

REGULAR MEETING CITY COUNCIL

June 2, 2008

The City Council of the City of Albemarle met in a regular session on Monday, June 2, 2008, at 6:00 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, Jeanette M. Napier, Jack F. Neel, T. Ed Underwood and T. E. White. Absent, Councilmember Judy Holcomb.

The Albemarle City Council held a meeting with the Albemarle Downtown Development Corporation Parking Task Force in the City Hall Annex Conference Room to discuss downtown parking issues.

ADDC Chairman Dr. Chris Bramlett welcomed everyone to the meeting and introduced Art Rogers, who is Chairman of the Task Force. Dr. Bramlett noted that there is an abundance of on street parking for customers in the downtown, but that employee parking is becoming scarcer. He noted that Bank of Stanly is continuing to add employees in the downtown area and that these employees will need parking. Mr. Rogers introduced members of the committee, and discussed the work that they had been doing to evaluate parking needs and options in the downtown area. He stated that the task force had invited Concord downtown executive director Vicki Weant to make a presentation on how Concord was able to assemble multiple small parcels behind buildings into larger parking areas under the control of the City. Mr. Rogers suggested that the City Council and members of the task force take a field trip to Concord to see what they had accomplished.

Dr. Bill Hatley suggested that the City Council redirect the funds to the ADDC that were budgeted to lease and improve the parking lot at the northeast corner of King Avenue and South First Street so that they could update the downtown master plan and conduct a parking study. Vicki Coggins stated that the cost to do this would be \$10,000 for the master plan update and \$15,000 for the parking study. These could be combined in one study which could be performed by the same consulting firm in South Carolina that produced the original master plan. Councilmember Hall suggested that the City Council amend the proposed FY 2008-2009 budget to redirect the funds as proposed by Dr. Hatley, and that the remaining funds needed for the \$25,000 study be taken from General Fund fund balance. The City Manager advised that this could be done prior to adopting the budget ordinance on second reading.

Councilmember White joined the meeting at this time.

Councilmember Neel suggested that the field trip to Concord be arranged as suggested. Vicki Coggins was requested to contact Vicki Weant in Concord to make these arrangements. Mayor Pro Tem Alexander suggested that Stanly County should be responsible for funding a portion of any recommended parking improvements in the downtown because of the impact that court sessions have on parking.

The City Council recessed until 7:00 p.m. to consider the remaining agenda items for June 2.

The City Council reconvened the meeting in the City Hall Annex Council Chambers.

The Reverend Jim Tucker delivered the invocation.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the May 19 regular session were approved as submitted.

A public hearing was held to consider an amendment to the Zoning Ordinance to allow wineries and tasting rooms as a permitted use in a GHBD/General Highway Business District. Mr. Chris Lambert, Director of the Stanly County Convention and Visitor's Bureau, spoke on behalf of the request. He noted that tourism is a fast growing industry in North Carolina and Stanly County. A large part of that growth is attributable to wineries and vineyards. Stanly County already has several vineyards and a winery and tasting room is a natural extension of those types of businesses.

Mr. Thomas Baudoin is the applicant and asked the City Council to look favorably upon the request.

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

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

(Resolution 08-19, To amend the Zoning Ordinance to allow wineries and tasting rooms as a permitted use in a GHBD/General Highway Business District.)

Upon a motion by Councilmember White, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-21) "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 "WINERY AND TASTING ROOM" AND ALLOWING THE SAME AS A PERMITTED USE IN GHBD/GENERAL HIGHWAY BUSINESS DISTRICTS" passed first reading.

A public hearing was held to consider the close-out of a Community Development Block Grant for the Lillian Mills Project. Mr. James Luster, Centralina Council of Governments, spoke as the grant administrator. He said the project is complete, all the appropriate paperwork has been reviewed and approved by the State of North Carolina, and the grant can be closed-out. Mr. Luster also thanked several City employees for their assistance in making this project happen.

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

Mr. Bill Webb and Mr. Candler Bumgarner, CEBA, Inc., appeared before the Mayor and City Council as announced delegates to present their findings and recommendations for FY 2008/2009 City employee health insurance options. Mr. Bumgarner said his firm sought bids for the upcoming coverage year. The current carrier, UniCare, has proposed a 63.15% increase due to employee

usage. They are recommending the City change its carrier to Blue Cross-Blue Shield of North Carolina. They proposed a plan with only a 9.58% increase. The plan also provides a \$60,000 stop loss where claims over this amount do not impact the City's experience. They are also allowing the amounts paid by employees on deductibles since January to be counted toward the deductible in the first year of the new program. Finally, the proposal does not include a co-pay for generic drugs for the first six months.

The City Manager was asked about the impact on the budget. City Manager Allen reported that the budget was put together before a final figure on health insurance costs was known and a ten percent increase was budgeted. The Blue Cross-Blue Shield proposal is within the amount in the FY 2008/2009 Budget.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council approved switching health insurance plans to Blue Cross-Blue Shield.

Mr. Bill Moyers, Vokert and Associates, appeared before the Mayor and City Council as an announced delegate to present the results of the 2008 Municipal Bridge Inspections. Mr. Moyers noted his company has performed several bridge inspections across the state and region. They have worked a great deal for the North Carolina Department of Transportation. He said the findings of the inspections in Albemarle show a need for only routine repair and maintenance and there is nothing that causes any great concern. Mr. Moyers said he and his firm will assist with coordinating the needed repairs.

Mr. Chris Bramlett, Albemarle Downtown Development Corporation, appeared before the Mayor and City Council as an unannounced delegate to discuss a vacancy on the ADDC Board of Directors. Mr. Bramlett said that long-time member Mr. Dexter Townsend has had to resign and the Board is recommending Mr. David Smith of Azalea Drive as his replacement.

Upon a motion by Councilmember Underwood, seconded by Councilmember Hall and unanimously carried, Mr. David Smith was appointed to fill a vacancy on the ADDC Board of Directors.

Ms. Kimberly Baldwin appeared before the Mayor and City Council as an unannounced delegate to request the City close Lennox Street on Friday, July 4 for a neighborhood block party.

Upon a motion by Councilmember White, seconded by Councilmember Napier and unanimously carried, the City Council approved the request to close Lennox Street on Friday, July 4 from 2:00 p.m. until 10:00 p.m. for a neighborhood block party.

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

(Ordinance 08-19, To establish a Grant Project Budget Ordinance for a Rural Center Grant for job creation for the Lillian Mill Project.)

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

(Ordinance 08-20, To amend the Fiscal Year 2007/2008 City of Albemarle Budget to appropriate funds for the construction of Police firing range.)

The Mayor and City Council considered approval of Ordinance 08-18 on second reading.

The City Manager said that if the City Council would like to appropriate funds for an update to the Albemarle Downtown Master plan as they discussed earlier with the Parking Committee, this change would need to be made to the proposed budget. Funds could be moved from proposed renovations to a parking lot on South First Street, plus additional fund balance appropriated to fund the Master Plan update.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council voted to approve the proposed FY 2008/2009 Budget with the amendment to move funds from proposed renovations to a parking lot on South First Street plus additional fund balance appropriated to fund the Master Plan update. The following Ordinance passed second reading and was duly adopted:

(Ordinance 08-18, To approve the Fiscal Year 2008/2009 City of Albemarle Budget.)

The Mayor and City Council once again considered a proposed Municipal Agreement and Utility Agreement with the North Carolina Department of Transportation for the relocation of US Highway 52. Mayor Whitley said he and the City Manager had a meeting earlier in the day with the County Manager and Chairman of the County Commission to discuss these issues and asked the City Manager to explain the situation.

City Manager Allen provided an analysis of the water line costs between NC Highway 24/27 and the City's water tank. He reviewed the cost difference and savings between an eight, twelve and sixteen-inch line. He also reviewed the flow capacity of each line and noted a sixteen-inch line appeared to be much more than would be needed in the foreseeable future. He provided the same analysis of the water line options south of the water tank to the end of the project. He reported that at the meeting with Stanly County, the County indicated they may be willing to pay for the increase line size from an eight-inch to twelve-inch line. Also, they may be willing to pay for some or all of the meter station relocation.

Mayor Whitley proposed the City consider approving a twelve-inch line from NC Highway 24/27 to the water tank and the City pay for an eight-inch line south of the tank with Stanly County paying the cost of the upgrade to a twelve-inch line.

Councilmember Hall asked about the status of the local bill the City submitted to its State House and Senate delegation. The City Manager said that as of Friday the bill was in committee for each chamber. Councilmember Hall asked that the current status of the bill be provided for Town Hall Day.

The Mayor and City Council discussed the proposed annexation study. Councilmember Hall had asked this item be placed on the agenda in light of a State study commission recommendation that a moratorium be placed on all municipal annexations.

It was the consensus of the City Council to hold over further action on this matter until the State acts on the recommendation of a study commission to enact a moratorium.

Councilmember Hall asked that the current status of the potential City project be relayed to the potential annexation consultants.

The Mayor and City Council considered proposed dates for the FY 2008/2009 meetings with the Planning and Zoning Board and the Zoning Board of Adjustment. The proposed dates have been changed to avoid conflicts with the Centralina Council of Governments meeting dates.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved dates for the FY 2008/2009 meetings with the Planning and Zoning Board and the Zoning Board of Adjustment.

The City Manager provided an update on the City Hall project. He said demolition is progressing and the fill under the new construction is at grade and compacted. The windows have been abated of any lead and are going back in the building. He said the City is still looking for a storm window that can be raised and lowered to accompany the historic windows.

The Mayor and City Council considered an offer from the North Carolina Department of Transportation for the purchase of right of way for the project to replace the bridge on NC Highway 73 over City Lake. The City Manager reported the NCDOT needs approximately one acre for permanent right of way consisting mostly of wetlands and is offering the City \$11,375 as a purchase price. They will also need approximately .8 of an acre as temporary right of way during construction.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council accepted an offer to purchase approximately one acre by the North Carolina Department of Transportation of permanent right of way and .8 of an acre of temporary right of way in conjunction with the project to replace the bridge on NC Highway 73 over City Lake.

Upon a motion by Councilmember Hall, seconded by Councilmember White and unanimously carried, the City Council approved closing a portion of Wall Street in the vicinity of the EE Waddell Community Center on Saturday, June 7 for a Family Fun Day festival.

Councilmember White invited the Mayor and City Council to attend this event.

Upon a motion by Councilmember Hall, seconded by Councilmember Napier and unanimously carried, the City Council approved a Municipal Reimbursement Agreement with the North Carolina Department of Transportation for a Bicycle and Pedestrian Planning Grant.

Upon a motion by Councilmember Alexander, seconded by Councilmember White and unanimously carried, the City Council set a public hearing for July 7 to consider the recommendation of the Planning and Zoning Board from their May 27 meeting to amend the Zoning Ordinance to allow emergency housing as a Conditional Use in a GHBD/General Highway Business District.

Councilmember Neel said the North Carolina Building Code Council is considering changes to the regulations of emergency housing and shelters.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 08-23) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF

THE CITY OF ALBEMARLE, NORTH CAROLINA, BE AMENDED BY REVISING THE APPENDIX A: SALARY TABLES, TABLE I, ENTITLED “CLASS GROUPED BY SALARY RANGES” AND TABLE II ENTITLED “SCHEDULE OF SALARY RANGES” OF CHAPTER 24” passed first reading.

Upon a motion by Councilmember Alexander, seconded by Councilmember Napier and unanimously carried, an Ordinance entitled (Ordinance 08-24) “AN ORDINANCE TO AMEND FY 2007-2008 BUDGET” passed first reading.

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

(Resolution 08-20, To increase City of Albemarle Landfill Tipping Fees.

The Mayor and City Council considered a Resolution to increase the fee for residential roll-out collection and the optional small business collection program. The City Manager noted the City is only a pass through for the small business collection fee, as the City’s only role in this service is to bill and collect the fees Waste Management sets. The residential collection fee currently only covers twenty-five percent of the cost and the proposal brings the cost to forty-percent.

Councilmember White said Waste Management could do a better job at yard waste collection. He also said that when roll-out carts are emptied, they need to be returned to the top of the curb or at least off the road. Councilmember Neel said he has observed household waste being scattered by Waste Management.

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

(Resolution 08-21, To increase Roll-out Collection Fees.)

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

(Resolution 08-22, To provide a 5% Water and Sewer rate increase.)

Upon a motion by Councilmember White, seconded by Councilmember Alexander and unanimously carried, the City Council approved write-offs in the Department of Public Housing in the amount of \$10,892.98 for the period July 1, 2007 to December 31, 2007.

Councilmember Alexander said it appears as though the total write-offs are greater than usual. Housing Manager Connie Haithcock indicated the write-offs for this half of the year are typically higher. She also said apartment repairs and unpaid utilities are higher than normal as well as increased court costs.

Councilmember Alexander moved for the write-off of uncollected taxes and assessments that are no longer collectable due to the statute of limitations expiring. The motion was seconded by Councilmember White.

Councilmember Hall noted there are taxes owed by the deceased wife of the former County Attorney and these taxes could have been collected when her estate was settled. Councilmember Alexander noted the uncollected amounts in general are very small and not economically feasible to pursue in court.

Upon a vote on the motion the City Council approved write-offs for back taxes and assessments.

The Mayor and the City Council were informed that the NC Department of Transportation has granted construction authorization for phase 1 of the Roger F. Snyder Greenway project. The project will consist of construction of

a 10-foot wide paved multi-use trail approximately one-half mile in length from Don Montgomery Park east to Little Long Creek, then south parallel with the creek to the existing sidewalk at West Main Street. Grant funding for the construction phase of the project totals \$166,400.

The City Manager said he has recently spoken with the family of former Mayor Snyder about the possibility of a ground breaking ceremony. The City Council indicated they would like to hold such an event.

Upon a motion by Councilmember White, seconded by Councilmember Hall and unanimously carried, the City Council approved the closing sections of Azalea Drive, Park Lane and small portions of North Seventh and North Eighth Streets and East Cannon Avenue between the hours of 9:30 am and 11:00 am on Friday, July 4, 2008 for a neighborhood parade.

Mayor Whitley said he was recently contacted by Mr. Joe Calloway about the former EJ Snyder facility now owned and occupied by JT Russell and Sons. Mr. Calloway advised the Mayor that JT Russell and Sons is now manufacturing liquid asphalt and it leaves the plant in tractor trailer tankers. The railroad crossing signals on Snuggs Road are in the way of the trucks leaving the facility and asked if they could be removed.

City Manager Allen said that during the most recent meeting with the company, they indicated they would be utilizing the railroad to haul off several rail tankers a day of liquid asphalt and really needed the City's assistance in keeping this rail line open.

Mayor Whitley suggested the Manager send JT Russell and Sons a letter asking them if it is their desire to have the track abandoned and the rail crossings removed.

Councilmember Neel said that if the crossing signals have to be removed, the City would not do this but that it would be the responsibility of the North Carolina Department of Transportation or the railroad.

The Mayor and City Council were provided with a report on the 2008 Household Hazardous Waste Collection Day. The City Manager reported that approximately 65,000 pounds of waste was diverted from the landfill. He also noted that the County is requesting the City increase its allocation from \$10,000 to \$15,000. Since the increase request came in after the budget was developed, only \$10,000 is included in the budget. However, the Landfill funds would be able to absorb the additional cost of supporting this event.

Councilmember Hall reported that a North Carolina Department of Transportation pedestrian crossing signal at North Second Street and Main Street is not working properly. Councilmember White reported the NCDOT pedestrian crossing signal at East Main Street and Third Street is also malfunctioning.

Councilmember Hall commended the firefighters who responded to the recent fire at American Fiber and Finishing. She also requested a letter of thanks be sent to the fire departments that responded to assist the City forces.

Councilmember Hall asked that a summary of the priority legislative items be provided for those attending the North Carolina League of Municipalities Town Hall Day event on Wednesday.

Councilmember Neel said there is a local real estate agent who distributes advertising along with an American flag to certain neighborhoods in the City. Councilmember Neel said the use of advertising involving the American flag is against the law and they should be required to remove the flag and advertising at some point. He suggested that a letter be sent to the real estate agent noting these issues.

Councilmember Alexander noted a tree causing a sight distance problem at North Ninth Street and Azalea Drive.

Ms. Joyce Bisonnette said Waste Management does not always collect yard waste as scheduled. She also said a lot of political signs are left out for extended periods of time after elections.

There being no further business, the meeting was adjourned.