

REGULAR MEETING CITY COUNCIL

January 22, 2008

The City Council of the City of Albemarle met in a regular session on Tuesday, January 22, 2008, at 7:00 p.m. in the City Hall Annex. Mayor Pro-Tem Troy E. Alexander presided, and the following Councilmembers were present, to-wit: Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, T. Ed Underwood and T. E. White. Absent, Mayor Elbert L. "Whit" Whitley, Jr.

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Mayor Pro-Tem Alexander made the presentation of retirement certificates to the following retired City employees:

Karen H. Calloway – 25.7 years of service

John O. Poole – 20.6 years of service

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Councilmember Holcomb moved for the approval of the minutes of the January 7 regular session and the January 7 closed session minutes as submitted, and the January 16 adjourned session with one correction. She noted that Councilmember Napier's name was left off the list of Councilmembers in attendance for this meeting. The motion was seconded by Councilmember Underwood, and upon a vote, the minutes were unanimously approved.

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A public hearing was held as advertised to consider an amendment to the Zoning Ordinance to allow Tea Houses as a Conditional Use in a RO/Residential Office District. No one from the public spoke for or against the proposal.

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

(Resolution 08-01, To allow Tea Houses as a  
Conditional Use in the RO/Residential Office District.)

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled

(Ordinance 08-03) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING CHAPTER 92 ENTITLED “ZONING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE RELATING TO DEFINING THE TERM “TEA HOUSE” AND ALLOWING THE SAME AS A CONDITIONAL USE IN R/O RESIDENTIAL OFFICE DISTRICTS” passed first reading.

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Mr. Ron Swanner, Home Savings Bank, appeared before the Mayor and the City Council as an announced delegate to propose replacement of the sidewalk in front of the new Home Savings Bank building at the corner of Second Street and Main Street. He began by thanking the City of Albemarle and its employees for their cooperation and assistance with this project. He said they plan to occupy the building by April. During construction, sidewalk has been damaged and repairs are needed. He proposed that Home Savings Bank pay for and install the concrete if the City would pay for and install the decorative brick work in this area.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved a joint venture with Home Savings Bank for the repair and replacement of sidewalk adjoining the Home Saving Bank building on Second Street and Main Street.

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Mr. Peter Ascutto, Uwharrie Running Club, appeared as an announced delegate to request the closing of some streets and use of others for the Fourth Annual Beach Blast Run on May 10, 2007.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council approved the closing of some streets and use of others for the Fourth Annual Beach Blast Run on May 10, 2008.

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The City Manager provided an update on the status of the City Hall project. He said the bid process is progressing with the architect having addressed two clarifying matters concerning the bid and project. Formal bids are due to the City on February 5.

Councilmember Neel inquired as to when the parking area near North Third Street will be blocked. The City Manager said it is the intention to keep this open as long as possible. Councilmember Neel also asked who would be moving the antique fire truck in the display case in the parking lot. The City Manager said the City is looking into disassembling the display case and reconstructing it at Fire Station #1. Fire Chief McDaniel said he should have some information concerning the feasibility of this later in the week.

Councilmember Hall thanked the City Manager for providing the color palette of the new City Hall for Council's review.

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The City Manager provided another update on the water lines serving the former Wiscassett property on Salisbury Avenue recently purchased by the City of Albemarle. He said the water lines have been repaired and the sprinkler system is anticipated to be tested and the alarm installed by Monday, January 28.

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The Mayor Pro-Tem and City Council discussed the status of the redevelopment plan for the Jesse F. Niven Center. The City Manager said that Homes of Hope voted at their January 8 meeting to seek participation in the Stanly Community Christian Ministries application for joint use of the Center. Subsequently the SCCM Board voted to seek a revised proposal for use to include Homes of Hope. The revised proposal is for use of the facility for storage and office space.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council voted to accept the revised application of Stanly Community Christian Ministries to include Homes of Hope in their proposed use of the facility.

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Bids for the construction of Phase II of the City's Subtitle D Landfill were presented to the Mayor and the City Council. Bid tabulation is as follows:

(Bid Tabulation, Construction of Subtitle D Landfill  
Cell, Public Works Department)

Mr. Wayne Sullivan, Municipal Engineering Services said the references of the low bidder, Thalle Construction Company, have checked out and they have a good work history.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the bid for Phase II of the construction of the City's Subtitle D Landfill was awarded to Thalle Construction Company, Inc. in the amount of \$3,069,077.

Mr. Sullivan said the State of North Carolina regulations have changed concerning construction and demolition landfills that are on top of closed municipal solid waste landfill cells. He said the City of Albemarle has such a construction and demolition site. The new regulations will require a public input session be held and formal action be taken by the City to continue to operate the construction and demolition landfill in this manner. He said the public input session will be held at the landfill and the matter will be brought back before Council when ready.

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Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, the City Council authorized the submission of a Parks and Recreation Trust Fund Grant in the amount of \$499,978.50 for improvements at the EE Waddell Community Center.

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Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council authorized an application for a \$5,000 Trail Grant for City Lake Park.

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The Mayor and City Council discussed the conflict with Stanly County Chamber of Commerce Annual Meeting with the second regularly scheduled meeting in February.

Councilmember Underwood made a motion to move the meeting to Tuesday, February 19. The motion was seconded by Councilmember Napier.

Councilmember Hall made a substitute motion to hold the meeting on February 18 as scheduled, but to start the meeting at 7:30 p.m. Councilmember

Holcomb seconded this motion. Upon a vote, the substitute motion carried. Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Neel, Underwood and White. Voting in opposition to the motion was Councilmember Napier.

Councilmembers Hall, Holcomb, Napier, Neel and Underwood confirmed their attendance at the Stanly County Chamber of Commerce Annual Meeting on February 18.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-04) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA PROVIDING THAT CHAPTER 73 ENTITLED "STOPPING, STANDING AND PARKING" OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA BE AMENDED BY ADDING A NEW SECTION THERETO RELATING TO ON-STREET PARKING OF VEHICLES WITH TRAILER ATTACHED" passed first reading.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, an Ordinance entitled (Ordinance 08-05) "AN ORDINANCE TO ADOPT A CAPITAL PROJECT ORDINANCE FOR THE RENOVATION AND EXPANSION OF CITY HALL FOR THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading.

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Councilmember Holcomb moved for the approval of Ordinance 08-03, to prohibit registered sex offenders from City parks and recreational facilities.

Councilmember Holcomb said she thought the Ordinance should also prohibit registered sex offenders from employment with the City. She also noted there is a community volunteer participating in City Parks and Recreation projects and activities. She felt this should not be permitted.

Councilmember Hall said that registered sex offenders have additional restrictions placed on them as part of the court ruling and disposition that she thought might make the Ordinance under consideration superfluous. Chief of Police Ronnie Michael said he believes the proposed Ordinance would create a

lifetime ban for anyone on the list, because the list remains in place even after a sex offender's probationary period ends. Councilmembers White and Holcomb felt the City's Ordinance would provide an extra layer of protection from sex offenders in City parks and recreational facilities.

Councilmember White said he felt sex offenders should be allowed in parks if they were part of a family reunion event because their family would supervise their activities.

Upon a vote on the motion, an Ordinance entitled (Ordinance 08-06) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING CHAPTER 82, ENTITLED "MISCELLANEOUS OFFENSES", OF THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE BY ADDING A NEW SECTION THERETO BANNING REGISTERED SEX OFFENDERS FROM CITY PUBLIC PARKS, RECREATION AREAS AND GREEN WAYS" unanimously passed first reading.

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Councilmember White moved for the approval of an agreement with the North Carolina Clean Management Trust Fund for water quality and flood control improvements at Don Montgomery Park. The motion was seconded by Councilmember Hall.

Upon further discussion, Councilmember Neel asked about the location of the flood retention area. The City Manager said the area would be south of the driveway leading into the former Wiscassett property. He said this is completely on City-owned property and is an area that frequently floods.

Upon a vote on the, the City Council unanimously approved the execution of an agreement with the North Carolina Clean Management Trust Fund for water quality and flood control improvements at Don Montgomery Park.

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Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the City Council set a public hearing for February 4 to receive public comment on proposed debt issuance to finance a portion of the City Hall construction and renovation project.

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Councilmember Underwood moved to authorize the City Attorney to draft an Ordinance to condemn an abandoned dwelling at 503 South Second Street. The motion was seconded by Councilmember Neel.

Upon further discussion, Councilmember White said he wished there was a way to allow the City to seize ownership of property prior to it falling into such a state of disrepair if the property owner does not take corrective action. Councilmember Neel said what the City is doing is all that is legally permissible. Mayor Pro-Tem Alexander said the City had been in contact with the property owner for several years trying to facilitate abatement work.

Upon a vote on the motion, the City Council unanimously approved authorizing the City Attorney to draft an Ordinance to condemn an abandoned dwelling at 503 South Second Street.

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The Mayor Pro-Tem and the City Council discussed the City's proposed application for a Community Development Block Grant for infrastructure improvements related to the Morrow Chase Apartments. As part of the grant, a portion of Fox Run Drive would be widened by five feet, a four-way intersection will be created at the 90-degree turn in Fox Run Drive, the Morrow Chase Apartments driveway, and the Ridge Run Apartments driveway, manholes would be raised in the area to compensate for additional run-off generated from the development, and the North Carolina Department of Transportation facilities handling water flow under Ridge Street will be upgraded. The City Manager said that upon a meeting with the North Carolina Division of Community Assistance, these projects are eligible for funding if the City's application can show a connection between the project and the City's request. The City Manager also stated the grant would not require a match.

Upon a motion by Councilmember White, seconded by Councilmember Hall, the City Council authorized pursuing a Community Development Block Grant application for infrastructure improvements associated with the Morrow Chase senior living apartment project. Voting in favor of the motion were Councilmembers Alexander, Hall, Napier, Neel, Underwood and White. Voting in opposition to the motion was Councilmember Holcomb.

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The Mayor Pro-Tem and City Council reviewed a letter from a resident in the Hillside Village Subdivision requesting the City of Albemarle

replace or repair the damaged sign in the median at the Hillside Village Subdivision entrance. The City Manager recommended that since it is not the responsibility of the city to maintain private subdivision signage, that the sign be removed from the public right of way. He did say that if Council concurred with this recommendation, letters would be sent to the property owners of the subdivision seeking their input prior to the removal of the sign.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council voted to remove the sign, but to first seek input from the property owners by contacting them in writing regarding the City's intentions.

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The City Council was provided with a report on the number of employees at the end of the last four fiscal years as requested at the previous meeting by Mayor Pro-Tem Alexander.

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The City Council was provided with a report on the City's Tree in the Hospice Festival of Trees. The reason the City's tree was marked as not for sale was due to the fact that donated ornaments were placed on the tree and removed after the Festival was concluded. Only fully decorated trees are sold. If in the future the City Council would like their tree to be offered for sale, they could purchase decorations and decorate the tree.

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Councilmember Alexander provided a report on the NCLM Regional Meeting in Charlotte on January 10, 2008 attended by Councilmember Neel, Assistant City Manager Michael Ferris and himself. He said the League stressed the importance of regular communication with members of the legislative delegation to keep them informed of local issues.

Councilmember White said he was hopeful the City can obtain extraterritorial zoning jurisdiction from Stanly County, similar to what several other municipalities in Stanly County already have.

Councilmember Neel asked about the status of the County's project to install water line on NC Highway 24/27 eastward to the Yadkin - Pee Dee River. The City Manager said he has not received any formal response from



Stanly County regarding the City's letter approving the project under two conditions regarding the metering station. He did say that he had an informal conversation with the County Manager who indicated the County was leaning toward the option of locating the meter where they originally proposed it to be, which would require an agreement stating the County will move the metering station at their expense when the City annexes along NC Highway 24/27.

Councilmember Neel moved to send the County of Stanly a follow-up letter indicating that the connection to the City's water system will not be allowed until an agreement between the City and County is executed. Councilmember White seconded the motion. Voting in favor of the motion were Councilmembers Alexander, Hall, Neel, Underwood and White. Voting in opposition to the motion were Councilmembers Holcomb and Napier. The motion carried.

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The Mayor Pro-Tem and City Council were informed the North Carolina Department of Insurance is scheduled to be on site performing a Public Rating for the Albemarle Fire Department beginning April 7. Fire Chief Eddy McDaniel said that the Department should easily be able to improve its rating from a five to four.

Upon questioning, Chief McDaniel explained the impact of the ratings on commercial and residential property insurance rates.

Councilmember Neel said there was discussion at the last North Carolina Building Code Council meeting concerning a proposed requirement to make sprinkler systems mandatory in new residential construction of structures over a certain size or number of stories. He said the proposal did not pass a vote at that meeting, but would be coming back before the Board in the near future. He said he would like Council to discuss in greater detail the possibility of the City providing free water taps for any new residential unit built in Albemarle that voluntarily installed a sprinkler system. He said this could be justified in improved safety that would be realized by the public and the Fire Department personnel. Councilmember Holcomb said she was not sure this would be fair, as poorer people would have less ability to install a residential sprinkler system. Councilmember Neel noted that it would only be voluntary. Chief McDaniel said he supports the installation of sprinkler systems in residential structures.

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Upon a motion by Councilmember Neel, seconded by Councilmember Holcomb and unanimously carried, the City Council selected Saturday, February 16 at 8:00 a.m. in the City Hall Annex for the Mayor and City Council Planning and Budgeting Retreat.

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The Mayor and City Council were provided with a reminder of the Stanly County Council of Governments meeting on January 29 at 6:30 p.m. at the Mt. Zion Lutheran Church in Richfield. Council indicated they would meet at the City Hall Annex at 6:00 p.m. and carpool to the meeting. The City Manager said he and the Assistant City Manager would be out of town for another meeting, but Planning and Community Development Director Bob Sasser would be accompanying Council to the meeting, as he was scheduled to make a presentation on a proposed County-wide downtown investment incentive policy.

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Councilmember Napier noted the Outdoorsman Bonanza sign at Morgan Motors has been removed. She also said another new sign is at this location.

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Councilmember Holcomb asked staff to purchase a card and circulate to the Mayor and City Council to send their sympathies to David Morgan concerning his recent accident.

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Councilmember White thanked the members of the City Council and the public who attended the recent Reverend Doctor Martin Luther King, Jr. Unity Breakfast.

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Councilmember Hall said the Rocky River RPO meeting scheduled for last Thursday was postponed and rescheduled for February 7.

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Councilmember Hall noted the City of Albemarle is the only RPO member submitting a Safe Routes to School grant application. She commended Director of Engineering Services Jon Mendenhall for his work on this project.

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Councilmember Hall asked about the status of the efforts to find a location for some of the Finance and Public Utilities services currently provided in the City Hall. The City Manager said the City's top option is looking more and more feasible and the City continues to work toward securing this location.

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Councilmember Hall asked when the City Council and Mayor will receive their assigned laptop computers. The Assistant City Manager said the laptops will need to be configured and he was thinking they would be assigned prior to the computer training being provided. Councilmember Hall suggested that they be provided at the February 16 Budget and Planning Retreat.

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Councilmember Neel inquired about the outcome of the request of the owner of Chimney's Apartments for a utility billing adjustment due to a water leak. The City Manager said he sent a letter to the owner advising him of how to proceed with his request for an adjustment and asked that he respond to the City's Utility Customer Service Coordinator Scott Hopkins. City Manager Allen said he did not know if the owner has done this or not, but that he could check with Mr. Hopkins and report this back to Council.

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