

REGULAR MEETING CITY COUNCIL

May 19, 2008

The City Council of the City of Albemarle met in a regular session on Monday, May 19, 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, Jeanette M. Napier, Jack F. Neel, T. Ed Underwood and T. E. White. Absent, none.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of the May 5 regular session, May 5 closed session, May 6 adjourned session, May 7 adjourned session, and the May 13 adjourned session were approved as submitted.

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Director of Public Utilities Ernie Borders made a special presentation to the Mayor and City Council of an ElectriCities of North Carolina Safety Award for no lost time work day cases in the Electric Division of the Public Utilities Department.

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A public hearing was held to consider the Fiscal Year 2008/2009 City of Albemarle Budget. No one from the public spoke for or against the proposed budget.

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

Councilmember White moved for the approval of Ordinance 08-18 on first reading. Councilmember Holcomb seconded the motion.

Upon further discussion, Parks and Recreation Director Toby Thorpe indicated that funds to construct an ADA compliant restroom at the Rock Creek Park Ball Field are not specifically designated in the proposed budget, but that the project could be accomplished within the budget as currently proposed.

The City Manager said the City has received a North Carolina Department of Transportation Bicycle Planning Grant and it requires a match on behalf of the City in the amount of \$13,650.

Councilmember White indicated he would amend his motion to include providing funds to serve as a match for the Bicycle Planning Grant. Councilmember Holcomb amended her seconding of the motion to do the same.

Upon a vote on the motion, an Ordinance entitled (Ordinance 08-18) "2008-2009 BUDGET ORDINANCE FOR THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading. Voting in favor of the motion were Councilmembers Alexander, Holcomb, Napier, Neel, Underwood and White. Voting in opposition to the motion was Councilmember Hall. The motion carried.

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Mr. Robert Memory and Mr. Richard Hancock, North Carolina Department of Transportation, were present to discuss the project to relocate US Highway 52. Mr. Hancock indicated the bids for the project are scheduled to be opened tomorrow, but that the bid cannot be awarded until the outstanding utility and municipal agreements with the City are executed.

Mayor Whitley noted the City's primary concern is the State law requiring the City to pay 100% of the utility relocation cost with this project. It was noted the County has utilities that will have to be relocated as well, but does not have to pay.

Mr. Memory said the NCDOT staff has no flexibility in the matter. To assist the City in making the payments, he would be willing to extend the payment period to three years at no interest.

Councilmember Neel reviewed the history of the water line on NC Highway 138 and noted it is currently 16-inches between NC Highway 24/27 and the City's water tank in order to serve the residents of the County south of the City limits. The City does not need the line to be replaced at this same size to serve City residents and should therefore not have to pay the cost of a 16-inch line from NC Highway 24/27 southward to the City limits.

Councilmember Neel also inquired as to what the City of Locust paid for the sidewalk installation on NC Highway 24/27. Mr. Hancock said he could not recall the exact amount, but they paid a percentage based on their population. The smaller the municipality, the lower percentage they pay. The City Manager

said Locust was recently billed for 20% of the costs, whereas the City will be billed 30% for its share of the sidewalk.

Mr. Memory said the plans could be altered because the City feels they do not need a 16-inch line, but any agreement between the City and County would not involve the NCDOT.

Councilmember Hall asked about the schedule for the project. Mr. Hancock said the current schedule could allow construction to begin as early as July and be completed possibly in the spring of 2010.

The City Manager described that south of the water tank, the City currently has an 8-inch water line and the County has 12-inch line. The current NCDOT proposal is to eliminate these two lines and replace them with one 16-inch line. The City is being billed for this full amount. The City Manager said the City does not need a line this size and the State appears to be shifting costs to the City and retaining the savings of combining the lines. What he suggested is the City be provided with an 8-inch line as they currently have, and the NCDOT provide the County with another 12-inch line. Mayor Whitley reiterated the City only needs an 8-inch line and should only be billed for this size line. Mr. Memory said he would meet with other NCDOT folks tomorrow and review this situation.

Mayor Whitley clarified that the City is not trying to stop the project, but only ensure the City is being treated fairly in this process. He suggested meeting once the alternatives are developed.

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Mr. Billy Garner, 506 Pee Dee Avenue, was present to request a reduction in the speed limit on Pee Dee Avenue. He said that safety is his primary concern and even suggested the possibility of a stop intersection at North 6<sup>th</sup> Street and North 9<sup>th</sup> Street.

Councilmember White concurred that there is a problem with vehicular speed on Pee Dee Avenue. He said before any action is taken by the City, a survey of the residents should be undertaken.

Mr. Ernie Borders, 1051 Pee Dee Avenue, said he has noticed the very issues with speed described by Mr. Garner. He too would like to see measures taken to reduce vehicular speed.

Councilmember Holcomb said she is well aware there is a problem on Pee Dee Avenue, but it is a problem all over town. She felt a reduction to a 20 mile per hour speed limit as suggested is too slow.

Councilmember Neel said the stoplight on East Main Street at the eastern intersection of Pee Dee Avenue and East Main Street needs to move to the east in order to control traffic before they get to Pee Dee Avenue. He said what currently takes place is that people travel Pee Dee Avenue if the light is red on East Main Street because Pee Dee Avenue route allows them to bypass the light. A large percentage of motorist travel Pee Dee Avenue for convenience rather than necessity. He also felt a stop sign at North 9<sup>th</sup> Street might work, but it would be a hazard on North 6<sup>th</sup> Street as it would be too close to the crest of a hill.

Councilmember White said he likes the idea of stop signs.

Chief of Police Ronnie Michael said the City Council's stop sign placement policy criteria would probably not be met at either of these locations. He thought moving the traffic signal as Councilmember Neel suggested may help reduce traffic volume.

Mr. Wayne Higgins, 515 Pee Dee Avenue, agreed that the traffic needs to be slowed. He said there are currently 24 children in the block between North 5<sup>th</sup> street and North 6<sup>th</sup> Street.

Mayor Whitley felt that stop signs might transfer the traffic to East Main Street and create a problem on this street. He thought the stoplight relocation might be the best option.

Councilmember Holcomb said she was also concerned about placing too much traffic on East Main Street. She also felt a problem might be created if the traffic signal on East Main Street was moved east because it could back traffic up to the intersection of Moss Springs Road.

Councilmember Hall felt that both East Main Street and Pee Dee Avenue should be looked at simultaneously.

The City Council asked the Chief of Police to place out the speed trailer at two different locations on Pee Dee Avenue and to develop some recommendations for their consideration.

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Dr. Bill Hatley, Chairman of the Albemarle Downtown Development Corporation Design Committee, appeared as an unannounced delegate to request the hanging baskets downtown be suspended on the street side of the poles. He said he is aware there is a concern about the baskets dripping in the street or on cars or being struck by larger vehicles. He also said several jurisdictions have the baskets positioned parallel to the road. He requested permission to adjust the basket positions and see what works and what does not.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved allowing the Albemarle Downtown Development Corporation to adjust the hanging basket positions in the downtown area.

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

(Ordinance 08-16, To rezone 19.1 acres off of Heathwood Drive from R10/Single Family Residential to R8A/Multi-Family Residential District.)

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

(Ordinance 08-17, To require above ground pools to be located in the rear yards in all residential zones and to establish safety requirements.)

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The City Council had on the agenda to continue their discussion of a proposed municipal agreement and utility relocation agreement with the North Carolina Department of Transportation for the relocation of US Highway 52.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council held the matter over due to the discussion with the NCDOT earlier in the meeting.

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Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council voted to submit a proposed local bill concerning NCDOT utility relocation costs to the City's local legislative delegation.

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The City Manager provided his regular update on the status of the City Hall project. He reported the City Hall project was progressing. There have been a few minor unexpected issues, but nothing of the scope to compromise the project or that would be considered out of line with a project of this size and complexity.

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The Mayor and City Council reviewed information concerning the projected extended life of the Landfill facility using recycling projections. Director of Public Works Michael Lambert provided information indicating the annual cost savings in the life of the landfill based on an estimate of 1,000 tons of recyclable materials a year is \$6,500. He also noted that the landfill is solely operated on revenues generated from waste coming in and the reduced revenue is estimated at \$30,000 annually.

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The Mayor and City Council were reminded updates to the Code of Ordinances were now available.

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Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council approved and signed a draft letter to the Stanly County Board of Elections requesting one polling place per Council voting district during municipal elections and requesting improved communication to voters regarding polling locations.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-19) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A GRANT BUDGET ORDINANCE RELATING TO A RURAL CENTER GRANT FOR ECONOMIC DEVELOPMENT WITH LILLIAN MILL GROUP" passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 08-20) "AN ORDINANCE TO AMEND FY 2007-2008 BUDGET" passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council set a public hearing for June 2 to consider the close-out of the Urban Redevelopment Grant for Lillian Mills.

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The City Council held over approving dates in FY 2008/2009 for joint meetings with the members of the Planning and Zoning Board and the Zoning Board of Adjustment for Councilmember Hall to review with the Centralina Council of Governments Board of Delegates meeting schedule.

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Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council approved Change Order #001 for the Capital Fund Program project for roofing and 504 Accessibility modifications at Amhurst Gardens in the amount of \$402.54.

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The Mayor and City Council discussed streets to be considered for resurfacing in FY 2008/2009. Councilmember Hall said she would like the widening of Collins Drive to be considered in the resurfacing program. Councilmember Underwood asked for the consideration of Love Street between Wood Street and Wiscasset Street. Councilmember White suggested Arey Avenue

for resurfacing and possible improvements to its intersection with East Main Street.

Councilmember Neel said he still wants Public Works to make the final recommendation to the Mayor and Council regarding the projects for the upcoming fiscal year. He recommended resurfacing Avondale Avenue, McCurdy Avenue, paving the gravel section of North Sixth Street from Park Ridge northwardly, paving the gravel section of Spaulding Street, and widening Montgomery Avenue and Freeman Avenue between Ridge Street and Moss Springs Road.

Mayor Whitley asked that the Mayor and City Council be provided with the list of streets that staff has considered but not recommended.

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The Mayor and City Council were provided with a list of responses from other jurisdictions around the State concerning setback rules for tree planting. The City Manager said that none of the respondents have side or rear yard setbacks for trees. A small handful have this for the front yard in reference to the right of way.

Councilmember Alexander asked if this information could be shared with the Tree Commission and they could review the possibility of a front yard setback. The City Manager said he would share this with the Commission.

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The Mayor and City Council reviewed a letter received from the City of Salisbury thanking the Albemarle Police Department for their assistance with traffic control for the funeral of two City of Salisbury Firefighters.

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Councilmembers Hall, Holcomb, Neel, and Underwood confirmed their attendance at the ElectriCities Annual Meeting in Myrtle Beach, August 7-10.

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The Mayor and City Council were reminded about the paperless agenda training session on Tuesday, May 20 at 5:00 p.m.



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Councilmember White reported a pothole on Sides Street in the vicinity of Rush Street.

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Councilmember White thanked Public Works Director Michael Lambert and his staff for their prompt response regarding a citizen concern on Armfield Avenue.

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Councilmember Hall noted a decision on the recommended State annexation moratorium is still pending. She thought the City Council should provide direction to the City Manager on this issue.

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Councilmember Hall said during a recent trip to Washington, DC, she and others discussed with Senator Dole municipal opposition to the federal proposal to mandate preferential collective bargaining with public safety employees. She said Senator Dole provided her commitment to vote against the bill and both she and Senator Burr voted in opposition to the bill in the Senate. She suggested the City Council draft a letter thanking Senators Burr and Dole for their opposition to the bill. Councilmember Neel said the letter should also include information concerning how out of control collective bargaining contracts have driven some municipalities across the country into bankruptcy.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council asked the City Manager to draft a letter of thanks to Senators Burr and Dole for their opposition to federal collective bargaining legislation.

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