

REGULAR MEETING CITY COUNCIL
April 20, 2009

The City Council of the City of Albemarle met in a regular session on Monday, April 20, 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, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

Public Utilities Director Ernie Borders made a presentation of the APPA RP3 Platinum Award to the City Council. This was a presentation of the American Public Power Association (APPA) Reliable Public Power Provider Platinum Award (RP3), for Excellence in four key disciplines: Reliability, Safety, Workforce Development and System Improvement. The award is based on sound business practices and represents a commitment to safe and reliable delivery of electricity to our customers. The City of Albemarle is one of only 144 RP3 designated public power utilities from across the country that has achieved this milestone. The City was recently awarded this prestigious recognition from the American Public Power Association.

Mayor Whitley stated that Charles Burris, Superintendent of the Electric Division, is in charge of the electric crews for the City and the award really belongs to him and his staff.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of April 6 regular session and April 6 closed session were approved as submitted.

Mr. Art Rogers, Chairman, ADDC Parking Task Force came before City Council as an announced delegation to present the results of the updated downtown parking study that was funded by the City.

Mr. Rogers briefly discussed the task force and their goals and findings in the study. The task force members are: Art Rogers, Chairman, Lee Allen, Stephen Chambers, Dr. Bill Hatley, Roger Martin, Councilmember Jack

Neel, David Smith, Dr. Chris Bramlett and Vicki Coggins. He also said that this is more of a perceived problem than an actual problem except particularly in the Courthouse area on court days. The task force determined it should be proactive in its approach to the downtown parking and act in anticipation of future problems and needs. With knowledge from the City of Concord, based on a trip there and meeting with their city leaders, it became evident that a well-organized parking plan will be a recruiting tool for downtown Albemarle. He stated that the parking force obtained a proposal for a Parking Management Plan from John D. Edwards, who developed Concord's plan. Also, the ADDC Board of Directors contacted Tripp Muldrow, planner with Arnett Muldrow and Associates to submit a proposal.

Stephen Chambers came forward and handed out a copy of the color maps of the downtown parking area. Mr. Chambers covered the key points of the map including the private and public areas of off-street parking. He stated the need for better signage designating lots and spaces. He said that the industry standard is a blue circle with the letter P inside. He stated that there were three blocks in the downtown area that now have or will have serious parking shortages in the future and he pointed those out.

Tom Ramseur, President of the Stanly County Chamber of Commerce came forward and stated that he was working in Concord for the Chamber at the time their parking study and changes occurred. He commended the City for the revitalization of City Hall and all the work done to the City streets and sidewalks downtown. He said that the first impression is what people take back home with them after visiting the downtown. Concord got involved in the parking plan and signage and it made a difference in businesses fixing up and people coming into the downtown there.

Dr. Bill Hatley came forward and explained the action plans for the downtown parking. He covered the immediate action plan, the mid-range plan and the long range plan of the task force and the City.

Councilmember Hall asked if it was jury duty days or specific court dates that was the main concern. She said that on criminal court dates there are large numbers of people and not just on days when there is a jury involved. She asked that before they contact the court system they determine specifically what the exact court date problems are. Councilmember Holcomb stated that she had been in business for 16 years downtown and the biggest issue with parking occurs on Mondays. After 10-11 am the parking problem clears.

Dr. Bill Hatley said that he is not sure what court days were the most problematic from the study. He said that the Lutheran Church parking lot could be

re-configured now which would really be a big help. Councilmember Holcomb thanked the task force for their time and dedication to this project.

Mayor Whitley asked Mr. Rogers how many meetings the task force had attended. Mr. Rogers stated that they have had 10-12 meetings and a lot of hours. Mayor Whitley said that the public needed to know this and he thanked all of the task force members. He asked the members to encourage and stay behind the Council and City Manager about this.

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 Neel stated that there are continuing problems with their Time Warner roadrunner service at home. He said that it works about 1/3 of the time and the remainder of the time is very slow. IS Director Gabe Dimeglio stated that he is coming by and checking on each Councilmember's system problems. He said that nothing is consistent in the speed, it is fast then slow.

Councilmember Holcomb asked what level of speed the City is paying for. Mr. Dimeglio stated that it should be 5 mg/Business Class speed. He said after checking Mr. Neel's, his speed was 500 k up to 3 mg. Mr. Dimeglio stated that his understanding is that a lot of Albemarle customers have this same issue with their service.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 09-09 To rezone property on Leonard Avenue north of the Holiday Inn Express from R8/Residential to GHBD/General Highway Business District.)

(Ordinance 09-11, To rezone the former RJ Tucker property from LID to CBD.)

(Ordinance 09-13, To allocate the proceeds of the sale of surplus canoes to the Parks and Recreation Department.)

(Ordinance 09-14, Budget amendment for NCDENR grant funds for landfill for equipment totaling \$221,143 in total and for the General Fund (Public Works Division) totaling \$1,500 to appropriate donations for Earth Day.)

The Mayor and City Council decided to vote on Ordinance 09-12 separate from the above ordinances.

In further discussion, Councilmember Townsend said that he hopes to be able to set up a dedication ceremony after checking with Ms. White and notifying the residents on Center Street of their address change.

Mayor Whitley stated that if approved, signs would not be put up until Council talks with Ms. White about a small ceremony.

City Manager Raymond Allen stated that the City will notify the 911 Center about the street name change and also notify the residents on this street about the change that will occur in their physical address.

Councilmember Hall asked if the City also needed to contact the post office about this change. The City Manager stated that the City will contact the post office when they know the exact date the new street signs will be posted.

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

(Ordinance 09-12, Ordinance to remove the name Center Street from the Traffic Schedule XIV-A and to rename it to T.E. White, Sr. Drive from East Main to Dr. Martin Luther King, Jr. Drive and to amend traffic Schedule XXI to remove the name Center Street and replace it with T. E. White, Sr. Drive.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier, the following Ordinance passed second reading and was

duly adopted. Voting for the motion was Councilmembers Alexander, Holcomb, Napier, Townsend and Underwood. Voting against the motion was Councilmembers Hall and Neel.

(Ordinance 09-10. To reschedule the regular meetings for the City Council to 5:30 pm on the first and third Mondays of the month for the months of May through September.)

Mayor Whitley let the public know the meeting time from May through September will be at 5:30 pm on the 1st and 3rd Mondays.

Mayor Whitley and City Council considered the report on a discount prescription card program through NLC and NACO. At the previous meeting, Councilmember Hall reported that she thought Stanly County had implemented this program. Director of Human Resources Robert Whitley spoke with an employee in the Stanly County Human Resources Department and verified that the program is in place and being offered to all residents of the county.

The City Manager stated that since it had been confirmed that this program is available to all residents of Stanly County, including all municipalities, it would probably be confusing to residents to duplicate a program already in place and available.

Councilmember Alexander asked who is paying for this free service. The City Manager stated that the pharmacies who agreed to participate and provide the discounts to underwrite this program. Councilmember Holcomb stated that this was started by CVS and others that wanted to participate.

Mayor and City Council considered a request of Wynnefield Properties, Inc for a letter of support for Henson Place, Phase II. Wynnefield Properties is proposing to develop a second phase of the affordable housing development that was completed a few months ago. They are requesting a letter of support from the City in their application for funding for the project. Part of this property is inside the City and part is outside, so they have initiated rezoning requests to both the City and the County. The City Manager stated that he was contacted on Tuesday by Bob Odom who represents Wynnefield regarding this request. Mr. Odom has requested on the developer's behalf a letter from the City

expressing the need for affordable housing in our community and support for their application for funding for Phase II.

Councilmember Neel stated that the land should be annexed into the City before the rezoning. He stated that due to time constraints, the developer wants to rezone before the annexation. The City has a procedure that everyone needs to follow.

Mayor Whitley asked Planning and Community Director Bob Sasser to give further information on this. Mr. Sasser stated that it was the request of Wynnefield to do it this way. He said that when Council receives their Planning Board agenda, this rezoning item will be on there.

Councilmember Holcomb asked if Council would like to hold this over. Councilmember Hall agreed that it should be held over.

Mayor Whitley asked Bob Sasser how much time it would take if annexed into the City. Mr. Sasser stated that it would take a total of 4-5 months for the annexation and the rezoning process which he had expressed to Wynnefield. The City Manager said that Wynnefield was aware of this but not real happy about it. He said the application must be submitted 30 days prior to the Planning Board meeting now compared to 14 days previously, then Council sets a public hearing. Mr. Sasser said that as required by Council property owners are given 21 days notice now and that is why the application time is longer.

Mayor Whitley asked if the annexation and zoning issues could be worked on simultaneously. City Attorney David Beaver said this cannot be done because you cannot rezone a piece of property until it is part of that jurisdiction. Mayor Whitley said that the letter should be subject to the property being annexed and rezoning changes that have to take place.

Councilmember Townsend stated that they only want the City to express a need for affordable housing in the City. Councilmember Hall said that a time frame of 5-6 months to complete the entire process should be stated in the letter.

Property owner, Cavin Holbrook stated that the property is half in/out of the City limits and they are doing this to get the financing needed for this project. Mayor Whitley said that last time the City made a mistake by not annexing all of the property first.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a

letter of support for Henson Place, Phase II to Wynnefield Properties, subject to all of the property for Phase II being annexed into the City, and subject to the rezoning process.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, and Ordinance entitled (Ordinance 09-15) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO A NC RURAL CENTER GRANT FOR THE BROWNFIELD ASSESSMENT COALITION SUPPLEMENTED BY MATCHING FUNDS FROM CITY OF ALBEMARLE, TOWN OF MORVEN, AND TOWN OF POLKTON, ” passed first reading.

Upon questioning, the City Manager stated that this group’s pre-organization meeting was in March and their first meeting was on Wednesday, April 15.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 09-16) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO A BICYCLE GRANT FROM NC DEPT OF TRANSPORTATION SUPPLEMENTED BY MATCHING FUNDS FROM CITY OF ALBEMARLE, passed first reading.

The Mayor and City Council considered the appointment of a voting proxy to the Brownfields Coalition Board. The Brownfields Coalition Board had its first meeting on Wednesday and it was recommended that the City appoint a voting proxy member. This member would attend and vote in place of one of the two members appointed by City Council in the event that they are unable to attend the meeting. The current members are Bob Sasser and Michael Ferris.

Upon questioning, the City Manager stated the person chosen would be like a substitute or alternate as on the Planning Board.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved appointing Keith Wolf as the voting proxy member for the Brownsfield Coalition Board.

The Mayor and City Council reviewed the final plat for the Anderson Ridge Phase Two Map One. Mr. Jay Stikeleather is requesting the approval of the final plat for Anderson Ridge Subdivision Phase Two Map One and the acceptance of water, sewer, and street improvements to serve the development.

Engineering Services Director Jon Mendenhall introduced the developer, Mr. Jay Stikeleather. Mr. Stikeleather stated that the project is complete with water, sewer and street improvements and he is here to request final plat approval. He also stated that this is the number one subdivision for the builder involved and that the staff had been great to work with.

Mayor Whitley asked how many homes are in Phase Two. Mr. Stikeleather stated that there are 55 homes in Phase Two and that several homes are close to being sold.

Councilmember Townsend asked how many homes are in Phase One and Phase Two total. Mr. Stikeleather stated that there are a total of 110 homes.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved the final plat for Anderson Ridge Subdivision Phase Two Map One.

The Mayor and City Council considered approval of street assessment fees for FY 2009-10. The City's Charter requires that these assessment rates be adjusted annually based on the actual costs for the past year. Public Works Director Mike Lambert has calculated the new assessment rates. These will go into effect July 1, 2009.

Councilmember Neel asked about the current year assessment fees. The City Manager stated that there was a copy in the agenda packet for Council to review along with the proposed fees for FY 2009-2010.

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

(Resolution 09-18, To approve street assessment rates for FY 2009/2010.)

The Mayor and City Council considered a resolution for the acquisition of property related to the Alfred Street CDGB project. James Luster has been negotiating with Fernando and Kim Ponds to purchase their house and lot at 534 Alfred St. The appraised value is \$16,000 and the Ponds have agreed to sell for \$20,000. City Attorney David Beaver says the cost of condemnation could exceed the \$4,000 difference. The lot and house will be given to Prosperity Inc., a non-profit housing agency in Kannapolis who will place a pre-qualified family or person in a new or rehabilitated home; thereby replacing a vacant substandard home with a standard, owner-occupied unit. A new street and water and sewer lines will go in the new ROW.

Councilmember Hall moved for the approval of a Resolution to authorize the acquisition of property in conjunction with the Alfred Street CDBG project. The motion was seconded by Councilmember Underwood

Councilmember Neel asked if Prosperity, Inc. would own the property. Planning and Community Development Director Bob Sasser stated that this is correct and a grant application was written and they will place a pre-qualified family or person in this home. He also said that all the properties in question have been appraised and some will have to be condemned.

Councilmember Townsend asked who is doing the follow up work on Prosperity, Inc. Mr. Sasser stated that James Luster with Centralina Council of Governments has been taking care of this and he will check on it. Councilmember Townsend said that he would like to meet with Mr. Sasser at the property one day when convenient.

Upon a vote on the motion, the following Resolution was duly adopted:

(Resolution 09-19. To authorize the acquisition of property for the Alfred Street CDBG project.)

The Mayor and City Council reviewed proposed charge offs in the landfill fund. Permission is being requested to write off three landfill accounts which are uncollectible. Two of these accounts are very small and below the level for collection of the NC Debt Setoff Program. The other account has been submitted to Debt Setoff and to small claims court.

Councilmember Neel stated that he hopes the names of these companies and individuals are kept on file as not to render service to them again unless all past fees are paid in full. Councilmember Holcomb said that the names of these companies should be called tonight at the meeting. She named the following companies out loud for the public to hear: Lorch, LLC, Morton Mechanical, and McKnight's Landscaping.

Councilmember Alexander asked what criteria the companies had to meet for credit to be extended to them. Assistant Director of Public Works Nina Underwood stated that an application is taken with a bank reference. She said that they do not extend credit to just anyone that wants it. Also, she said that the McKnight's Landscaping account was placed on the NC Debt Setoff Program in March 2002, a judgment was issued in small claims court in May 2005 and a "notice of rights" was placed in October of 2008 but they could not be located by the sheriff's office.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved the write off of three landfill accounts which are uncollectible.

The Mayor and City Council reviewed the utility payment patterns for large utility customers. At City Council's request, the Finance Department has been reviewing the payment patterns of the City's largest customers.

Mayor Whitley stated that a large account with the City had filed bankruptcy and is why this was brought forward. The City Manager has contacted Deborah Crowder with Poyner and Spruill to represent the City in this bankruptcy.

The City Manager noted the chart provided to Council which showed that Contech did not pay their last two bills just prior to declaring bankruptcy. This will be filed with the bankruptcy courts and the City will request financial assurance going forward as it did with Collins and Aikman.

Councilmember Neel asked if the numbers represent the number of days after the due date. Finance Director Colleen Conroy stated that the numbers

represent the number of days from billing until a payment is made on the account. Councilmember Neel asked how many days it should be between billing and payment. Public Utilities Director Ernie Borders said that there are 20 days allowed between the billing date and the due date on the accounts. The City Manager stated that it is 20 days until due and then a late fee is assessed with days added to allow the customer to pay along with the customer receiving a late notice by mail which also lets them know what day their service would be cut off due to nonpayment.

City Manager Raymond Allen provided an update on the City Hall construction and renovation project. The City Manager stated that everything is going very well and is on schedule and under budget. He stated that a lot of work had been completed so far on the masonry outside and will continue if the rain holds off. The fence along the property line was added due to the possibility of an injury due to a fall from the public at the City Council's request.

Mayor Whitley asked the City Manager about the concrete around the windows on the new part of the building. Mr. Allen stated that this is cast stone around the windows and the concrete around the windows on the old part will be chemically cleaned.

Councilmember Holcomb asked what material the dome would be made of. The City Manager stated that it would be masonry with the structure made of steel and that the steel for this dome is already in place.

The Mayor and City Council considered a proposal to change the order of the Council agenda. Council discussed moving public hearings to the bottom of the agenda for the 5:30 meetings. This proposal was made at the April 6 meeting, but no action was taken on this matter.

Councilmember Holcomb moved to change the order of the Council agenda and move the public hearings to the bottom of the agenda, seconded by Councilmember Napier.

Councilmember Neel stated that Council should consider the comments that the City Manager had made in the agenda comments about moving the public hearings to the end of the meeting. Councilmember Neel stated that if the public hearings are moved to the end of the meeting, there will be no way to predict with any accuracy the time that a public hearing may occur in order to

inform someone inquiring about this. He also said that this would be very inconvenient if changed. Councilmember Holcomb stated that maybe the agenda should remain as is. Councilmember Neel stated if this is not changed that will be fine.

Councilmember Holcomb withdrew her motion.

The Mayor and City Council considered establishing filing fees for 2009 Municipal Elections. The City Council has the authority to establish filing fees for municipal elections in Albemarle. The Board of Elections has requested that the fees for the 2009 municipal elections be established. The City Council established filing fees of \$20.00 for Mayor and \$10.00 for City Council for the 2007 municipal elections.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved not increasing the filing fees for 2009 Municipal Elections.

The Mayor and City Council reviewed draft letters to federal and state legislative delegations. Pursuant to the City Council's request at the April 6 meeting, letters were drafted to both the state and federal legislative delegations about proposed laws that would either require or eliminate the ban on collective bargaining for local governments for Council approval.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved the draft letters to state and federal legislative delegations about proposed laws that would either require or eliminate the ban on collective bargaining for local governments.

The Mayor and City Council considered attendance at ElectriCities Legislative Rally Day Breakfast Briefing on May 6, 2009. ElectriCities of North Carolina will be holding its Legislative Rally Day in conjunction with NCLM Town Hall Day on May 6, 2009.

The City Manager stated that he, Mayor Whitley and Councilmembers Holcomb, Napier and Neel are registered to attend Town Hall

Day. ElectriCities is holding a breakfast briefing that morning if anyone wants to attend. However, it would mean leaving Albemarle around 6:00 a.m. to make that briefing. The Mayor asked anyone interested to please let the City Manager know.

The Mayor and City Council considered the attendance at Stanly County Council of Governments on April 28, 2009 in Locust. This will be at the Villages of Red Bridge and will include a presentation from a representative of the US Census Bureau on the decennial census. The City Manager stated that he can RSVP for anyone who would like to attend this meeting.

Mayor Whitley and Councilmembers Holcomb, Napier, Neel, Townsend and Underwood agreed to attend.

Councilmember Neel stated that he wanted to request that the City Council endorse a resolution that he had asked the local Chamber of Commerce Board to adopt and send to the League.

Councilmember Neel stated that he had given President Tom Ramseur of the Chamber of Commerce his last copy of the resolution tonight so he would have this to take to their board meeting on Tuesday morning.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council voted to request the Stanly County Chamber of Commerce to adopt a resolution to support the North Carolina League of Municipalities proposed changes to the State annexation laws.

Mr. Richard S. Huneycutt came before City Council as an unannounced delegation. He requested a peddler license from the City and had filed application and criminal background checks to the City administration office for review. He stated that he wanted to open a hotdog stand on his property at 907 West Main Street temporarily until renovation of his building on this property is complete to offer these food items inside.

Councilmember Hall asked if application was completed and if everything was okay per Police Chief Michael. Chief Michael stated that everything is processed through Michael Ferris in administration.

Assistant City Manager Michael Ferris stated that Ms. Bowers took this application and he stated the process of filing an application and a report from the Clerk of Court's office and then placing the item on the agenda for Council approval.

Councilmember Townsend asked Mr. Huneycutt if he would be the one operating the hot dog stand. Mr. Huneycutt stated that it would be him and one other employee. Mayor Whitley mentioned to Mr. Huneycutt that he would also have to meet Health Department standards.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the City Council approved granting a peddler license to Mr. Richard Huneycutt.

The City Manager mentioned the Arbor Day Ceremony on Tuesday, April 21 at Hearne Park at 1 pm and that everyone is invited.

Councilmember Holcomb stated that U.S. Senator Kay Hagan and Congressman Larry Kissell visited City Lake Park in Albemarle on Friday about the new bridge that will be built on NC Highway 73. She said that Council should send a letter to each of them and to Barry Moose with NCDOT.

Councilmember Hall stated that when the new bridge is unveiled, Senator Hagan wants to take a canoe ride under the bridge during the ceremony.

Councilmember Neel mentioned the Safetea-Lu Reauthorization project questionnaire. He said that Council needs to contact Congressman Kissell's office about these project funds by May 1. Councilmember Hall asked if this would be handled individually or by the group. Mayor Whitley stated that the City Manager will be talking to everyone about this.

The City Manager stated that he had not seen this information prior to the email from Councilmember Neel today but he had contacted Dana Stoogenke with the Rocky River Rural Planning Organization (RPO) for more information, guidance and what is eligible.

Councilmember Underwood stated that the owner of former Hoots Fish and Tackle Shop, Roger Hudson has promised to make repairs to this building at 540 N. 1st Street beginning tomorrow.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318(a) 5 and 6 to discuss real estate negotiations and personnel matters.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced a closed session was held pursuant to NCGS 143-318(a) 5 and 6 to discuss real estate negotiations and personnel matters and that there was nothing to report at this time.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the meeting was adjourned.