

REGULAR MEETING CITY COUNCIL  
August 3, 2009

The City Council of the City of Albemarle met in a regular session on Monday, August 3, 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.

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Mayor Whitley delivered the invocation.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the July 20 regular session, were approved as submitted.

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A public hearing was held to consider a request to rezone the 109 Penny Street from NBD/Neighborhood Business District to HMD/Hospital Medical District.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the public hearing was closed. No one from the public spoke for or against.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, the following Resolution was duly adopted:

(Resolution 09-37. To rezone 109 Penny Street property from NBD to HMD.)

Voting for the motion were Councilmembers Alexander, Holcomb, Napier, Townsend, and Underwood. Voting against the motion was Councilmember Hall.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, an Ordinance entitled (Ordinance 09-26) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA,” passed first reading.

Voting for the motion were Councilmembers Alexander, Holcomb, Napier, Townsend, and Underwood. Voting against the motion was Councilmember Hall.

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Councilmember Neel joined the meeting at this time.  
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A public hearing was held to consider a request to amend the zoning ordinance to allow Level IV Treatment Facilities for Mental Rehabilitation for boys and girls up to 17 years of age in a HMD/Hospital Medical District. No one from the public spoke for or against this matter at this time.

Councilmember Hall moved to close the public hearing. Councilmember Underwood seconded the motion.

Councilmember Hall stated that a level IV treatment center is a facility for youth under 17 years of age. Over a five county span, there is currently only one level IV child that lives in Union County. She said that she is voting against this motion due to the description.

Councilmember Holcomb stated that there is no opposition to this facility from businesses around the location proposed. She asked would it not be a good idea to vote on this for possible need in the future. Councilmember Hall stated that the State will not be paying for these services.

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

(Resolution 09-38 To amend the Zoning Ordinance to allow level IV treatment facilities for mental rehabilitation for boys and girls up to 17 years of age in a Hospital Medical District (HMD).

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, an Ordinance entitled (Ordinance 09-27) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING SECTION 92-08 Entitled "HMD-HOSPITAL-MEDICAL CENTER DISTRICTS" OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE TO ALLOW LEVEL IV TREATMENT FACILITIES FOR

MENTAL REHABILITATION FOR MINOR CHILDREN UP TO 17 YEARS OF AGE AS A PERMITTED USE IN HMD-HOSPITAL-MEDICAL CENTER DISTRICTS, passed first reading.

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

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Mr. Joe Hatem, WHN Architects, came before City Council to present a bid for the EE Waddell Center Renovation Project. At the bid opening for Phase 1 of the E.E. Waddell Community Center Renovation Project on July 21, 2009, Ponder Construction submitted the low bid at \$651,000. City Council reviewed the reference check and list of current and past projects indicating that the firm has significant experience in public facility projects and a good track record. There were 16 bids received for this project, and the bids came in under estimates. If there are no significant change orders, then there will be funds available for other items in the EEWCC plan.

Councilmember Townsend asked Mr. Hatem why there was such a variance between the lowest to highest bid. Mr. Hatem stated that this is probably due to having a large number of bidders.

Councilmember Neel asked Mr. Hatem if there is further work that will be done on this contract or will there be a separate bid. Parks and Recreation Director Toby Thorpe has discussed this with Lindsey Dunevant, who is the NC Parks representative for this region, and he has advised that the City can submit additional construction items for consideration up to the \$500,000 maximum grant. However, they must be considered recreation related items. Mr. Thorpe stated that they will not know how much funding will be available until further along in construction and determine the amount of change orders and make sure it falls under the PARTF guidelines, providing recreational activity, not supporting activity. Mr. Thorpe and his staff are already discussing possible recommendations to City Council for these additional funds.

Mr. Thorpe noted he had received a HUB memo from Purchasing Coordinator Linda Lewis that he was unable to receive in time to place in the agenda.

Mayor Whitley explained to the viewing audience the PARTF grant and that it was in the amount of \$500,000 with the City matching funds for this project.

Upon questioning, Mr. Hatem stated that the contractor has been contacted and his bid verified and the contractor has no reservation in proceeding with the contract. Also, that he had contacted some of the contractor's references, and has found no reason not to award the contract to them. He said that he would be drafting a contract within a

week and getting contractor bonds. The construction process should occur around three weeks from now and the contractor would have 150 days to complete this project.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved the low bidder, Ponder Construction for the EE Waddell Center Renovation Project in the amount of \$651,000.

(Bid list)

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Ms. Regina Roseman was scheduled to appear as an announced delegation before the City Council to request the closing of Eastover Avenue between Coggins Avenue and Leonard Avenue on Saturday, August 29 from 2 pm to 6 pm for a family reunion.

Mayor Whitley stated that it was out of the ordinary to close a street for a family reunion. Councilmember Hall said that there is one more Council meeting before August 29 and Ms. Roseman is not present tonight. Councilmember Townsend stated that Council should only continue to consider the closing of streets for church functions and non-profit organizations. Councilmember Neel stated that Council should determine a set of guidelines and give to the City Manager of what Council will be willing to consider in the closing of streets.

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend and unanimously carried, the City Council denied the request to close Eastover Avenue between Coggins Avenue and Leonard Avenue on Saturday, August 29 from 2 pm until 6 pm for a family reunion.

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Mr. Kevin Gullette, Executive Director, Stanly County Economic Development Commission, came before City Council as an announced delegation to provide an EDC update. Mr. Gullette thanked City Council for allowing him to come and share information. He said that he had been with the Stanly County EDC since November of 2008. Everyone is grounded and focused and working to bring better jobs to Stanly County. Presently there are seven projects his staff is working with and these entities have expressed an interest in expanding their existing business or creating a new one. This represents \$280,000,000 of new investments and possibly 600 jobs for the County. Two or three of these are expansions in existing markets. There is someone interested and looking at using the Alcoa facility.

Mr. Gullette stated that several months ago, the EDC had a meeting and created a draft plan for the next eighteen months. Some of our goals are:

- 1) Establish a business retention program
- 2) Product Development strategy – disadvantage is that there is no interstate connection in the County
- 3) Continue the program of having certified sites – example is the Prime Power Park, ready for industry and hopefully to capture industry.
- 4) Planning future growth and balance and where to place it

Mr. Gullette mentioned that the logo for the EDC is being redone. He said that he was looking to update and partner with the City of Albemarle, all municipalities, the County Commissioners, and EDC by sharing information. Upon questioning Mr. Gullette stated that the EDC meeting regarding the Prime Power Park is tomorrow August 4 at 11:00 am at their office.

Councilmember Townsend asked Mr. Gullette if any EDC board members have an industrial background. Mr. Gullette stated that these members are chosen by the County Commissioners. Mr. Townsend stated that making sure members have different backgrounds is important.

Councilmember Hall thanked Mr. Gullette for coming tonight and introducing himself to Council.

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Ms. Sharon Smith of 624 Lee Street came before City Council as an unannounced delegation to request the closing of Colston Street between Dr. Martin Luther King, Jr. Drive and Gibson Street for a community function at the Colston Street Church of God on Saturday, August 15, 2009 from 9 am until 6 pm. Upon questioning, Chief of Police Ronnie Michael stated that there should be no problem of the street closing in this location.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request to close Colston Street between Dr. Martin Luther King, Jr. Drive and Gibson Street for a community function at the Colston Street Church of God on Saturday, August 15, 2009 from 9 am until 6 pm.

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

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

(Ordinance 09-25. To amend the FY 2009/2010 budget for appropriation of \$24,000 from General Fund fund balance to pay for the asbestos abatement and the demolition and disposal of the house at 244 Concord Rd.)

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The Mayor and City Council reviewed a report from NC Department of Transportation on a speed study for East Main Street. Mayor Whitley briefly reviewed the speed study on East Main Street and the letter from NCDOT Division Engineer Barry Moose. NCDOT performed two random speed studies on East Main Street. The first study was on the 1100 block and the second study was on the 800 block. The current speed limit is 35 MPH and both studies performed by NCDOT support that the safe and reasonable speed limit for the study area is 35 mph. Their recommendations are that the speed limit remains at 35 MPH and that no four-way stop signs or traffic signals be installed.

Mayor Whitley asked the City Manager if Ms. Cynthia Pope at 1021 E. Main Street had been contacted about the results of this study. The City Manager stated that he had sent the report to her but had received no response. Mr. Allen also stated that he had given her the date of this Council meeting if she wanted to attend.

Councilmember Hall stated that the last two paragraphs of the NCDOT letter are very important which stated: The Manual on Uniform Traffic Control Devices (MUTCD) is a manual published by the Federal Highway Administration and is used as a national standard for traffic control devices. The MUTCD states that stop signs and Traffic Signals should not be used as devices to control speed. Their intended use is to assign right-of-way to the traveling public at intersections.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council voted to support the NCDOT recommendation and deny the request for traffic changes on East Main Street.

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The Mayor and City Council considered a recommendation of the Planning and Zoning Board to approve a request of Mr. Aaron Deese for a 50 feet extension of Pecan Avenue to allow for the construction of one house on the west side of Pecan Avenue. Staff has approved the plat as submitted. Water and sewer is available and if approved, Mr. Deese proposes to construct the extension the same width as the existing Pecan Avenue, which is 12.5' wide, with a hammerhead turnaround.

Councilmember Neel asked for clarification of the right of way there and Planning and Community Development Director Bob Sasser stated that the right of way is a short stretch of 15 feet beyond the pavement. The home owner would be paving 50 feet for a new home. It will follow the current driveway and add 10 feet to allow for City maintenance.

Mayor Whitley stated that this will require a development agreement between the owner, Mr. Aaron Deese and the City, if Council approves this request as it does not meet the development standards of the City. Any future development will trigger full development standards.

Mr. Sasser stated that if approved tonight, the agreement will come back before Council for final approval of the development agreement. Mr. Aaron Deese, owner of the property stated from the audience that the document will be created by City Attorney David Beaver.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a request of Aaron Deese for a 50 feet extension of Pecan Avenue to allow for the construction of one house on the west side of Pecan Avenue.

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The Mayor and City Council reviewed a report on Dunn's Grove Baptist Church, 30803 Ridge Street, to amend the Zoning Ordinance to permit off premises directional signs for churches. This request was denied by the Planning and Zoning Board at its July 28 meeting. The City has had an ordinance prohibiting off premises signs for 30 years, since 1979.

This is a church located out in the County that installed an illegal off premises sign at Ridge Street and the Northeast Connector without a sign permit a few weeks ago. The Planning Board considered this request including a petition submitted by the church with 804 names on the petition without addresses.

Pastor Wayne Austin, Dunn's Grove Baptist Church came before City Council in opposition of the Planning Board's decision not to allow off premises

directional signs. He thanked Council for allowing him to appear and quoted verses from the bible. He explained attending the Planning Board meeting and their decision and speaking for all churches in the Stanly County area, asking Council if off premises signs for churches could be handled separately from other sign request. He stated that the sign is an outreach for their church and it has helped the attendance. His request of Council was that they be able to return the sign to the corner of the Northeast Connector and Ridge Street.

Pastor Austin had questions about how the vote was calculated when the Planning Board voted 4/3 against allowing off premises signs and why the alternates vote did not count. Planning and Community Development Director Bob Sasser came forward and explained that there are 7 regular members of the Planning Board with two alternates. All of the alternates attend the meetings to listen and make comments as a training tool. He mentioned the rule of procedure of each meeting and that since all 7 members were present at the meeting, no alternate vote was needed. He stated that the vote was 3/3 and that Chairman Jolly voted to break the tie causing the vote to be 4/3 against the motion.

Councilmember Underwood stated that all signs for churches should be exempt and they should be able to return their sign to the corner of the Northeast Connector and Ridge Street. Councilmember Napier asked if Council could vote to make churches and hospitals exempt. Mayor Whitley said that Council can vote to do what ever is best.

Councilmember Holcomb said that Pastor Austin should talk to other churches and come before City Council and the Planning Board and present this request allowing Council to determine a set of rules to follow for off premises signs for churches.

Councilmember Townsend asked Mr. Sasser if he had researched how other cities handle off premises signs for churches. Mr. Sasser said that he had not in this case but he could contact other cities for information. Pastor Austin stated that he had checked with Norwood and they do allow off premises signs for churches and Salisbury also allows off premises signs for churches. Pastor Austin mentioned South Stanly Baptist Church who is outside of the Norwood town limits having signs up in the town limits. The City Manager said that the City prohibits any off premises signs and signs can only be displayed on their own property.

Councilmember Neel indicated that to allow this it would have to conform to state rules for signs on State right of way. Too many off premises signs could confuse travelers which may be the same reason that the Planning Board voted against this request.



Mr. Floyd Barringer came before Council and stated that these signs are very important and aid in directing visitors to their church. He asked that Council allow them to put the sign back up.

Pastor Stony Benfield of Prospect Baptist Church came before Council and stated that they will submit to the decision of Council but asked that Council reconsider this request. He said that he supports Pastor Austin and Dunn's Grove Baptist Church.

Mr. Jerry Shaver came before City Council and stated that he is a life long resident of Stanly County and is now retired. He asked that Council and the Planning Board reconsider allowing the church to place the sign. The owners of the property gave their permission for the placement of the sign on the Northeast Connector. He said that the church is growing and needs help in membership.

Mayor Whitley stated that the City staff, City Attorney and Boards would have to research this and Council will have to come to a decision. This item will have to be laid over until the Planning Board and City Attorney can do some research and either pass or turn this request down. Councilmember Holcomb asked about the City Council and Planning Board having a joint meeting with interested people on this request. Councilmember Underwood indicated that members of the church would like Council to vote tonight and approve placing the sign temporarily until a permanent decision can be made.

Councilmember Neel stated that if the church would move the sign 200 feet from the intersection at the Northeast Connector and Ridge Street it would be outside the City limits and they could return the sign tonight. Councilmember Holcomb asked that Council call an emergency meeting in the next couple of weeks. Councilmember Underwood indicated that Council makes the rules and can decide on this issue tonight.

Councilmember Townsend asked if this ordinance had been reviewed any since determined in 1979. The Mayor said that it had been reviewed many times. Pastor Austin asked that there be a vote on this tonight.

Dr. Darrell Huneycutt with Prospect Baptist Church came before Council and stated that he is an ordained minister and served in the armed forces. He stated his love for his country, county and the City and asked that Council allow this community to be able to temporarily place this sign until a permanent decision can be made.

Councilmember Hall said that we all were taught as children to work together for the common good but in reading the negative letter to the editor; this does not follow this even though she believes in the freedom of speech and the freedom of written word.

Councilmember Alexander stated that he does appreciate and understands what they are asking but they need to understand that Council has to follow certain rules. He said that he was 84 years old and has been a Christian since the age of two, served 3-1/2 years in the Marine Corp during WWII where he fought for his country. He indicated that if Council made any permanent decision tonight, it would be in violation of the City ordinance. The City Manager explained that once there is a request made, a public hearing notice is required, then a public hearing is held with public response if any, and the Council can then make a decision.

Mayor Whitley asked Council if they would like to place a motion on the table for a temporary solution until a permanent decision could be made.

Councilmember Underwood moved to approve that Dunn's Grove Baptist Church be able to return a sign temporarily to the corner of the Northeast Connector and Ridge Street until there is an understanding between the Planning Board and City Council and a permanent decision is made. Councilmember Napier seconded the motion.

Councilmember Hall asked Mr. Sasser about the date of the previous and next meeting of the Planning Board. Mr. Sasser stated that the Planning Board meets on the 4<sup>th</sup> Tuesday of each month and that the last meeting was July 28 and the next meeting is August 25. She also asked if there would be enough time to consider possible ordinance revisions before August 25. Mr. Sasser stated that it all depends on what the request is. If a special meeting is called, Council needs to determine what the proposal would be, in making the best decision for the City.

Councilmember Alexander made a substitute motion to delay the placing of the sign until a study is done to consider making provisions between the Planning Board and City Council in a called meeting. Councilmember Neel seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, and Neel. Voting against the motion were Councilmembers Napier, Townsend and Underwood.

Mayor Whitley stated that the substitute motion carries and Council will not have to consider the original motion. He explained the process to the audience of Parliamentary procedure and the handling of a substitute motion.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a called session on Monday, August 10, 2009 at 7:00 pm in Council Chambers to invite and discuss with the Planning Board the issue of allowing off premises signs. This will be an open session meeting and everyone is welcome to attend.

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Upon a motion by Councilmember Townsend, seconded by Councilmember Townsend and unanimously carried, the City Council approved a short recess.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved going back into session.

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The Mayor and City Council reviewed a report on Storm Technologies request to rezone 631 Monroe Street from R8/Multi-Family Residential to LID/Light Industrial District. Planning and Community Development Director Bob Sasser stated that this item was held over by the Planning and Zoning Board. Several property owners had concerns and the Planning Board decided to take extra time and study this until their next meeting on August 25. Ms. Sasser stated that Mr. Little that has lived next to the Storm Technologies property since the beginning did not want this property rezoned to Light Industrial.

The City Manager stated that Council did not need to take any action on this matter and that this was just information from the last meeting of the Planning Board.

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The Mayor and City Council considered a recommendation of the Planning and Zoning Board to eliminate conditional use requirements for most school expansions. The Planning Board has recommended that the City's Zoning Ordinance be amended to not require a conditional use permit in some cases where existing schools are expanding. A public hearing is required to consider this amendment.

The Mayor and City Council had requested that the Planning Board study the issue of not requiring a conditional use permit for expansion of existing school facilities. The Planning Board felt that neighborhoods and the public should have some opportunity to comment in these cases, so they have recommended that Council amend the current zoning ordinance to not require a conditional use permit for schools if the new addition is not in excess of 10% of the existing total building square footage for the campus, and the addition is not closer than 50 feet to adjoining property lines.

Planning and Community Development Director Bob Sasser stated that this should not affect new additions that are not in excess of 10% of the existing building square footage and should not affect the neighborhood in traffic or noise.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved setting public hearing for

Monday, September 8 to consider amending the City ordinance to not require a conditional use permit for schools if the new addition is not in excess of 10% of the existing total building square footage for the campus, and the addition is not closer than 50 feet to adjoining property lines.

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The Mayor and City Council considered a resolution to approve the FYE 2009 PHAS Report for the Department of Public Housing. PHAS or Public Housing Assessment System is a tool that HUD uses to score each housing agency's performance in Financial, Physical, and Resident relations. The City of Albemarle Department of Public Housing is a small PHA by designation because they have fewer than 250 public housing units. The Management assessment report for this past fiscal year along with a resolution was viewed by City Council for approval, which must be submitted to HUD. Later during the year, HUD will notify the housing agency of the final assessment score.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a resolution for the FYE 2009 PHAS Report for the Department of Public Housing.

(Resolution 09-39)

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The Mayor and City Council considered approval of the annual SEMAP report for the Department of Public Housing. The Department of Public Housing administers the Section 8 Housing Choice Voucher (HCV) program to assist low to moderate income families in Stanly County with rental assistance payments to landlords that provide quality housing units. The Department of HUD requires all Section 8 agencies to annually submit a Section 8 Management Assessment Program (SEMAP) certification. Public Housing Director Garry Lewis has advised that the number of assisted families has increased from 262 to 292 over the past year.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved the annual Section 8 Management Assessment Program (SEMAP) report for the Department of Public Housing.

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The Mayor and City Council considered a request to have open and closed hours for the playground areas in Amhurst Gardens. Residents of Amhurst Gardens support open & close hours for the playground areas. Police Chief Ronnie Michael, Assistant City Manager Michael Ferris and Garry Lewis, Director Public Housing met to find a solution to several resident complaints of late night loitering, loud music and questionable activities that are in the playground & parking areas on South Bell Avenue and the entrance to the ball field on Inger Street. It was suggested that if open and closed hours were enacted in these two areas, the Police could enforce this if authorized by City Council and supported by the residents. The residents of Amhurst Gardens especially those residents that live in the immediate area of the playgrounds were notified that a meeting would be held on July 1, 2009 to determine if they would support this idea.

Over the course of two weeks, a survey was hand delivered to each resident to ask if they would agree to an open hour of 7:30 am & closed hour of 11:00 pm daily for these areas and 117 out of 142 apartment heads of household responded affirmatively, 5 disagreed and 20 did not respond.

Councilmember Townsend stated that he had received several phone calls from some of the residents requesting a closing time of 10 pm since the survey was taken. Councilmember Hall asked if this includes school nights and weekends. Mr. Townsend said that they did not say. Councilmember Neel stated that the main thing is that there is a time frame that the playground areas are closed.

Councilmember Townsend moved that the playground and parking areas on South Bell Avenue and the entrance to the ball field on Inger Street open at 7:30 am and close at 10:00 pm daily.

Councilmember Neel offered a substitute motion that the playground and Parking areas on South Bell Avenue and the entrance to the ball field on Inger Street be closed from 10:00 pm until 7:30 am and opened from 7:30 am until 10:00 pm daily. Councilmember Hall seconded the motion, and upon an unanimous vote, the motion carried.

Councilmember Townsend rescinded his motion.

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The Mayor and City Council considered approval of the 2010 Bridge Inspection Option Selection. Council needs to select an option to undertake the 2010 Bridge Inspection Program in conjunction with the North Carolina Department of Transportation. The NC Department of Transportation requires that the City's bridges be inspected biennially, but they provide funding for 80% of this cost with federal highway

funds. This is coordinated by the Department of Engineering Services, and details about the program were provided in the agenda memo from Jon Mendenhall to Michael Ferris. Mr. Mendenhall has recommended the method the City has utilized in the past, option B, with the City contracting with a consulting engineer.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved option B, employing a qualified private engineering firm to perform the inspection and analysis and prepare the necessary forms for submission to the Federal Highway Administration on the 2010 Bridge Inspection Program Option Selection.

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The Mayor and City Council considered authorization of the Alfred Street Condemnation. This is a request from the Planning and Community Development Department to authorize the City Attorney to prepare a resolution to condemn five lots. This is for street improvements and future housing development. Three property owners have already settled. Planning and Community Development Director Bob Sasser has advised that these condemnations need to be complete by the end of August.

Mayor Whitley commented on the Alfred Street CDBG project and how nice three of these houses look and since completed, look like a new house. City Attorney David Beaver will draft a resolution to declare the values on figures that Mr. Sasser has taken. Condemnation is necessary because of problems with the title, unknown owners, or no response to offers for just compensation. Prosperity, Inc. will take possession of the properties and build energy efficient homes. They find low income families that are eligible for these homes that fit this type of program and provide low interest rate loans to them.

Councilmember Townsend asked why not use Habitat for Humanity instead. Mr. Sasser stated that the Community Development Block Grant was not written that way. This is just another type of program that places homeowners in neighborhoods to help stabilize neighborhoods.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council authorized the City Attorney to prepare a resolution to condemn five lots on Alfred Street.

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The Mayor and City Council considered the unsealing of Closed Session minutes. The NC General Statues require that once the purpose for which a closed

session is held no longer applies, closed session minutes should be unsealed. The minutes were given to Council for review and are proposed for unsealing. Some of the minutes can be unsealed as a complete set, while others have portions that are now eligible for unsealing.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved the following sets of minutes to be completely unsealed or partially unsealed:

Completely unsealed: 5/19/09, 1/5/09, 9/2/08, 5/5/08, 5/3/08, 2/18/08, 1/7/08, 12/3/07, 11/19/07, 9/7/07, 9/4/07, 8/20/07, 4/16/07, 11/6/06, 6/6/06, 10/3/05, 7/5/05, 11/17/03

Partially unsealed: 5/4/09, 4/20/09, 4/6/09, 3/16/09, 3/3/09, 1/1/08, 1/17/08, 11/10/08, 10/20/08, 9/15/08, 4/21/08, 2/16/08, 10/1/07, 7/16/07, 6/18/07, 8/7/06, 5/15/06, 4/20/06, 7/18/05, 4/4/05, 7/12/04, 2/16/04, 11/9/01.

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The Mayor and City Council reviewed the report on a sight distance complaint at North Sixth Street and Hawthorn Avenue. Councilmember Neel reported this complaint at the City Council meeting on July 7. Public Works staff investigated this complaint and determined there was no violation in the sight triangle. However, they did determine that the stop sign was several feet back from the intersection and that if motorists were not pulling up to the intersection this could create a sight problem. Public Works moved the stop sign approximately 10 feet closer to the intersection. They also contacted the property owner to ask if the Department could trim some limbs off the right of way north of the intersection. The owner did not give permission for this, but stated he would look at these limbs and if he felt they were a problem he would have these trimmed.

The current sight distance at the intersection looking north is 385 feet. This exceeds both the recommended minimum sight distance in the Manual on Uniform Traffic Control Devices, and the NCDOT sight distance for existing conditions for 35 mph streets.

Councilmember Neel stated that you could still not see 350 feet around the trees. Mayor Whitley said that the property owner had been contacted and they said that they would consider cutting the evergreen trees back. He also said that this issue is still pending.

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The Mayor and City Council reviewed the report on a sight distance complaint at North Fourth Street and East Cannon Avenue. Mayor Pro Tem Alexander reported this complaint at the July 21 meeting of City Council. The obstruction was found to be within the sight distance triangle which means that it must be no higher than 30 inches. The property owner was notified and the obstruction, which is pampas grass was trimmed by the resident. Public Works Department staff followed up on this on July 28 and determined that it had been trimmed, but not to the requisite 30 inches. A door hanger was left at the residence on July 28 advising the resident of same. Public Works staff will follow up again to see if this is brought into compliance.

Mayor Whitley stated that this issue has been taken care of. The three bushes on the property have been cut back below 30 inches.

Councilmember Neel asked if they ended up cutting the bushes back below 30 inches the second time they were cut back and the Mayor affirmed this.

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The Mayor and City Council considered a recommendation to write off bad debt. The City of Albemarle has two miscellaneous invoices that are deemed to be uncollectible. Finance Director Colleen Conroy requested that these items be written off the books. City Council reviewed a memo from Ms. Conroy.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the writing off of bad debt as follows:

- 1) Miscellaneous Invoice # 500137 issued in 2005 in the amount of \$1,854.58
- 2) Miscellaneous Invoice # 900064 to Deutsche Bank National in the amount of \$65.00

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The Mayor and City Council received a status report on the City Hall project. Work continues on numerous items on the work site including installation of carpet, painting, installation of doors, and the cast stone coping on the parapet walls. The coping is almost complete on the addition, with the exception of a few pieces that were cast in the wrong length by the manufacturer. The cast stone coping will be installed on the historic building next week. The copper dome on the cupola was installed by crane last Tuesday.



A draft of the language for a dedication plaque for the building was attached for Council review. The City Manager asked that Council review this and advise him of any changes that they would like to see in the language. Mr. Allen stated that he would like to get this ordered in time for the building dedication, which is projected to be either the week of November 16 or the week of November 30, depending upon furniture delivery and move in.

The City Manager and Engineering Services Director Jon Mendenhall have examined the building for a plaque location and there appears to be three suitable locations for City Council to choose from. These are on the left side of the door on the Second Street entrance (on the opposite side of the door of the original 1938 dedication plaque), on the right side of the lobby of the Second Street entrance across the lobby from the Duke of Albemarle statute; or in the lobby on the right side of the entrance to the Council Chambers on the Third Street side. There is no suitable location on the Third Street facade anywhere near that entrance due to doors, windows, and decorative cast stone work. Direction is needed from City Council as to where they would like this to be.

The City Manager asked if Council had reviewed the language for the dedication plaque and if it was acceptable. The location of the plaque was determined to be on the left side of the door on the Second Street entrance (on the opposite side of the door of the original 1938 dedication plaque).

Councilmember Neel stated that the plaque should display November 2009. The City Manager said that they are shooting for November, but it could be December. Mr. Neel said that they should go ahead and put November 2009 on the plaque. Councilmember Hall said that we may not be in until December, but go ahead and put November 2009 on the dedication plaque.

Councilmember Hall asked that all Councilmembers take time to tour the new City Hall, that it only takes around 30 minutes to do so. She commended the Engineering Services department of the great job they had done.

The City Manager stated that he would change the plaque to add November. He also said that there are a couple more sample audience chairs in the conference room that Council can view and determine if they like better after the Council meeting tonight, since concerns were expressed about the original chairs.

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The Mayor and City Council considered the approval of a letter of support for the nomination of Susan Taylor for US Attorney for the Middle District. Councilmember Townsend has requested that the City Council consider a letter of support

for the candidacy of Stanly County resident Susan Taylor, who has been nominated for this position. Ms. Taylor has previously served as an Assistant District Attorney, District Court Judge, and Superior Court Judge. If City Council so approves, the letter will be drafted for consideration.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the letter of support for the nomination of Susan Taylor for US Attorney for the Middle District.

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Councilmember Townsend asked that staff take a look at other cities and how they handle street closing requests. Mayor Whitley asked that the City Manager and the Assistant City Manager create a format for Council to follow.

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Councilmember Holcomb asked that the City Manager research how other cities handle off premises signs. The City Manager said that the Planning and Community Development Director Bob Sasser will handle this request.

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Councilmember Hall asked if anyone had read about the Crisis Leadership for Local Officials – Emergency Management Training Program on August 21-22 at the Badin Air National Guard Facility. She said that this is under the National League of Cities and the City of Albemarle is hosting it this time. She said that she spoke with Colonel Adams with the Air National Guard and he said that the guard is one of the larger employers that the City and County has. Ms. Hall asked that Council view this facility at Badin and the potential it has for jobs and have the awareness of what is there.

Ms. Hall stated that 33 people have already signed up for the EMT Training Program with a capacity for 45 people total. People are attending from all over the State. She stated that the participants of this program will attend the Cruise-In downtown and have dinner downtown Albemarle on Friday, August 21.

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Councilmember Hall stated that there was property available on East Main Street that she would like for Council to consider for additional public housing. She said that she will give the City Manager all the information that she has on the property. Councilmember Neel said that he had already informed the City Manager of this property.

The City Manager indicated that HUD is looking for scattered housing. There are already 150 public housing units in this area; too many could create a type of ghetto situation. Also, he said that HUD is not adding anymore operational monies and the City would have to possibly use property tax revenues, which the City has never done before if additional public housing units are constructed.

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Councilmember Alexander thanked everyone involved for checking on the sight distance complaint on North Fourth Street and East Cannon Avenue. He mentioned that there had been several wrecks in that location.

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Janie Carter asked City Council if they would like the Monday, August 10 called session to be videotaped. Upon questioning, the City Manager and Ms. Carter stated that the cost of taping per meeting is \$100. The City Council confirmed having the meeting videotaped. This meeting will be held in Council Chambers at 7:00 pm.

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Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to Monday, August 10 at 7:00 p.m. in the City Hall Annex for a called meeting concerning a request of Dunn's Grove Baptist Church to allow off premises signs.