

REGULAR MEETING CITY COUNCIL
September 2, 2008

The City Council of the City of Albemarle met in a regular session on Tuesday, September 2, 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.

Mayor Whitley delivered the invocation.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the August 18 regular session, August 25 adjourned session and August 26 adjourned session were approved as submitted.

A public hearing was held to consider an amendment to the Zoning Ordinance to allow campers and RVs on residential lots in emergency situations. No one from the public spoke for or against the proposal.

Upon a motion by Councilmember Hall, seconded by Councilmember White 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 08-31, To permit campers and RVs on residential lots in emergency situations.)

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-31) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA BY REVISING CHAPTER 92 (THE ZONING ORDINANCE) OF THE CODE OF CITY OF ALBEMARLE TO

DEFINE THE TERM “RVS AND CAMPERS” AND TO PERMIT THE TEMPORARY USE THEREOF DURING EMERGENCIES IN RESIDENTIAL DISTRICTS WITHIN THE ZONING JURISDICTION OF THE CITY OF ALBEMARLE, NORTH CAROLINA” passed first reading.

A public hearing was held to consider proposed amendments to the City’s Flood Damage and Prevention Ordinance. Mayor Whitley asked Director of Planning and Community Development Bob Sasser to review the matter. Mr. Sasser indicated that FEMA has revised their flood mapping for the City. In order for anyone in the City to be eligible for flood insurance the City must adopt the Ordinance and the maps. He stated letters were sent to property owners within the flood zone as well as letters sent to property owners within 100-feet of a flood zone. There are no requirements or restrictions placed on those not actually in a flood zone. He also mentioned that the new mapping will make it easier to determine the exact location of the flood zone and structures in relation to the flood zone.

A citizen asked who would determine the insurance rates for those within the flood zone. Mr. Sasser said that would be up to insurance agents and their representatives to determine the rates.

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

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

(Resolution 08-32, To amend the City’s Flood Damage Prevention Ordinance.)

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, an Ordinance entitled (Ordinance 08-32) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING AND RE-ENACTING SOME OF THE PROVISIONS OF THE FLOOD DAMAGE PREVENTION ORDINANCE ENACTED DECEMBER 1, 1981, AS AMENDED, CODIFIED AS CHAPTER 93 OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading. Voting in favor of the motion were Councilmembers Alexander, Hall, Napier, Neel, Underwood, and White. Voting in opposition was Councilmember Holcomb.

Mayor Whitley announced that Mr. Sasser would be available in the lobby to answer any questions concerning this matter. He also announced that the second reading of the Ordinance would take place at 6:00 on Tuesday, September 3 in the City Hall Annex.

Mr. Don Abernathy, Albemarle Downtown Development Corporation Downtown Christmas Open House Committee, appeared before the Mayor and City Council to request street closings on Friday, November 21 from 5:00 p.m. until 9:30 p.m. The request also included the use of the City Hall Annex restrooms.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request for street closings on Friday, November 21 from 5:00 p.m. until 9:30 p.m. and the use of the City Hall Annex restrooms in conjunction with Albemarle Downtown Development Corporation Downtown Christmas Open House.

Mr. Mike Martin, Albemarle High School Band Boosters, appeared as an announced delegation to request the use of City lights and to block the parking lane on Park Ridge Road between North Sixth Street and Mountain Creek Road on September 27 for the Albemarle High School Showcase of Bands.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved the request of Albemarle High School Band Boosters for the use of City lights and to block the parking lane on Park Ridge Road between North Sixth Street and

Mountain Creek Road on September 27 for the Albemarle High School Showcase of Bands.

Councilmember Neel said he had an item to add to the list of activities on the municipal calendar. He said a local group of business and government interests have been meeting to discuss the possibility of installing fiber optic cable possibly throughout the County to provide high speed internet service. Mr. Neel said it would be a higher speed than what private companies currently provide. The service would be available to every household and business in Stanly County and would not cost the City anything to participate. He did note the group might want to use some of the City facilities for this project.

The City Manager provided an update on the status of the City Hall project. He noted he had made comments in the agenda package and had nothing additional to update.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council set a public hearing for October 6 to consider a request from Crisis Council, Inc. for a Conditional Use Permit to operate a battered women's shelter at 615 Snuggs Street.

Ms. Becky Wentz indicated she had been on the Stanly County Crisis Council Board but that it was dissolved on November 6, 2007. She wanted the City Council to be aware there is no separate Stanly County Crisis Organization.

Councilmember Hall reviewed the situation that first established a shelter in Stanly County, noting that the State would not allow a separate organization to be established in Stanly County and therefore to have a local shelter, it had to be managed by the existing Crisis Council, Inc. located in Montgomery County. She said the focus now should be to re-establish a local shelter so that families do not have to be relocated out of the County and children do not have to change schools.

Councilmember White concurred with Councilmember Hall's comments and said the main priority is to re-establish a local shelter.

Councilmember Napier questioned Stanly County money going to the Montgomery County office. Mr. Brian Lambert, President of Crisis Council, Inc., said the money is sent to Troy because the office is located there. A woman representing the Crisis Council noted that any local donations designated for Stanly County must be spent in Stanly County. The Crisis Council has an audit twice a year to ensure funds are spent properly.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council set a public hearing for October 6 to consider the request of Homes of Hope, Inc. for a Conditional Use Permit to establish emergency temporary housing at 510 South First Street.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the City Council set a public hearing for October 6 to consider a proposed Community Development Block Grant application for a Housing Development Grant.

The City Council considered a request from the Stanly Community College Board of Trustees for a voluntary annexation of all their property.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, Mayor Whitley was excused from the discussion as he has a conflict as a member of the Stanly Community College Board of Trustees.

Councilmember Neel asked if the City has a meets and bounds description of the property. The City Manager said we did not. Councilmember Neel asked who would pay for it. The City Manager said that decision could be made by Council.

The City Manager was asked about the cost of providing City services. He said there would be costs but they should not be too great since there are no residences and any other services would be minimal.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council voted to move forward with the annexation process and to require Stanly Community College pay all of the City's expenses in this process.

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

(Resolution 08-33, To increase electric rates 1.4% effective October 1, 2008.)

The City Council discussed easements at 124 South First Street. The City Manager said staff researched the easement approved by Council to allow Mr. Scarboro to construct a handicapped access ramp across City property, but found that it had never been executed because Mr. Scarboro never moved forward with this business.

The City Manager reported the City would like an easement across Mr. Scarboro's property in order to install electric lines underground. Mr. Scarboro has now indicated he would be willing to allow this.

Council discussed the easement for the handicapped ramp they approved but that was never executed. Councilmember Hall asked the City Attorney about this and he said the easement goes with the property. Councilmember Hall said since the use for which the easement was granted is not taking place and it may not be needed for a future use, Council should consider rescinding the easement offer.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council rescinded its offer of an easement beside 124 South First Street.

The Mayor and City Council considered a request to post the prohibition of sex offenders at the entrance of City Parks and Recreation facilities.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council voted to post signage prohibiting sex offenders from City Parks and Recreation facilities at the entrance to each facility.

After lengthy discussion about the wording for the signs, Mayor Whitley asked that a sample sign be provided at the next Council meeting.

The Mayor and City Council discussed the status of the process to hire an annexation consultant. Councilmember Hall said it has been a while since Council conducted their interviews and asked they be provided with the consultants' proposals as soon as possible.

The City Council considered several proposed changes to the traffic schedules. Chief of Police Michael said he has discussed with the school system and they are agreeable to eliminating all the parking restrictions on North Third Street between East North Street and Montgomery Avenue and to go back with a small no parking zone on the east side of the street. He also requested eliminating the one-way designation on Berry Avenue and recommended changing the time of the one-way traffic flow on North Third and North Fourth Streets to match the school zone speed times.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council authorized the City Attorney to draft Ordinances to change the traffic schedules.

The City Manager provided an update on the Jesse F. Niven Army Reserve Center. He said HUD supports the proposed agreement for use of the facility between the City of Albemarle and Stanly Community Christian Ministries. The Department of Defense has indicated they are still reviewing the proposal but believe it is something they can approve.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved an agreement between the City of Albemarle and Stanly Community Christian Ministries.

The City Council held over consideration of a replacement to fill the unexpired term of Ms. Jane Murray on the Tree Commission to the September 15 meeting.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved submitting names of former employees for North Carolina League of Municipalities Retirement and Memorial Resolutions.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council adjourned to Wednesday, September 3 at 6:00 p.m. in the City Hall Annex to consider second reading of Ordinance 08-32 entitled "Flood Damage and Prevention".