

REGULAR MEETING CITY COUNCIL
April 21, 2008

The City Council of the City of Albemarle met in a regular session on Monday, April 21, 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, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, T. Ed Underwood and T. E. White. Absent, Councilmember Martha Sue Hall.

Mayor Whitley said there was a recent letter to the editor with misinformation about the City of Albemarle and its water supply. The letter indicated the City is currently selling 10 million gallons per day of water to Concord. Mayor Whitley said this is not correct and the City is currently not selling any water to the City of Concord and is only selling to the Pfeiffer/North Stanly Water Association, the Town of Oakboro and Stanly County.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the minutes of the April 7 regular session were approved as submitted.

Ms. Elaine Nelson, Chairman, City of Albemarle Tree Commission, presented Mayor Whitley and the City Council with the Tree City USA designation from the Arbor Day Society. Albemarle is one of only 69 cities in North Carolina to be so designated and noted the large, mature trees is one of the things that gives Albemarle its character.

Ms. Nelson also announced the beginning of the Memory Tree Program. She said last year a tree was planted in memory of former Mayor Roger Snyder. This year, a tree was planted in memory of a founding member of the Albemarle Tree Commission, Mr. Hiram Saunders.

She thanked several City employees and Departments for their work on achieving the Tree City USA designation and on the implementation of the Memory Tree program.

Ms. Nelson concluded her presentation by requesting the City appropriate funds in FY 2008/2009 to complete the tree inventory on public rights of way and public property.

Mr. Skeet Ayscue appeared before the Mayor and City Council as an announced delegate to provide an update on the activities of Homes of Hope, Inc. Mr. Ayscue thanked the Mayor and City Council for their support in the current fiscal year and requested continued support in the new budget year. He showed a brief video about Homes of Hope.

Mr. Ayscue noted that one of the new initiatives is to pursue a comprehensive homeless resource center at the Stanly Community Christian Ministries property on South First Street. The resource center will provide a full range of services to the homeless, including emergency housing, counseling and other services needed to address the causes of homelessness.

The City Council said they would take the request for funding under consideration in the FY 2008/2009 budget deliberations.

Mr. Marty Williams, Stanly County Area Antiques Dealers Association, appeared before the Mayor and City Council as an announced delegate to request the waiver of City business license fees for an antique and appraisal fair on May 16 – 18. He said all proceeds from the event will be provided to assist with the renovation and expansion of the Stanly County Museum in downtown Albemarle.

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, the City Council approved the request for a waiver of City business license fees for an antique and appraisal fair on May 16 – 18.

Dr. Chris Bramlett, Chairman, Albemarle Downtown Development Corporation, was present to request funding from the City of Albemarle for Fiscal Year 2008/2009. Mr. Bramlett reviewed all the construction activity in the downtown and said this could possibly be the largest construction boom the

downtown has ever experienced. He noted all these projects were occurring while the national economy is suffering.

He requested the City increase funding in the FY 2008/2009. He said two primary goals are to get the Director's salary up to the statewide average and to move the part-time position to full-time.

He concluded by thanking the City for their support over the years.

Mr. Donnie Hatley, Sons of Confederate Veterans, was scheduled to appear before the Mayor and City Council to request a permission to fire black powder rifles for Confederate Memorial Day observance on Saturday, May 10. Mr. Hatley was not present at the meeting.

It was the consensus of the Mayor and City Council to table the matter until such time a representative could be present to discuss the request.

Ms. Anne Liles, Board Member of the Stanly County Alcoholics Anonymous, appeared before the Mayor and City Council as an unannounced delegate. Ms. Liles requested funding from the City of Albemarle ABC System to support their alcohol rehabilitation activities. She said the building they use for their meetings at Rock Creek Park is in need of significant repairs.

Mayor Whitley indicated the City has been requesting money from the ABC Board to support City activities and that they have not received any in recent years. The City Manager noted that the State law requires an allocation be given for law enforcement and for alcohol rehabilitation. In previous years, the money for alcohol rehabilitation has been provided to Stanly County as such services are typically a county function.

It was the consensus of the Mayor and City Council to request the City Manager to draft a letter to the Stanly County Board of Commissioners supporting the request of Ms. Liles for ABC revenues for alcohol rehabilitation.

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

(Ordinance 08-12, To amend the Subdivision Ordinance to allow for gated communities.)

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

(Ordinance 08-14, To amend the Sign Ordinance to regulate electronic changing signs and to amend the Sign Ordinance to allow more than one sign above the first floor window within the Downtown Historic District.)

Voting in favor of the Motion were Councilmembers Alexander, Holcomb, Napier, Neel and Underwood. Voting in opposition to the motion was Councilmember White.

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

(Ordinance 08-13, To amend the Subdivision Ordinance to exempt industrial developments on existing streets from the requirement to install curb and gutter.)

Voting in favor of the motion were Councilmembers Alexander, Holcomb, Napier, Neel and Underwood. Voting in opposition to the motion was Councilmember White.

The City Manager provided a report on the City Hall project. He said the grading contractor began work earlier in the day. The environmental

abatement contractor is finalizing the work with lead on the windows and should be completed shortly.

The Mayor and City Council considered a municipal agreement with the North Carolina Department of Transportation to replace the bridge on NC Highway 73 over Long Creek. City Manager Raymond Allen said he had made an error in the memorandum describing the replacement bridge. He said a temporary bridge will be constructed while the old bridge is demolished and a new bridge constructed in the same location. Once the new bridge is complete, the temporary bridge will be removed.

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

(Resolution 08-15, To approve a municipal agreement with the NCDOT for the replacement of the NC Highway 73 bridge of Long Creek.)

The Mayor and the City Council considered a proposed municipal agreement with the North Carolina Department of Transportation for the relocation of US Highway 52. The City Manager said this is a project the City has wanted for quite some time as it will eliminate the difficult and congested intersection of US Highway 52 and NC Highway 24/27. The City will have approximately \$698,000 in utility relocation costs with this project. This is due to the inequitable State law that requires only municipalities over 5,500 in population to pay these costs. In all other circumstance, the State will pay the relocation costs.

Councilmember Neel said the water line to serve the Aquadale community is a 12-inch line. If it was only going to serve the City, it would be an 8-inch line. When this line was installed, the County paid for the upsizing of the line. He feels the County ought to pay for the cost to relocate the line over what it would cost if it was only an 8-inch line.

Mayor Whitley suggested the City discuss this item at the North Carolina League of Municipalities Town Hall Day event in June. Councilmember Neel said he has been working on this issue for years and the NCLM will not adopt this as a policy initiative because of the potential harm to the small municipalities

that are now exempt. Councilmember Neel felt an option was to sue the State of North Carolina for discrimination.

It was the consensus of the Mayor and City Council that the City Attorney draft a letter for their review expressing the City's feelings about the law and the fact the City is possibly willing to pursue the matter in court.

The City Council did not take any action on the municipal agreement or the 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 Underwood and unanimously carried, the City Council approved a write-off of nuisance abatement at 323 North Fifth Street in the amount of \$255.00.

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

(Resolution 08-14, To set the FY 2008/2009 street assessment rates.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved an agreement with Municipal Engineering in an amount not to exceed \$25,000.00 for a study of the water system pressure zones.

The City Council considered a budget amendment to transfer funds to the City Hall Project Budget and for the purchase of the former Wiscassett Mills Property on Salisbury Avenue.

Councilmember Holcomb said she supports the City Hall project, but not the Wiscassett property recently purchased by the City.

Upon a motion by Councilmember White, seconded by Councilmember Alexander, an Ordinance entitled (Ordinance 08-15) "AN ORDINANCE TO AMEND FY 2007-2008 BUDGET" passed first reading. Voting in favor of the motion were Councilmembers Alexander, Neel, Underwood and White. Voting in opposition to the motion were Councilmembers Holcomb and Napier.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Napier and unanimously carried, the City Council approved an amended contract with Connect CTY to accept funding from Stanly County for fifty-percent of the costs.

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council adopted a Proclamation recognizing the National Day of Prayer:

(Proclamation – National Day of Prayer)

The Mayor and the City Council discussed the new proposed location for the City's antique fire truck. The City Manager said the recommended location is on the east side of Fire Station One, as it no longer can be kept in its previous location because the Central United Methodist Church has renovated their parking lot. It does make sense to keep it at Fire Station One where it can serve an educational purpose when children tour the Station.

Upon a motion by Councilmember White, seconded by Councilmember Holcomb and unanimously carried, the City Council approved relocating the antique fire truck to Fire Station One.

The Mayor and the City Council considered a request from ElectriCities of North Carolina for donations to the annual meeting to be provided as door prizes. Councilmember Holcomb indicated she would donate an item.

Council asked that Councilmember Napier seek the donation of other items for door prizes at the ElectriCities Annual Meeting.

The Mayor and City Council were informed that Stanly County has adopted a downtown incentive grant program as the City had requested. The City Manager noted the difference is that the County has chosen to provide an 85% grant, whereas the City will provide a 100% grant.

Upon a motion by Councilmember Neel, seconded by Councilmember White and unanimously carried, the City Council asked that a Resolution be drafted thanking the County Commissioners for adopting an economic incentive policy similar to the City's

The Mayor and City Council were advised that the renewal of the lease for the ceramics building has been executed for a one-year term at the City's counter offer of \$850 per month.

Councilmembers Neel, Underwood and White confirmed their attendance at the Stanly County Council of Governments meeting in Stanfield on April 29.

Anyone interested in attending the "Water Vision – Future of Water Resources in North Carolina" conference in Research Triangle Park on May 22 was asked to let the City staff know as soon as possible.

The Mayor and City Council were reminded that updates to the Code of Ordinances were available and were requested to bring their books in for updating.

The Mayor and City Council were reminded that the presentations by the annexation consulting firms will be held on Tuesday, April 22 at 5:00 p.m. in the City Hall Annex.

The Mayor and City Council were reminded that the paperless agenda training will be held on Wednesday, April 23 at 5:15 p.m. in the City Hall Annex.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council adjourned to closed session pursuant to NCGS 143-318(a)5 to discuss real estate matters.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced that a closed session was held pursuant to NCGS 143-318(a)5 to discuss real estate matters and there was nothing to report at this time.

Councilmember Napier said she was recently called by firefighters who were unhappy with the management in the Fire Department.

Councilmember Holcomb thanked the Chief of Police and City of Albemarle Police Department for their work and assistance when she was recently a victim of an armed robbery at her place of business.

Councilmember Neel said he wanted to make certain everyone knew the purpose of the meeting in the morning with the Stanly County Board of Elections. He reiterated the purpose is to create one voting precinct coterminous with each individual City voting district.

Councilmember Neel said he had a North Carolina League of Municipalities committee meeting earlier in the day to discuss retirement issues. There is some discussion State-wide about allowing hard to replace, specialized City positions to return to work even while drawing their local government retirement. The positions that are being considered include city managers, water and wastewater treatment plant operators, building inspectors, electrical engineers, and others that are difficult to replace and require specialized skill and certifications. He said that currently, with the special State mandated salary supplement for law enforcement personnel, it would not make sense to re-employ these individuals because it is contrary to the concept that the supplement addresses.

Councilmember Neel said there still exists a dangerous situation on Leonard Avenue at the northwest corner of the Office Max property where the road narrows. He said the City needs to look at this and possibly add pavement to widen or create a better transition area.

Councilmember Alexander said he has heard the same concerns from firefighters unhappy with the Departmental management. Councilmember White warned there is always more than one side to a story. Mayor Whitley said the City Council needs to be cautious as they should not be discussing personnel, as they operate under the Council-Manager form of government.

Upon a motion by Councilmember Alexander, seconded by Councilmember White and unanimously carried, the City Council adjourned to Tuesday, April 22 at 9:00 at Stanly Commons for a meeting with the Stanly County Board of Elections.