

REGULAR MEETING CITY COUNCIL

December 7, 2009

The City Council of the City of Albemarle met in a regular session on Monday, December 7, 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: Martha Sue Hall, Judy Holcomb, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Councilmembers Troy E. Alexander and Jeanette Napier.

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Mayor Whitley delivered the invocation.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the November 16 regular session, November 16 closed session, and November 18 adjourned session were approved as submitted.

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

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The Honorable Kevin Bridges, Superior Court Judge, came forth to deliver the oath of office to Mayor Elbert L. Whitley and City Councilmembers Judy U. Holcomb, Jack F. Neel, Dexter G. Townsend and T. Ed Underwood.

(Oaths and Signatures)

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The meeting reconvened with the newly sworn Mayor and City Council. Mayor Elbert L. "Whit" Whitley presided, and the following Councilmembers were present to-wit: Martha Sue Hall, Judy Holcomb, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Councilmembers Troy E. Alexander and Jeanette Napier.

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Councilmember Holcomb moved to dispense with the written ballot as the method to select the Mayor Pro-Tem and nominated Troy E. Alexander as Mayor Pro-Tem. The motion was seconded by Councilmember Neel. Upon a vote, the motion was unanimously carried.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council re-appointed Raymond I. Allen City Manager.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council re-appointed David A. Beaver City Attorney.

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Upon a motion by Councilmember Neel seconded by Councilmember Hall and unanimously carried, the City Council voted to leave the appointment of the Finance Director, Tax Collector, City Clerk and Deputy City Clerk to the discretion of the City Manager. The City Manager indicated that it was his intention to make the following appointments:

Finance Director – Colleen Jones  
Tax Collector – Elizabeth Boyle  
City Clerk – Michael J. Ferris  
Deputy City Clerk – Paulette Bowers

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The Mayor and City Council received information that on November 16 the City of Albemarle was presented the "Disaster Preparedness Award" for 2009 at the annual North Carolina Section AWWA annual conference in Raleigh, NC. The NC AWWA-WEA Disaster Preparedness Award is presented to utilities in acknowledgment of outstanding achievement in advancing disaster preparedness initiatives thereby strengthening our preparedness and increasing our resolve to prepare for, respond to, recover from, and mitigate the effects of natural disasters, man-made disasters, and acts of aggression against our locality, county, state, and nation.

Public Utilities Director Ernie Border presented the framed award to the Mayor and City Council.

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A public hearing was held to consider allowing the reuse of changeable face portable signs. No one from the public spoke for or against the proposal.

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

The City Manager stated in his notes to Council that this change was proposed to help businesses utilize these types of signs if they are integrated into a new ground or pole mounted sign by covering the outer frame with the frame of the new sign, or by removing the two changeable faces from the old frame and using one or both in a newly permitted sign. Planning and Community Development Director Bob Sasser came before Council and passed out an example of a sign to Council stating that it would cost less than a permanent sign from a sign company.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 09-42) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BE AMENDED BY REVISING REGULATIONS RELATING TO CHANGEABLE FACE SIGNS” passed first reading.

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

(Resolution 09-52. To allow the reuse of changeable face portable signs.)

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Mr. Jim Hodges, WHN Architects came before City Council to discuss change orders for the EE Waddell Community Center Renovation Project. An attachment was available for Council showing the change orders needed and each of their costs.

Mr. Hodges stated that some existing ceiling tiles were crumbling as they were taken out. He stated that an estimate is needed to replace those tiles. Upon questioning, Mr. Hodges stated that he would also come back with an estimate pertaining to replacement of the floor tiles in the banquet room questioned by Councilmember Townsend.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved the change orders in the amount of \$ 139,985.34.

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Mr. Jeff Oden, Stewart Engineering came before City Council to present bids for the construction of Phase II of the Roger F. Snyder Greenway.

The City received a \$225,000 grant from federal stimulus funds through the NC Department of Transportation to construct this phase of the greenway system, which will go from the southern property line of the former Wiscassett Mills property up to Salisbury Avenue, and will include sidewalk improvements on the south side of Salisbury to connect to the existing greenway on the east side of US Hwy. 52. Mr. Thorpe and the City Manager recommend that City Council approve the award to the low bidder Pedulla Trucking and Excavating with the small percentage of costs not covered by the stimulus grant be funded out of the City's General Fund reserves.

Mr. Oden stated that there were 10 bidders and the lowest bid was by Pedulla Trucking and Excavating in the amount of \$231,777 and has been reviewed and summarized. Two of the three references given by Pedulla Trucking have already been contacted.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the lowest bid from Pedulla Trucking of Mooresville in the amount of \$231,777.05 and that the additional funds needed in the amount of \$6,777 can be taken out of the City's General Fund reserves.

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Mr. Carl Helms came before City Council as an announced delegation to request funding in calendar year 2010 for Homes of Hope and the Community Inn. The request is for funding in 2010 to be provided in January. He will also be requesting funds from the County.

Mr. Helms stated that the Community Inn opened in September 2009. As of September 16, 29 families are on the waiting list. The Inn is funded by donations only with no state help currently. After being in business for one full year they will be eligible for support funds by the state.

Mr. Chris Story, Director of the Community Inn, came forward and stated that the individuals that stay at the Inn are guided to other agencies if further services are needed. There have been 28 people go through the program so far. Out of 151 churches in Stanly County, 15 are presently involved with the Inn. Guests can stay up to 30 days as long as they are residents of Stanly County and they can then be reviewed for an extension of stay if there is a need. The Community Inn does help out of town individuals for a single night if there is a need.

Councilmember Hall stated that Council will consider a donation during the budget process which will begin in February 2010.

Mayor Whitley stated that this request would be taken under advisement.

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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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The Mayor and City Council were updated on the status of Bobbie Rorie's properties at Gibson Street and Arey Avenue. Planning and Community Development Director Bob Sasser contacted Mr. Rorie in early November to discuss the status of this building and the apparent lack of progress in its renovation. A copy of a fax from Mr. Rorie to Bob was given to Council, along with an excerpt from the July 20, 2009 Council meeting minutes at which time the City Council granted Mr. Rorie 6 months to bring the building into compliance with codes. Mr. Rorie is indicating that he may not meet that deadline, which would be January 20, 2010.

Mayor Whitley stated that Mr. Rorie had originally been given six months to bring his properties at Gibson Street and Arey Avenue up to code and that Mr. Rorie is fully aware of this.

Councilmember Hall stated that she feels that Council should not address the extension request until January 20, 2010 when the six month period is up. She stated that this should be on the agenda for the first meeting in February 2010.

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The Mayor and City Council discussed recommendations to NCDOT regarding Stanly County Comprehensive Transportation Plan. Mr. Reuben Crummy with the NCDOT planning branch appeared before City Council on November 16 to discuss the Stanly County CTP and the need to merge elements of the Albemarle Thoroughfare Plan into the CTP. At the meeting he discussed the need to recommend a new termination to the northern end of the proposed western bypass, which currently terminates at Old Salisbury Road. The City Manager noted to Council that Mr. Crummy also advised that NCDOT would also like to revise the southern termination of this proposed bypass as well.

The City Council was furnished with a map showing the northern and southern end of the proposed western bypass and the proposed terminations. Based on the City Manager's discussions after the November 16 meeting, NCDOT decided it might be easiest to terminate the northern end of the western bypass at Austin Road. It was recommended by NCDOT to also eliminate the small tail area of the southern end of the western bypass and end at US Highway 52 south of Albemarle.

Councilmember Hall stated that this was discussed at the last Rural Planning Organization meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council agreed with NCDOT in terminating the northern end of the western bypass at Austin Road and also terminating the southern end of the bypass at US Highway 52 south of Albemarle.

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The Mayor and City Council discussed appointment to fill the unexpired term of Elworth Plyler on the Planning and Zoning Board. This item was laid over from the November 16 meeting of City Council. Staff was requested to provide the attendance records for the two alternates on the Planning Board, and this information was made available to Council. Mr. Chuck Horne was originally

appointed as an alternate on October 24, 1988 and Mr. Perry Moser on June 21, 1999.

Councilmember Neel asked that this be put off until the first of the year due to having two Councilmembers absent at this meeting.

Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, City Council agreed to layover this decision until the first of 2010 due to Councilmembers being absent.

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

(Ordinance 09-41, To allow transfer of the remaining funds from General Fund, Water/Sewer, and Electric to the City Hall Project Budget.)

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The Mayor and City Council gave recognition to Shawn A.Oke as the newly appointed Fire Chief. Chief Oke is attending his first City Council meeting since his promotion to Fire Chief.

Chief Oke thanked the Mayor and Council for giving him the opportunity to serve the City as Fire Chief. He stated that he wants to strengthen the presence of the City of Albemarle's Fire Department in the community.

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The Mayor and City Council considered a resolution of Certification of Authority to acquire property for the former Jesse F. Niven Army Reserve Center. This resolution authorizes the City to make application to the National Park Service for that portion of the former Niven Center that will be used for parks and recreation purposes, and certifies that the City has the authority and intent to acquire and properly develop the property. The City Council previously adopted such a resolution on October 20, 2008, but since the area to be leased to SCCM has been changed, the National Park Service has advised that a new resolution with the amended acreage be adopted.

The City Manager stated that there is an amendment to this resolution that will add .42 acres to the 3.6942 existing acres, making the total acreage 4.114.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a resolution of Certification of Authority to acquire property for the former Jesse F. Niven Army Reserve Center with an added amendment to include .42 acres at the entrance which will be conveyed and added making the total acreage 4.114.

(Resolution 09-53, To acquire the Jesse F. Niven  
Army Reserve Center)

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The Mayor and City Council considered write-offs in the Department of Public Housing for the six month period ending June 30, 2009 in the amount of \$1,786.01.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, City Council voted to approve the write-offs in the Department of Public Housing for the six month period ending June 30, 2009 in the amount of \$1,168.02

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The Mayor and City Council reviewed requirements for the Capital Fund Recovery Grant 2009 Procurement statement. The American Recovery and Reinvestment Act, 2009 Capital Fund Recovery Grant requires that Housing agencies have a procurement policy amendment to allow agencies to expedite the use of these funds.

The City Manager stated that Public Housing Director Garry Lewis has already awarded bid and the work is well under way on this. Mr. Lewis stated that he received an email from HUD requesting the procurement policy amendment and a copy of the contract.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, City Council approved the Capital Fund Recovery Grant 2009 Procurement statement.

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The Mayor and City Council reviewed a request by the developer of Morrow Chase to construct a waterline to City standards and specifications within the City right-of-way and to convey to the City upon completion of the project. This would be a reduction in CDBG expenses associated with utilities construction (no waterline construction, inspection, certification costs).

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, City Council approved Morrow Chase constructing a waterline to City standards and specifications within the City right-of-way and to convey to the City upon completion of the project.

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The Mayor and City Council considered the recommendation of the Planning and Zoning Board to adopt a Street Tree Ordinance. On November 24th the Planning Board voted unanimously to recommend to City Council the street tree ordinance and tree and shrub list for street trees planted under this provision.

The City Manager noted that this recommendation was initiated by the Tree Commission who was concerned that the current ordinance does not require sufficient trees near the street for new commercial development. This provision would be triggered for any project that falls under the parking lot landscaping requirements. A public hearing would be required to consider this recommendation.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, City Council set public hearing to consider adopting a street tree ordinance on Monday, January 4, 2010 at 7 PM.

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The Mayor and City Council considered the process to fill vacancies on the Planning Board. The Planning and Zoning Board is recommending that as a standing policy, the First Alternate be appointed to a regular member status, that the Second Alternate be moved up to First Alternate, and that new appointees be designated Second Alternate. The attendance records of Chuck Horne and Perry Moser were made available for City Council to review.

Councilmember Holcomb asked that this item be discussed at the time Council is considering someone to fill the unexpired term of Elworth Plyler.

She also requested attendance records on the current alternates for the last four years.

Councilmember Hall asked to place this item first and then the item to appoint for the unexpired term of Elworth Plyler.

This item was tabled and a date will be determined at a later time.

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

(Resolution 09-54, A resolution to honor Elworth B. Plyler who retired from the City of Albemarle Planning and Zoning Board on November 8, 2009.)

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The Mayor and City Council received a status report on the City Hall project. The City Manager noted to Council that the renovation of the 1938 building and construction of the addition are complete except for a few minor repair items. There are a few small exterior items such as installation of sod and raising the storm drain next to the Central United Methodist Church property that have not yet been completed. The contract completion date is December 18, 2009. The only significant item left to be completed is paving the parking lot.

The City Manager stated that 40% of the parking lot has been paved and more will be paved tomorrow if weather permits. He stated that Councilmembers Townsend and Underwood took a tour of the building and grounds last week.

The City Manager enclosed a draft of the invitation for the City Hall dedication. He asked that Council advise if this is acceptable or if they would like any changes made. Also, Mr. Allen asked Council if they would like to add any names to the invitation list in addition to the ones added at the last Council meeting. Councilmember Holcomb asked if all the attorneys in Albemarle were on the invitation list. The City Manager stated that they could be added.

The City Manager stated that he would email to each Councilmember the list of invitees so they can determine if there is anyone they may want to add.

The City Manager stated that Valerie Brafford with Val's Interiors was present to talk to Council about the furniture bids and funding for paintings and plant ideas that they may want to consider for the new City Hall. Ms. Brafford stated that Council may want to consider local artists as Roger Thomas and John Williams and the reproduction of historic Albemarle postcards.

Councilmember Holcomb mentioned having a wall of fame of local people like Woody Durham, Bob Harris, and Kellie Pickler in the community room.

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The Mayor and City Council signed letters regarding on-street parking for North Fifth Street between North Street and Montgomery Avenue.

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Councilmember Neel stated that the Albemarle Bulldogs are 15-0 undefeated. They are the Western Regional champions and will play for the state championship in their conference on Saturday, December 12 at Wake Forest University stadium at 4 pm.

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The Mayor and City Council received a report on loose leaf collection season. The City Manager noted that Waste Management has worked very hard and done an excellent job keeping on or as close to schedule as possible, which is noteworthy considering the extraordinary rain this fall and the early peak in the leaves falling.

Assistant City Manager Michael Ferris came before City Council and stated that Waste Management has lost one or two days of scheduled time each week for the last several weeks due to the tremendous amount of rain and wet conditions that slows or completely prevents loose leaf collection. In an effort to keep as close to schedule as possible and have worked two shifts a day, meaning they work until 9:00 - 10:00 at night. They have also been working weekends, which is not a scheduled collection time, in an attempt to catch up. Finally, they have had an extra boom truck assisting with the leaf collection. It runs ahead of

the vacuum trucks and is able to pick up a majority of the large piles and can handle wet leaves.

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The Mayor and City Council considered the approval of the abstract of votes from the November 3, 2009 Municipal Election.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved the abstract of votes from the November 3, 2009 Municipal Election.

(Abstract of votes – November 3 Municipal Election)

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The City Council considered the appointment of a delegate and alternate to the Centralina Council of Governments. Centralina COG requests each year that jurisdictions confirm their current delegate and alternate or appoint replacements. The City's current delegate and alternate are Councilmember Hall and Councilmember Townsend, respectively.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council voted to reappoint Councilmember Martha Sue Hall as the City's delegate, Councilmember Townsend as 1<sup>st</sup> alternate, and Councilmember Holcomb as 2<sup>nd</sup> alternate to Centralina COG.

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The City Council considered the appointment of a representative and alternate to the Rocky River RPO TAC and TCC. The current TAC representative is Councilmember Hall and Councilmember Neel is the Alternate. The TCC representative is City Manager Raymond Allen and alternate is Assistant City Manager Michael Ferris.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council voted to reappoint Councilmember Martha Sue Hall as the City's representative and Councilmember Neel as alternate to the Rocky River RPO TAC.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council voted to

reappoint City Manager Raymond Allen as the City's representative and Assistant City Manager Michael Ferris as alternate to the Rocky River RPO TCC .

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The Mayor and City Council received a schedule for the 2010-2011 Stanly County COG and Local Government Liaison Meetings.

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The Mayor and City Council were reminded of the Stanly County Christmas Parade in downtown Albemarle on December 14, 2009. The Christmas Parade will begin at 6:00 pm, and will follow its traditional route down First Street to South Street, and then up North Second Street where it will end at the YMCA Cannon Park.

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The Mayor and City Council received the Stanly County Convention and Visitors Bureau 2008-2009 Annual Audit.

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The Mayor and City Council were reminded of the 2009 Employee Christmas Luncheon to be held on December 17 from 11:30 am to 1:30 pm at the City warehouse. Members of City Council are invited to help serve if schedules permit. Food and new toy donations will be collected for Stanly Community Christian Ministry.

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Chief Michael came before City Council concerning Ordinance 82.40, "Loitering for the purpose of engaging in drug-related activity". He stated that the City's ordinance is identical to Winston Salem's, which was recently declared unconstitutional by the North Carolina Court of Appeals. Chief Michael handed out the ordinance and a copy of a proposed ordinance recommending certain wording be changed so this could be used in the future.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council voted to move forward with the wording changes of Ordinance 82.40.

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Councilmember Townsend stated that there would be a drop-in retirement reception for Eddie Baldwin on Thursday, December 10 at the EE Waddell Center between 2-4 pm.

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Councilmember Hall asked the City Manager to forward information to all the councilmembers about the future Off the Square restaurant which will be located in the building of the former Firehouse restaurant.

She also mentioned the Pearl Harbor Remembrance ceremony she had attended. Also, while there someone stated that if you are going north on Second Street, you cannot see the Kellie Pickler sign for the street sign.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Hall, and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318 (a) 3 to consult with the City Attorney.

Upon a motion by Councilmember Hall, 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) 3 to consult with the City Attorney and that there was nothing to report at this time.

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