

REGULAR MEETING CITY COUNCIL
July 7, 2008

The City Council of the City of Albemarle met in a regular session on Monday, July 7, 2006, at 7:00 p.m. in the City Hall Annex. Mayor Elbert L. “Whit” Whitley presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Martha Sue Hall, Judy U. Holcomb, Jeanette M. Napier, Jack F. Neel, T. Ed Underwood and T.E. White. Absent, none.

The Reverend Clyde Penry of Central United Methodist Church delivered the invocation.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the minutes of the June 16 regular session were approved as submitted.

A public hearing was held to consider an Amendment to the Zoning Ordinance to Allow Emergency Housing as a Conditional Use in a GHBD/General Highway Business District.

Mr. Skeet Asycue of Homes of Hope came forward to speak about the need for emergency housing in addition to the Homes of Hope transitional housing program. He mentioned other agencies inside and outside of the county that are interested in supporting this endeavor. He asked that Council look favorably on allowing this use in GHBD Districts.

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 White and unanimously carried, the following Resolution was duly approved:

(Resolution 08-24, To amend the Zoning Ordinance to allow
“Emergency Temporary Housing” as a conditional use in
GHBD Zones.)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, an Ordinance entitled (Ordinance 08-27) "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 "EMERGENCY TEMPORARY HOUSING" AND ALLOWING THE SAME AS A CONDITIONAL USE IN GHBD/GENERAL HIGHWAY BUSINESS DISTRICTS" passed first reading.

Mr. Kevin Benfield, Narmour Wright Creech came before Council to provide a status report on the City Hall construction and to present change orders. Mr. Benfield stated that the City Hall project is moving along at a good pace. Also, he stated that there was a meeting earlier Monday with the contractors. Mr. Benfield presented three change orders for City Council to consider.

Change Order #001 is to install curb and gutter along the property line with Central Methodist Church - Cost \$15,078.00

Upon a motion by Councilmember Neel, seconded by Councilmember White and unanimously carried, change order 001 was duly approved.

Change Order #004 - to move ductwork in the Administration offices on the second floor of the existing City Hall onto the roof – Cost \$10,357.00

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, change order 004 was duly approved.

Change Order #006 – is for the cost of removing the four large concrete footings for the old water tank behind City Hall and replacing with compacted material – Cost \$31,903.46

Upon a motion by Councilmember Holcomb, seconded by Councilmember White and unanimously carried, change order 006 was duly approved.

Ms. Wendy Painter, Painter & Associates came before Council as an announced delegate to request that the City authorize proceeding with a grant application to provide infrastructure including street and utilities to serve the senior housing development planned for Heathwood Drive.

Upon a motion by Councilmember Alexander, seconded by Councilmember White and unanimously carried, approval to submit the application was granted.

Councilmember Hall continued with discussion of making sure that there is no cost to the City. Ms Painter assured Council that the City would have no cost. Ms. Painter discussed with Council that there would need to be notice posted for 10 days prior to the first public hearing. The first public hearing was determined for Monday, August 4, 2008.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel and unanimously carried, the Council voted to set the first public hearing on Monday, August 4, 2008.

Mr. Greg Speight with North Stanly High School appeared as an announced delegation and requested the City donate utility poles and also assist in installing the poles and netting around the North Stanly Softball Field. The purpose is to keep balls from entering the parking lot and a pedestrian area.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved the request.

Upon a motion by Councilmember Hall, and seconded by Councilmember White the following Ordinances were moved for approval on second reading:

(Ordinance 08-22, To add the name Stafford Drive to the City's Street Name Ordinance.)

(Ordinance 08-25, To establish a Grant Project Budget for the Clean Water Management Trust Fund Grant.)

(Ordinance 08-26, To designate Arbor Way as the through street at the new intersection of Arbor Way and Stafford Drive.)

Mayor Whitley stated that he had discussed with the City Manager and Director of Engineering Services the need to clear out low hanging tree limbs and growth over the creek south of East Main Street to help address flooding issues. Councilmember Neel asked for the specific location of the flood retention basin proposal for Don Montgomery Park. The City Manager advised that it would be in the northeast corner of the park, just east and north of the ball field.

Upon a vote, the motion carried unanimously.

The Mayor and City Council continued their discussion from their May 19 meeting on requests from Pee Dee Avenue residents for measures to slow traffic on their street.

Councilmember Neel stated that he was interested in a stoplight at Pee Dee Avenue and East Main Street. Chief Michael stated that NCDOT had indicated it would do this if the City would be willing to pay for it. Chief Michael continued to go over the options given to Council to consider including striping for traffic calming, reduced speed limits, or a combination of the two and the costs associated with each.

Bill Garner resident of Pee Dee Avenue came forward to speak about the safety of families by reducing the speed limit and/or adding stop signs at Sixth Street and Ninth Street to help prevent possible accidents and to protect the children. He presented a petition from residents to the Mayor and City Council.

(Petition from residents of Pee Dee Avenue)

No decision was made by Council on a solution for Pee Dee Avenue residents. Council stated they needed to look further at the study and City Manager Raymond Allen said the City can go back to NCDOT and request additional information about installing a traffic signal at Pee Dee and East Main Street.

Upon a motion by Councilmember Underwood, and seconded by Councilmember Holcomb the City Council decided to place this item on the July 18 scheduled meeting. Voting in favor of the motion, which carried, was Councilmembers Underwood, Holcomb, Alexander, Hall, Napier, and Neel. Voting against the motion was Councilmember White.

Planning and Community Development Director Bob Sasser discussed the information that Council had received prior to the meeting about the proposed new home on Stafford Drive. The driveway permit from the City for Stafford Drive has been applied for and their physical address will be Stafford Drive. The front yard setback will be on Stafford Drive and the rear yard setback will be on the unopened portion of Brenda Drive. Mr. Sasser said this should resolve any concerns that residents in this area have brought to the City Council.

The City Council also continued their discussion of the report of adjustment to water service zones from the June 16 meeting. Public Utilities has experimented with the service areas between the East Albemarle tank and the West Oakwood tank to try to increase pressure to the Muirfield and Loftin Farms subdivision and was successful. Ernie Borders Director of Public Utilities was unable to be at the meeting but City Manager Raymond Allen discussed the letter from Mr. Borders that was included in the agenda package.

The Mayor and City Council reviewed the information from the NC Department of Insurance advising that the City's community fire rating has been upgraded from a 5 to a 4. Council commended Chief Eddy McDaniel and the entire fire department on the achievement and mentioned taking steps necessary to obtain a 3 rating. Chief McDaniel said there was an opportunity to work on an improvement plan within the next year which will be submitted to NCDOI.

City Manager Raymond Allen mentioned that there are some equipment items and training improvements that can be made at a relatively low cost to help the Fire Department achieve this.

The Mayor and City Council were presented with the results of the City's bid for Phase I of the Roger F. Snyder Greenway. The City Manager indicated the apparent low bidder was Eaglewood Construction of Denver, NC, with a total bid of \$169,457.45.

(Bid Tabulation)

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved awarding the bid to Eaglewood Engineering in the amount of \$169,457.45.

The Mayor and the City Council considered approval of an Adopt-A-Trail Grant from the State of North Carolina.

Upon a motion by Councilmember White, seconded by Councilmember Napier and unanimously carried, the City Council approved the contract for Adopt-A-Trail Grant.

The Mayor and City Council discussed the 2008-09 Street Resurfacing Recommendations from Public Works Director Mike Lambert.

Councilmember Holcomb asked Public Works Director if these were the worst streets in the City on the list. Mike Lambert Public Works Director commented that he started with an approximate \$1.2 million project list to consider and he narrows down the most needed and request from Council to fit his department's budget of \$272,000. Also, he stated that this proposal was developed in consultation with Street Superintendent Jamie Burris, the City Manager and Assistant City Manager Michael Ferris.

Upon a motion by Councilmember Hall, and seconded by Councilmember Underwood, a motion was made to approve the street resurfacing proposal. Upon a vote, Councilmembers Hall, Underwood and Neel voted in favor of the motion. Voting against the motion were Councilmembers White, Napier, Alexander, and Holcomb, which did not carry.

Upon a motion of Councilmember Holcomb, and seconded by Councilmember White motion was made for Public Works Director Mike Lambert to determine the most urgent needs for resurfacing including Council requests and bring this proposal back to Council at the next meeting. Voting for the motion were Councilmembers White, Holcomb, Alexander, and Napier. Voting against the motion were Councilmembers Hall, Underwood and Neel. The motion carried.

The Mayor and City Council considered donating 13 recycling containers to the Stanly County School System for implementation of a pilot recycling program in the second grade class at Endy Elementary School.

A motion was made by Councilmember Hall, and seconded by Councilmember Holcomb to donate recycling containers as requested.

A substitute motion was made by Councilmember Neel, and seconded by Councilmember Hall to ask Stanly County to let the City use their convenience centers for recycling as a condition of donating the containers. Voting for the motion were Councilmembers Hall and Neel. Voting against the motion

were Councilmembers White, Holcomb, Napier, White and Alexander, which did not carry.

The original motion was considered and unanimously approved.

The Mayor and City Council discussed a letter that was received by Mayor Whitley requesting the City and Handy Sanitary District enter into discussion of possible water sales to their District. Council asked City Manager Raymond Allen to notify the Handy Sanitary District and set up an appointment to meet.

A motion was made by Councilmember Holcomb, and seconded by Councilmember Napier to approve the salary adjustment for Mayor & City Council included in the budget. Voting for the motion were Councilmembers Holcomb, Napier, Underwood, and Alexander. Voting against the motion were Councilmembers Hall, White and Neel. The motion passed.

(Resolution 08-25, To approve the salary adjustment for Mayor and City Council.)

The Mayor and City Council considered a \$12,000 grant for fire staffing from Stanly County. Chief McDaniel explained the intent was for the part-time staffing of 20 hours per week over a 52 week period. Chief McDaniel also recommended the City accept this staffing grant because it would supplement day time forces.

Further discussion involved questions concerning the following year once funds have been used. Chief McDaniel assured Council that if Stanly County does not continue these funds after the first year, the City would not be obligated to continue at the City's expense.

Upon a motion by Councilmember White, seconded by Councilmember Napier and unanimously carried, the Council voted to accept the grant. Councilmember Neel suggested that a letter of thanks be drafted to send to Stanly County.

The Mayor and City Council discussed complaints about the appearance at the Wiscasett Dye house. Councilmember Hall had received complaints over the continuing appearance issues at this location and requested this be placed on the agenda.

Planning and Community Development Director Bob Sasser reported that he did not see any violations that were clear cut. Mr. Sasser requested from Council that he be allowed to do more research into the situation. After further discussion Mayor Whitley volunteered to go and talk to the owner and that he would report back to Council.

The Mayor and City Council considered the request of Ms. Ann Chandler of 3100 Greenwood Park Circle for a special utility bill adjustment for January 2008. Ms. Chandler's January statement was around 2-3 times higher than any other month in the previous 12 month period. The City had reported to Ms. Chandler her meter calibration was only .1% fast and falls within accuracy limits set forth by NC Utilities Commission. Ms. Chandler had stated that there had been no change in usage at her home to warrant this large usage.

Members of City Council noted that there was no way to determine what had occurred behind the meter such as an appliance malfunction, and the request was not approved.

The Mayor and City Council discussed receiving a thank you letter from the Stanly County Historic Preservation Commission for the City's appropriation for FY 2007-2008.

Upon a motion by Councilmember White, seconded by Councilmember Napier and unanimously carried, the City Council adjourned to a closed session to discuss the status of real estate negotiations pursuant to NCGS 143-318.11(a)(5).

Upon a motion by Councilmember Underwood, seconded by Councilmember Napier and unanimously carried, the City Council reconvened to open session. Mayor Whitley announced that a closed session was held to discuss real estate matters and there was nothing to report at this time.

Councilmember Hall said the City Council should go ahead and determine what day to meet for the first meeting in September since it fell on the Labor Day holiday. Upon a motion of Councilmember Hall, and seconded by Councilmember Underwood and unanimously carried, the meeting date was changed to Tuesday, September 2.

Ms. Hall mentioned the next Cruise-In is scheduled for Friday, July 18.

Councilmember Hall also passed around an Alcoa survey that some of the members may not have seen yet.

City Manager Raymond Allen mentioned the joint meeting with the City Council, Planning Board, and Board of Adjustment scheduled for Wednesday, July 16 at Rosebriar at 6:30 p.m.

Parks and Recreation Director Toby Thorpe updated Council concerning the E.E. Waddell Community Center/Park project for which PARTF funding was applied for the 2008-2009 funding cycle. He noted that the project was not funded in the first round of projects, and requested that the Mayor and City Council write to the PARTF members and the local legislative delegation requesting favorable consideration of the grant request. The Council agreed to send these letters before July 25 when the NC Parks and Recreation Authority would be meeting.

Councilmember White mentioned being asked by residents to redredge drainage ditches as was the past practice by the Public Works department.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council adjourned to Wednesday, July 16 at 6:30 p.m. at the Rosebriar Restaurant for a meeting with the Planning and Zoning Board and the Zoning Board of Adjustment.