

REGULAR MEETING CITY COUNCIL
March 3, 2008

The City Council of the City of Albemarle met in a regular session on Monday, March 3, 2008, 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, Jack F. Neel, T. Ed Underwood and T. E. White. Absent, Councilmember Jeanette M. Napier.

The Reverend Jim Tucker was not present to deliver the invocation. Mayor Whitley delivered an invocation that had once been presented by General George Washington.

Mayor Whitley made the presentation of a retirement certificate to Timothy G. Springer, Albemarle Police Department, for 30.08 years of service. Chief of Police Ronnie Michael presented Mr. Springer with his service weapon.

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

A public hearing was held to consider the request of East Albemarle Church of God, 1110 East Main Street, for a Conditional Use Permit to construct an addition to the church in a R8A/Multi-Family Residential District. No one was sworn in to speak for or against the matter at the public hearing.

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

The City Council considered the following findings of fact as read by Mayor Whitley:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved finding of fact #2.

3. The use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the City Council approved finding of fact #3.

4. The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved finding of fact #4.

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

(Resolution 08-05, To grant a conditional Use Permit to East Albemarle Church of God, 1110 East Main Street, to construct an addition to the church.)

Mr. Will Best, North Carolina Department of Commerce appeared as an announced delegate to present the designation of an Urban Progress Zone in Albemarle. He presented the Mayor and City Council with a letter officially approving the designation as well as a map of the zones. Mr. Best said the designation will provide State incentives to new business development within the zones.

Pastor Harold McDonald, Chairman of the Albemarle Sesquicentennial Committee, was present to update the Mayor and City Council on this event. He once again thanked the City for its support of the events. He indicated there are plans for an item to be placed in the new City Hall and called on Mr. Roger Martin to discuss this further.

Mr. Roger Martin said he is working on a sculpture to be placed in the new City Hall. The sculpture will be a bronze bust of the Duke of Albemarle.

Ms. Sandy Burris and Ms. Wendy Burleson, Co-chairs of the Cruisin' Downtown Albemarle Committee, provided an update to the Mayor and the City Council on the status of the event. Mr. Burris indicated that music and vendors have been lined up for the first event scheduled for Friday, March 21. She noted that a website has been established and displayed merchandise that will be sold to help support the activities.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the use of the City Hall Annex restrooms with monitors for the Cruise-In events.

Councilmember Hall noted that the first Cruise-In will be on Good Friday and she has already been in contact with the downtown churches to make sure the two activities don't interfere with one another.

Ms. Rene Cobb, American Cancer Society, appeared as an announced delegate to request the closing of streets on May 9 and 10, 2008 for the Relay of Life. The event will be held at Cannon Park and she requested the closing of Glenn Street and Franklin Street between North First Street and North Second Street.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the City Council approved the closing of Glenn Street and Franklin Street between North First Street and North Second Street on May 9 and 10, 2008 for the Relay of Life.

Councilmember Hall said she understood in the past there have been complaints about the music associated with the event being played too loudly at a late hour of the night. Chief of Police Ronnie Michael said the music volume must be turned down by 11:00 p.m. so as to not disturb the neighbors.

Ms. Cobb indicated that she had also intended to request the closing of North First Street between Franklin and Glenn Streets.

Councilmembers Neel and Alexander agreed to amend their motions to also include that North First Street be closed at 5:30 p.m. Ms. Cobb said they would need the street closed sooner than this. Councilmembers Neel and Alexander withdrew their amendment.

Councilmember Hall moved to close North First Street from 2:00 p.m. to 7:00 a.m. if the Stanly County Family YMCA did not have a problem with the street closing. The motion was seconded by Councilmember Alexander.

Upon further discussion, Councilmember Neel suggested that Ms. Cobb coordinate the timing of the closing of North First Street with the Stanly County Family YMCA and the Chief of Police and let them decide the exact times of the closing.

Councilmember Hall and Alexander agreed to withdraw their motion and second.

It was the consensus of the City Council that Ms. Cobb coordinate the timing of the closing of North First Street with the Stanly County Family YMCA and the Chief of Police and let them decide the exact times of the closing.

Ms. Shelia Shelton, Abitas Home Furnishings, 250 South First Street, appeared as an announced delegate to request the designation of a loading zone in front of her business. She requested the first space north of West South Street be designated as such. Upon questioning, she said there would still be plenty of on-street parking to serve her business.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council authorized the City Attorney to draft an Ordinance to establish a loading zone in front of 250 South First Street.

Councilmember Neel wanted Ms. Shelton to understand that she would not be able to park a vehicle there at all times. Ms. Shelton said she understood this and had already been advised of this.

Mayor Whitley announced that, Ms. Angela Barbee, Pleasant Grove Baptist Church of Red Cross, was scheduled to appear as an announced delegate to request a waiver of tournament fees for a charity softball event to be held at Rock Creek Park on March 14 and 15 in conjunction with the Relay for Life event, but had called earlier in the day to advise she could not make the meeting.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the City Council approved the request for a waiver of tournament fees for a charity softball event to be held at Rock Creek Park on March 14 and 15 in conjunction with the Relay for Life event.

The City Council continued their discussion of possible amendments to the current policy requiring curb and gutter and sidewalk installation in non-residential developments on existing streets.

Councilmember Holcomb moved to approve the City staff recommendation from the previous meeting and authorize the City Attorney to draft an Ordinance that the policy be amended to exclude industrial developments on existing streets from having to install curb and gutter. The motion was seconded by Councilmember Hall.

Upon further discussion, Councilmember White said he does not like making exemptions in the Ordinance and felt the current policy should not be changed. While the situation at the intersection of Post Road and Anderson Road is not objectionable, there may be others in the future where these facilities should be installed.

Upon a vote on the motion, voting in favor was Councilmembers Alexander, Hall, Holcomb, Neel and Underwood. Voting in opposition was Councilmember White. The motion carried.

The City Manager provided an update on the City Hall project. He reminded the Mayor and City Council that the North Carolina Local Government Commission will meet tomorrow to discuss the City's proposed financing. The bids will be presented to Council for their consideration at the March 17 meeting.

The City Manager asked the Mayor and City Council if they were interested in holding a groundbreaking ceremony. Council indicated they would like such an event and scheduled it for 5:30 p.m. on April 7.

Councilmember Neel asked if the City was going to have a project manager for the construction phase that all inquires from the contractor could be directed in order to avoid conflicts and delays, such as those experienced by other public project recently around the County. The City Manager said he had decided not to hire such a person and no funds have been budgeted for this.

It was the consensus of the City Council to have the Engineering Department perform the construction management and oversight for the City Hall project.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council set a public hearing for April 7 to consider the recommendation of the Planning and Zoning Board to approve the request of Prospect Baptist Church, 502 Prospect Church Road, for a Conditional Use Permit to construct an addition to the church in a R10/Single Family Residential Zone.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council set a public hearing for April 7 to consider the recommendation of the Planning and Zoning Board to approve the request of Mr. David Scarboro for a Conditional Use Permit to establish a tea house in a RO/Residential Office District at 415 North Second Street.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council set a public hearing for April 7 to consider the recommendation of the Planning and Zoning Board to amend the Zoning Ordinance to allow for gated communities.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council set a public hearing for April 7 to consider the recommendation of the Planning and Zoning Board to amend the Sign Ordinance.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council set a public hearing for April 7 to consider the recommendation of the Planning and Zoning Board to amend the Sign Ordinance to allow more than one sign above the first floor window within the Downtown Historic District.

The Mayor and City Council considered Bid 08-02, for the sale of surplus scrap metal. Bid Tabulation is as follows:

(Bid 08-02, Sale of Surplus Scrap Metal)

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the bid was awarded to the highest bidder in each category of bid received.

The Mayor and City Council reviewed a letter from Parks and Recreation Director Toby Thorpe, requesting an update to the County-wide Parks and Recreation Master Plan. Mr. Thorpe indicated the current Plan is almost 10 years old and will no longer be eligible to be used as supporting material for Parks and Recreation Trust Fund Grants. He noted that the existing Plan organized County-wide by the Albemarle Parks and Recreation Department has been very

successful in securing grants for the City of Albemarle and for other jurisdictions around the County. He indicated that the City Parks and Recreation Department will once again take the lead again in developing support for an updated County Plan.

The Mayor and City Council reviewed a report from the Planning and Zoning Department regarding signs that have been alleged to be in violation of the Sign Ordinance. The report detailed each sign and reviewed its standing with the Sign Ordinance. The report also provided information about citizen complaints regarding Tim Marburger Honda's violation of the buffer yard requirement.

Councilmember White reiterated that the City needs to continue to fairly and consistently enforce the Ordinance. Mayor Whitley thanked Mr. Sasser for the report clarifying misinformation about various signs.

The Mayor and City Council reviewed the proposed 2008 Department of Public Housing Agency Plan. Director of Public Housing Garry Lewis noted there are no text or policy changes in the proposed update. He did state the work proposed is to continue with improvements to the exterior of the building at Amhurst Gardens, such as new siding, soffit and electric meter bases.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Department of Public Housing Agency Plan.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a Delivery Order with Stogner Architecture in the amount of \$92,500.00 for building improvements at Amhurst Gardens.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, an Ordinance entitled (Ordinance 08-07) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO

A FIREFIGHTER ASSISTANCE GRANT FROM FEMA FUNDS
SUPPLEMENTED BY MATCHING FUNDS FROM CITY OF ALBEMARLE”
passed first reading.

Upon a motion by Councilmember Neel, seconded by
Councilmember Underwood and unanimously carried, an Ordinance entitled
(Ordinance 08-09) “AN ORDINANCE TO AMEND FY 2007-2008 BUDGET”
passed first reading.

Councilmember Alexander asked if the City had ever been
reimbursed for its efforts to help Ocean Springs, Mississippi recover following
Hurricane Katrina. The City Manager said the City has not, but continues to work
on trying to recover these funds.

The Mayor and City Council considered a North Carolina
Intergovernmental Review concerning a proposed low income housing project in
Locust. Councilmember Hall said the City should support the project because it is
good for Locust. Councilmember Neel said the City should support it so this type
of housing will be available throughout the County. Councilmember White felt the
proposal could be controversial in Locust and the Council should not comment and
possibly interject itself in this matter.

Councilmember Hall moved to support the proposed low income
housing project in Locust. The motion was seconded by Councilmember Neel.
Voting in favor of the motion were Councilmembers Alexander, Hall, Neel,
Underwood and White. Voting in opposition to the motion was Councilmember
Holcomb. The motion carried.

The Mayor and City Council considered the lease of 500 North First
Street as the temporary location for the City’s Customer Service and Collections
Center.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, Councilmember Alexander was excused from voting due to a conflict of interest.

The City Manager said that the property owners have proposed one change to the agreement from the way it appears in the agenda package. He indicated they would like for the City to assume responsibility for all repairs and issues related to the HVAC system. Councilmember Neel said he would be agreeable to this providing the City did not have to commit to the condition of the HVAC system after its lease is complete. The City Manager said the owners indicated they would be agreeable to this.

Upon a motion by Councilmember White, seconded by Councilmember Neel and unanimously carried, the City Council approved a lease agreement for 500 North First Street as the temporary location for the City's Customer Service and Collections Center for a two-year period with the City paying \$50,000 up front for its lease.

Mayor Whitley reported on the February 21 meeting with Congressman Hayes. He indicated the City discussed with Congressman Hayes funding for the Salisbury Avenue water line extension and for a water line along NC Highway 49 between Concord and Albemarle. Mayor Whitley said Congressman Hayes seemed to have an interest in the interconnection of the water systems between Albemarle and Concord.

The Mayor and City Council reviewed a letter of thanks from Bank of Stanly and regarding the selection of Bank of Stanly and BB&T for the financing of the City Hall project.

The Mayor and City Council were advised that 228 Glenn Street is no longer planned to be converted from a residential structure to a beauty salon.

The Mayor and the City Council were informed that Local Access Channel 7 will be moved to Channel 21 in late March.

The Mayor and City Council were informed of a dedication ceremony for Central Elementary School is scheduled for March 15 at 11:00 a.m.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council voted to adjourn to a closed session pursuant to N.C.G.S. 143-318.11(a) 3 to consult with the City Attorney.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council returned to open session. Mayor Whitley announced that a closed session was held pursuant to N.C.G.S. 143-318.11(a) 3 to consult with the City Attorney.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council voted to allow Stanly County to connect to the end of the City's water line on NC Highway 24/27 east of Sweet Home Church Road and this approval is with the express understanding that from this day forward Stanly County communicate with the City prior to the initiation of future projects that will connect to the City utility system.

Councilmember White reported a pot hole starting to form at the intersection of Dr. Martin Luther King, Jr. Drive and Center Street.

Councilmember Hall said the clock at the Courthouse Square Park is still not keeping proper time. The City Manager said the repairs are ongoing.

Councilmember Neel said that if the City ever decides to widen Leonard Avenue and Henson Street and the width after the installation of curb and gutter is not at least 32-feet, the City should prohibit on street parking.

Councilmember White said he regularly receives complaints about speeding on Leonard Avenue.

Chief of Police Michael was asked to set the speed trailer out on Leonard Avenue to gauge the speed.

Councilmember Neel said that as of this past Saturday, he has 41 years with the City of Albemarle. Mayor Whitley and members of the City Council congratulated Councilmember Neel on this anniversary.

Councilmember Hall noted the Albemarle High School boys basketball team is doing well.

Councilmember Hall asked if the City has submitted pictures for the North Carolina League of Municipalities 100th anniversary photo project. The City Manager said several photos have been submitted.

Councilmember Hall commended Darren Preslar and the Public Works Department for the recent article on their recycling and conservation activities.

Councilmember Underwood said the home of a New London Town Board Member recently burned down. Council asked that a card be purchased for them to sign and send to him.

Councilmember Alexander asked if a car can remain permanently parked on the road. He said there is a car parked on Montgomery Avenue between North Seventh Street and North Ninth Street. Chief of Police Michael said he would look into this particular situation.

The City Manager said he received an email earlier in the day from Norwood Town Administrator Dwight Smith about a meeting they have arranged with Representative Furr and Senator Purcell. The purpose of the meeting is to discuss recent Town of Norwood sewage spills and fines they have received. Norwood is inviting all jurisdictions within the County with sewer systems to attend. Councilmembers Hall and Underwood indicated they planned to attend the meeting.

Councilmember Hall asked that the City gather information of City spills and any fines for this meeting.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the City Council adjourned to Wednesday, March 5 at 5:00 p.m. for a Budget Work Session.