the building, which does not provide as great a visibility as what is proposed.

Councilmember Neel said the City worked for years to eliminate these types of signs after the rules were changed in the mid-1960s to prohibit these signs. He is leery of going back based solely on current trends.

Councilmember Townsend asked if neon signage would be allowed. Ms. Bell said it would as it was once a very prevalent type of sign in the downtown area. Neon signs would not be allowed to flash.

Councilmember Neel said he would like additional time to consider the proposal and the potential impact of the change of the Ordinance. He suggested a two month tabling of the matter.

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

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the proposed changes were tabled for two months for further review by Council.

Councilmember Townsend suggested reviewing all City sign regulations during this period. Councilmember Neel said that he supports the ADDC and the work they do, but just needs more time to consider this matter.

Mr. Darrell Shaver, Chairman, Deacons, Anderson Grove Baptist Church, appeared before the Mayor and City Council as an announced delegate to request the voluntary annexation of property adjacent to the church. The property is the proposed location for a family life center.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council authorized proceeding with the annexation process.

Mr. Dorian Creeden, Dependable Plumbing, appeared as an announced delegate to request exception to the City's policy requiring the reimbursement for damage made to a sidewalk in conjunction with his private business plumbing work. Mr. Creeden said he performed two cuts associated with his private plumbing business, one on Depot Street and one on Webb Street. The City has billed him the full cost of making the repairs within the right of way and he did not feel he should have to pay these costs because his taxes have paid for the sidewalk. He also said he is very confused as to what the City's policy is concerning repairs and costs. Mayor Whitley read aloud the Ordinance which requires private entities to make the repairs to City specifications or reimburse the City for its cost to make the repairs. The City Manager said this policy was adopted in 2006. Mr. Creeden said he was unaware of this policy. Councilmember Neel said that if he had coordinated this cut with someone in the City he would have been advised of his responsibility. The Mayor explained that he is responsible for the cost as it was made for his business purposes and all City taxpayers should not be responsible for this.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, City Council denied the request of Mr. Dorian Creeden for an exception to the City's policy requiring the reimbursement for damage made to a sidewalk in conjunction with his private business plumbing work.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried the following Ordinance passed second reading and was duly adopted:

(Ordinance 09-39)

The Mayor and City Council considered the legally binding agreement and the lease for the Jesse Niven Center. Council also reviewed an agreement for the sublease of the facility.

Councilmember Neel asked about the requirement that the City find Stanly Community Christian Ministries a replacement location if there ever developed and environmental problems at this site. The City Manager said it is very unlikely this would ever happen, but he cannot rule it out.

Upon questioning, the City Manager indicated the lease with SCCM is for ten years, after which time the City can renew with SCCM, or another agency that serves the homeless.

It was noted the agreement requires the City to provide the utilities and insurance for the facility.

Upon a motion by Councilmember Alexander, seconded by Councilmember Neel and unanimously carried, the City Council approved the legally binding agreement and the lease for the Jesse Niven Center

Councilmember Alexander suggested doing something to let the public know about this when all documents are finalized.

The City Council considered the recommendation of the Planning and Zoning Board to amend the Zoning Ordinance to allow reuse of changeable face signs. Director of Planning and Community Development Bob Sasser indicated the proposal would require that these signs be made permanent and is a way to save businesses money.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council set a public hearing for December 7 to consider the recommendation of the Planning and Zoning Board to amend the Zoning Ordinance to allow reuse of changeable face signs.

The Mayor and City Council were advised that the Planning and Zoning Board denied the request of the Albemarle Police Department to revoke the Conditional Use Permit for a Billiard Hall for the property located at 134 NC Highway 740. Director of Planning and Community Development Bob Sasser said that the Planning Board heard from the owner and new operator, who indicated they would like a chance to run the business and would do it in a more responsible manner than the previous operators. The Planning Board wanted to provide this chance and indicated that if there were problems they could consider this matter again.

Mr. Duvara Ponds, the operator of the business, indicated that he would like an opportunity to operate this business and would do so in a responsible manner. He indicated that he owns his own security firm and would provide security in the facility.

Councilmember Townsend said the new owner should be given an opportunity to run this business.

Chief of Police Ronnie Michael said proposed the revocation of the Conditional Use Permit due to the number of calls for services from the previous operator. He did indicate that if the new business is opened and problems arise, he will approach the District Attorney's office to declare the location a public nuisance. Councilmember Townsend asked Chief Michael if off-duty Police Officers could work security at the facility. Chief Michael said Departmental policy does not allow working in establishments that serve alcohol.

Upon a motion by Councilmember Townsend, seconded by Councilmember Napier and unanimously carried, the City Council upheld the Conditional Use Permit.

The Mayor and City Council were informed that the Department of Public Housing has been designated as a high performing agency by the Section 8 Management

Assessment Certification Program. Mayor Whitley commended Director of Public Housing Garry Lewis and his staff for this outstanding accomplishment. Mr. Lewis came forward and also recognized and commended his staff for their work in achieving this recognition. He recognized staff members present – Erica Carter, Rachel Hough, Connie Haithcock, and Tony Poplin. Staff members not present but who also worked on this project were Doris Little and Eric Allsbrook.

Director of Public Housing Garry Lewis requested Council consider approval of a bid for electric meter base replacement at Amhurst Gardens. Copies of the bid tabulation were distributed. Mr. Lewis said that siding replacement is currently under contract and taking place at this housing site, and it would be the perfect opportunity to begin with the meter base replacement Council had previously authorized.

Mr. Rick Bender, Stogner Architecture, was present to review the bid. He said the lowest bid was deemed non-responsive due to the lack of complete paperwork. The second low bidder asked to withdraw their bid due to an error in their bid price. The third bid was from J.T. Yates Construction in the amount of \$183,500. Mr. Bender said he is very familiar with this company and they provide a good quality of work.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council awarded the bid for the replacement of electric meters at Amhurst Gardens to J.T. Yates Construction in the amount of \$183,500.

(Bid Tabulation)

The Mayor and City Council considered amendments to the City's per diem travel reimbursement policy. The current policy establishes a flat fee for meal reimbursement. According to the IRS, meal allowances over what they determine to be appropriate for a specific geographical region of the country must be substantiated by providing receipts, or else the excess amount is considered taxable income. Finance Director Colleen Conroy is requesting amending the policy for employees to utilize the IRS rates for meal reimbursement. Also, the Mayor and City Council have two options for compliance. They can either utilize the IRS guidelines as is being recommended for employees, or they can keep the same policy but provide receipts to verify actual meal

expenses. It was noted this proposal does not include a per diem for lodging and that it will continue to be handled in the manner it is currently handled.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved adoption of IRS meal reimbursement rates based on the geographical location of travel for employees.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved continuing the meal reimbursement rate for elected officials, but to provide receipts as required by the IRS, with all policy changes to become effective January 1, 2010.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the following Resolution was duly adopted:

(Resolution 09-49)

Director of Public Utilities Ernie Borders presented proposed standards for the interconnection of small generators. He indicated this was a federal requirement for renewable energy standards.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the following Resolution was duly adopted:

(Resolution 09-50)

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

(Resolution 09-51)

The Mayor and City Council considered a request from Mr. Harry Jones, 503 Azure Drive, for the posting of a Children at Play sign at the entrance of the Parkwest Subdivision. Mr. Jones spoke with Assistant City Manager Michael Ferris and Mr. Jones

is aware of the City's policy requiring private payment of the cost posting the signage and he is willing to pay the cost.

Upon a motion by Councilmember Napier, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the request of Mr. Harry Jones for the posting of a Children at Play sign at the entrance of the Parkwest Subdivision on Parkwest Drive.

The Mayor and City Council were provided with a status report from the City Manager on the City Hall construction project. The City Manager reported that the contractor does not anticipate being complete with the work until mid-November. There have also been delays in the furniture order, which will cause the furniture to not be delivered until mid-December. Therefore, he recommended that the open house and ribbon cutting be moved back to Sunday, January 3. He also reported two change orders for Council's consideration. The first is for fire protection equipment required by code but overlooked by the architect in the plans. The cost of this is \$3,652. The second is to install the additional fencing Council requested along the property line with the church in the amount of \$44,518. The City Manager reported the fencing price seemed extremely high and provided an option to install fencing outside of the contractor's scope of work and consider an aluminum fence, which should be significantly less expense.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the City Council approved changing the open house and ribbon cutting to Sunday, January 3.

Upon a motion by Councilmember Alexander, seconded by Councilmember Neel and unanimously carried, the City Council approved a change order for fire protection improvements in the amount of \$3,652.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the City Council denied the change order to install the additional fencing along the northern property line.

Councilmember Neel said the grade has been changed from the original plan and the City should not have to pay for the additional connections that were built between the City property and the church property.

Mayor Whitley said he has several concerns regarding the front door. The door is real wood, faces west and is completely unprotected from the elements. It is already starting to show weather stress. Also, the landing outside the door is very narrow.

With the door not having any glass, a person from the inside could open the door and hit someone on the landing and cause a serious injury. Mayor Whitley said he would like the City to address the door after the building construction and contract is complete.

The City Council was provided with a schedule for the joint meetings with the members of the Planning and Zoning Board and the Zoning Board of Adjustment.

The Mayor and City Council were advised updates to the Code of Ordinances were available and were asked to bring their books in for updating if they have not done so already.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, the City Council approved personally sponsoring a tree in the Hospice Festival of Trees.

Mayor Whitley and the Councilmembers were provided with information on the Stanly County Chamber of Commerce Planning Retreat on Friday, November 20. Mayor Whitley and Councilmembers Holcomb, Neel and Underwood confirmed their attendance at this event.

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 6 to discuss personnel matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318(a) 6 to discuss personnel matters and that there was nothing to report at this time.

Councilmember Neel reported a steep drop off very close to the pavement on the west side of Northbrook Drive near Avondale Avenue. He said there is an opening for a culvert in this area and it needs to be protected.

Councilmember Underwood said he received a complaint about residents parking on Webb Street.

Councilmember Neel said there is a problem with residents parking on North Fifth Street. He said the City held a public hearing several years ago and considered prohibiting parking on this street but the residents were not in favor of this. He said the City may need to readdress this issue.

Councilmember Neel said the North Carolina Department of Transportation has done something to mess up the signals at the intersection of East Main Street and NC Highway 24/27. Also, signal adjustments are needed at NC Highway 24/27 and Henson Street but none have been made.

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