

REGULAR MEETING CITY COUNCIL
October 6, 2008

The City Council of the City of Albemarle met in a regular session on Monday, October 6, 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.

Mayor Whitley delivered the invocation.

Mayor Whitley made a special presentation of a retirement certificate to Ms. Judy Chandler for 29.5 years of service to the City of Albemarle.

Director of Public Utilities Ernie Borders presented to the Mayor and City Council NC Public Power Awards of Excellence in Customer Service and Energy Efficiency.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the September 15 regular session, September 15 closed session and the September 17 adjourned session were approved as submitted.

A public hearing was held to consider a Community Development Block Grant for infrastructure improvements associated with the Morrow Chase Apartments. Ms. Wendy Painter, Painter Associates, spoke in support of the request.

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

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

(Resolution 08-34, To approve a CDBG Grant application for infrastructure improvements for Morrow Chase Apartments.)

A public hearing was held to consider a request for a Conditional Use Permit to operate temporary emergency housing at 510 South First Street. Mayor Whitley swore in Executive Director of Homes of Hope, Inc. Mr. Skeet Ayscue and Chief of Police Ronnie Michael to provide testimony. Mr. Ayscue said there is currently no emergency temporary shelter in Stanly County. With the state of the national economy, the need for such a facility is greater than ever before. He noted the intention is for this location to become a comprehensive homeless service center.

Councilmember Holcomb inquired about the hours of operation. Mr. Ayscue said the hours have not yet been determined.

Chief Michael asked about what the patrons will do during the day. Mr. Ayscue said the intent is to try to connect the homeless with the various community service providers. He also stated the shelter will be for Stanly County residents and that it will be staffed at all times while open. There will be two rooms at the shelter. One for men and one for women and children. Everyone entering the facility will be tested for alcohol. Councilmember Alexander asked about testing for drugs for those entering the facility. Councilmember Hall said there are fairly simple and inexpensive tests for drugs.

Councilmember Neel said he does not want the shelter to be a destination for the homeless from outside Stanly County.

Chief Michael said in the past he has been opposed to a shelter that would not provide any structure during the day for the patrons; however, the current request does not do this and he does not have the same concerns as he would with a traditional shelter and does not oppose the request. He did recommend that if the Conditional Use Permit is approved that it be done for a period of one year and that the occupancy of the shelter comply with all fire and building codes.

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

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

(Resolution 08-35, To grant a Conditional Use Permit to operate temporary emergency housing at 510 South First Street for a period of one-year.)

A public hearing was held to consider a request for a Conditional Use Permit to operate a women's shelter at 615 Snuggs Street for a period of one-year. Mayor Whitley swore-in Ms. Georgia Hill-Martin and Crisis Council Executive Director Carol Albright to provide testimony on the matter. They both indicated their support for the request.

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 Holcomb, seconded by Councilmember Hall 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 Hall, seconded by Councilmember Underwood 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 Holcomb, seconded by Councilmember White and unanimously carried, the City Council approved finding of fact #4.

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

(Resolution 08-36, To grant a Conditional Use Permit to operate a women's shelter at 615 Snuggs Street for a period of one-year.)

Councilmember Alexander inquired as to why the City is putting the one-year time restriction on this request and the emergency shelter request. The City Manager said the City has the right to put reasonable stipulations on Conditional Use Permits. The matter currently under consideration had the one-year clause put on by the Planning Board, but the City Council had the right to remove the stipulation.

Mr. Kelvin Benfield, Narmour, Wright, Creech, appeared before the Mayor and the City Council to provide an update on the status of the City Hall project. He noted that the steel is almost all on site after a few weeks of delay and is being erected. General Contractor Clinton Black said the last of the steel is scheduled to be delivered this week.

Mr. Benfield also reviewed several change orders approved by the City Manager. It was noted that the City Manager has been given authority to approve necessary change orders up to 5% of the contract amount. Mr. Benfield said change orders approved include water proofing a retaining wall, a screen around a backflow preventer, sump pumps, changes to flooring, HVAC ductwork changes and a change order for the FDC. These change orders total \$104,812. The General Contractor has also requested an additional 49 days to complete the project due to the delay in the delivery of the steel and because of unforeseen issues with the existing building.

Mr. Robert Allen, 1137 Gibson Street, was scheduled to appear before the Mayor and City Council as an announced delegate to discuss neighborhood issues but he was not in attendance. In a conversation with the Assistant City Manager, Mr. Allen requested the designation of a no parking zone on the north side of Gibson Street along his property due to patrons of the barber shop across the street from him parking on his property.

Councilmember White was unsure if a no parking zone was needed because people are not allowed to park on the street at this location. The Assistant City Manager said that Mr. Allen advised him they were parking off the travel surface in his yard.

Council asked that staff look at this matter further and make recommendations to the City Council.

The Mayor and City Council considered a request from Ms. Wendy Painter, the Wellons Foundation, to use 7.44-acres of the City's watershed allocation to build the Morrow Chase Apartments at the proposed density. The City Manager explained there is a maximum amount of impervious surface allowed for construction in the watershed. Ms. Painter said they cannot meet this standard without purchasing additional property. Funds spent on additional property acquisition will take away from the quality of the development.

Councilmember Neel asked if they receive any credit for the retention pond they are proposing to construct. The City Manager said the policy the City Council adopted in the mid-1990's does not provide for best management practice facilities to be used as credit toward mitigating stormwater run-off. He said that staff is recommending the Council change their policy to allow for this. If the change is made, the watershed allocation will no longer be relevant.

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council approved the allocation of 7.44-acres of watershed reserve for the construction of the Morrow Chase Apartments.

Council also asked to proceed with their recommendation to change the City's policy to allow stormwater BMPs to be utilized for future construction projects in the watershed.

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

(Ordinance 08-33, To eliminate the school loading zones on North Third Street between East North Street and Montgomery Avenue.)

(Ordinance 08-34, To eliminate the commercial freight loading zone on the east side of North Third Street between East North Street and Montgomery Avenue and on East North Street between North Third and North Fourth Streets.)

(Ordinance 08-35, To create a no parking zone on the east side of North Third Street between East North Street and Montgomery Avenue.)

(Ordinance 08-36, To eliminate the one way designation on Berry Avenue and to adjust the times on the one-way restrictions on North Third Street and North Fourth Street between East North Street and Montgomery Avenue.)

The Mayor and City Council discussed the three firms offering annexation study services. Presentations were made previously to the Mayor and City Council from Benchmark, The Wooten Company and Centralina Council of Governments.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council selected Benchmark, Inc. to perform an annexation study.

The Mayor and City Council considered appointments to expired terms on City Boards and Commissions.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following were appointed to the Greenway Commission: Tracey Bristol, Nancy Joines, Beth Chivington and Ritchie Hearne.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the following were appointed to the Tree Commission: Hannah Hearne, Sue Massey and Jane Borders.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the following were appointed to the Housing Board of Appeals: Joe Calloway.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the following were appointed to the Community Appearance Commission: Helen Hutchinson, Dorsey Lilly, Walt Misenheimer, Mrs. Willie Napier, Deborah Blanding. Paige Carlisle.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the following were appointed to the Planning and Zoning Board: Rodney Morgan and Elworth Plyler.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following were appointed to the Zoning Board of Adjustment: Todd Furr and Carrie Lyerly.

The City Council did not take action to appoint a City representative to the Centralina Council of Governments Recycling Advisory Board.

The Mayor and City Council considered a request from Mr. Duke Furr to not install curb and gutter in a proposed subdivision where approximately one-half the subdivision is in the watershed. City subdivision regulations require that curb and gutter be installed in all new subdivisions not in the watershed. The watershed requirements allow curb and gutter, but at a reduced built upon density. Staff recommended Mr. Furr's development install curb and gutter throughout the entire subdivision. Staff felt it would not make sense to have it in the part of the subdivision where it is required by code, but not have it throughout.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the City Council voted to overturn the staff decision and not require curb and gutter in the watershed and to exempt the remainder of the development from the City requirement that it be constructed with curb and gutter.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a one lot subdivision on the south side of NC Highway 24/27 east of Ingram Park.

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

(Resolution 08-37, To renew the Urban Progress Zones.)

The Mayor and City Council reviewed a report from City of Albemarle Finance Director Colleen Conroy. Ms. Conroy indicated that all the City's investments are insured or collateralized. She also noted that the investments were in several different banks. The information was provided in light of the recent national banking failures.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-37) "AN ORDINANCE TO AMEND FY 2008-2009 BUDGET" passed first reading.

Bid 08-04 for the purchase of a truck cab and chassis and aerial lift in the Public Utilities Electric Division was presented to Council. Bid tabulation is as follows:

(Bid 08-04, Truck Cab and Chassis and Aerial Lift)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the purchase of a truck cab and chassis from Lum's Ford in the amount \$32,912.80 and aerial lift from Altec in the amount of \$47,798.00 after a trade-in.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the following individuals were appointed to serve on a Steering Committee for a Bicycle Master Planning process: Toby Thorpe, Oliver Webster, Tracey Bristol, Brian Bristol, Charles McComas, John Fields, Dana Stoogenke, Bob Sasser, Jon Mendenhall, Mike Lambert, David Hunt, Christi Greer, Kim Scott, John Vine-Hodge,

Councilmember Hall provided an update on the September 18 Rocky River Rural Planning Organization TAC meeting. Councilmember Hall said the RPO is now offering parking study services for all member entities. She also said the State is considering the super street concept for Canton Road and Endy Road.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, Councilmember Hall was designated the City's voting delegate and Councilmember Neel the alternate delegate to the North Carolina League of Municipalities Annual Meeting.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, Mayor Whitley was designated the City's voting delegate and Councilmember White the alternate delegate to the National League of Cities Annual Meeting.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council selected

October 20 at 5:30 p.m. for the ribbon cutting ceremony for the Vicker's Store Sewer Lift Station.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the Mayor and City Council agreed to sponsor a tree in the Hospice of Stanly County Festival of Trees.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council designated Thursday, December 25 and Friday, December 26 as the days for the City's observance of the Christmas Holiday.

The Mayor and City Council were advised that the City has received a Safe Routes to School Planning Grant from the NC Department of Transportation and a community meeting was held on October 1 to discuss the plan.

The City Manager said the City will be hosting the next Stanly County Council of Governments meeting on Tuesday, October 28 at 6:30 p.m. at Market Station.

Councilmember Holcomb apologized for voting to close Love Street for a recent event. She said the Council really did not know enough about the people or group making the request.

Councilmember Hall said someone told her the grass along the sidewalk on NC Highway 24 is very tall. The City Manager said the City is aware of this and the NCDOT will not mow it frequently enough to keep this from becoming a problem. Councilmember Hall suggested a letter about this be sent to the NCDOT.

The City Manager said that staff has been discussing the possibility of the City contracting with the NCDOT to mow State rights of ways. The contract would only cover a portion of the City's expenses to maintain it in an acceptable manner. This has been discussed because the unsightly roadways impact the appearance of Albemarle. Councilmember Holcomb noted she was not interested in the City doing this.

Councilmember asked if names for retirement certificates and memorial resolutions had been submitted to the NCLM for consideration at their annual conference. The City Manager said they have already been submitted.

Councilmember Neel said he would like staff to go back and include and the names of former employees that qualify since the original submission to the NCLM was made.

Councilmember Hall said she received a compliment from a citizen who said the City street sweeper was doing a great job.

Councilmember Hall said a co-worker of hers had an accident recently on NC Highway 24/27 near Commerce Street and a City utility vehicle stopped to help. She commended these employees.

Councilmember Holcomb said she received a complaint about growth over the sidewalk on North Fourth Street near the school.

Councilmember Hall asked if the City had any discussions with Waste Management concerning leaf season. The City Manager said there was a report on the last agenda about staff's meeting with Waste Management.

Councilmember Alexander said he was recently contacted by someone asking for an additional \$10,000 to construct the bike trail at City Lake Park and asked if the City Manager knew anything about this. City Manager Allen said he did not but would check into this.

There being no further business, the meeting was adjourned.