

REGULAR MEETING CITY COUNCIL
July 18, 2016

The City Council of the City of Albemarle met in a regular session on Monday, July 18,, 2016 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall, Bill Aldridge, Chris Bramlett, Benton H. Dry, II, Martha E. Hughes, and Dexter Townsend. Absent, Chris Whitley.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

The Mayor stated the City has an Industry Recognition Program to thank our local manufacturers for providing quality jobs and investing in our community and to inform Albemarle, Stanly County, and the region about our industries. This month we have chosen Hammond Electric Motors for recognition in the small manufacture category.

Economic Development Director Mark Donham came forward and stated that the City will be recognizing its manufacturing businesses at City Council meetings over the next two years; two every quarter. Each recognition will consist of a Proclamation from Mayor Michael, media coverage, a company product display in City Hall, and a tour of the company's facilities by Council.

This evening, the third company to be recognized will be Hammond Electric Motors. Demonstrating the critical role education plays in providing well trained and prepared employees for local industries is an important goal of this program. Stanly Community College initiating their new Advanced Manufacturing and Industry Technology program has helped better prepare area youth and support local industries as they apply these technologies into their manufacturing processes.

The Mayor and City Council reviewed the video of Hammond Electric Motors produced by Andre Burroughs.

Councilmember Dry came into the meeting at this time.

The Mayor introduced Mr. Steve Hoffman and Mr. Wayne Hoffman and presented their proclamation.

Mr. Steve Hoffman and Mr. Wayne Hoffman thanked City Council and Mr. Donham for this honor. They answered any questions that Council had. They recognized three of their employees:

Reggie Dennis – 38 years service

Mark Britt

Alecia Childress – 28 years service – Office Manager

The Mayor and City Council thanked them for being here and congratulated Steve and Wayne Hoffman.

The Mayor and City Council recognized ITRE Road Scholar Certificate recipients. Public Works Street Superintendent, Ross Holshouser stated that the Road Scholars program is a professional development opportunity offered by the North Carolina Local Technical Assistance Program at ITRE (Institute for Transportation Research and Education). The purpose of the program is to recognize local government personnel who have significantly increased their knowledge of road maintenance procedures and improved their technical skills. Each employee has completed at least 7 of the 14 Road Scholar courses offered through the center and has earned this professional distinction for them and for the City of Albemarle.

The Mayor and City Council presented the Street Division employees with ITRE Road Scholars Certificates and congratulated each of them:

- Jason Palmer
- Randy Huneycutt
- Alain Marti

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the minutes of the June 27 regular session and June 27 closed session minutes were approved as submitted.

Mr. Wayne Stogner, Stogner Architecture came before Council to request approval of Change Order 001 to Amhurst Gardens HVAC renovation.

Public Housing Director Cedric Baldwin stated that Change Order 001 adds the J-type and I-type buildings to the HVAC renovations contract currently being performed by HEMCO Properties, LLC. This work was originally designed and included on the initial form of the bid for this project, but the deduct was removed due to lack of funding. Housing has been awarded the 2016 Capital Fund Project grant in the amount of \$299,940. Net change to contract is \$205,400. There will be no change in original pricing, and no additional time will be required to complete the work.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved the Change Order 001 to Amhurst Gardens HVAC Renovation in the amount of \$205,400 in Public Housing.

Former Mayor Whit Whitley, 505 North 9th Street came before Council concerning the City water withdrawal allocation from the Yadkin - Pee Dee River to discuss conversations he has had in the past concerning this issue.

Mayor Michael and the City Manager met with the new owner to be of the Yadkin Hydroelectric Project, Cube Hydro last week. He recapped the current agreement that the City holds with Alcoa concerning water allocations which is 18m gal/day but are looking to up the amount to 30m gal/day when the approval of relicensing is completed for FERC.

Former Mayor Whitley stated that he had promised Mayor Padgett with Concord that he would come back in the future to Alcoa and request for an increase from 5m gal/day to 10m gal/day. Mayor Whitley stated that he and Mayor Michael will go and speak with Alcoa, Cube Hydro and Concord Mayor Padgett concerning Albemarle's increase in allocation as well as Concord/Kannapolis.

It was the consensus of City Council that Mayor Michael and Mayor Whitley discuss these allocation increases for Albemarle and Concord/Kannapolis and bring a report back before Council.

The Mayor stated that Council had a copy of the monthly departmental reports in their agenda packets and asked if anyone had any questions.

The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

The Mayor and City Council considered approval of ordinance 16-15 which directs the housing inspector to demolish 141 Arey Avenue. It was noted that on May 2, 2016, Council held a public hearing to consider this demolition. During this time, the tenant of the structure, Wylie Waddell, presented he was trying to secure legal ownership of the structure so that he could apply for a USDA Rural Assistance grant to help rehabilitate the structure back into compliance for habitability. In effort to give Mr. Waddell additional time, Council approved Ordinance 16-17 directing the Housing Inspector to Vacate and Close 141 Arey Avenue requiring the tenant to vacate the structure and allow an additional 2.5 months to bring the structure to compliance.

Planning Development Services Director Kevin Robinson noted that since this time, staff has followed up with Mr. Waddell to make sure he had the appropriate contact with the regional USDA office and to assure he knew other housing options and their processes/waiting lists in the event the USDA efforts did not work out. Mr. Robinson also stated that he had spoken with Mr. Wylie Waddell today and he is aware of tonight's meeting and possible what the possible outcome of the hearing will be.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved the following Ordinance as amended:

ORDINANCE 16-15
TABLED 5.2.2016

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED

Property Owner: Bruce Wiley and Nancy Lee Tyson

Property Address: 141 Arey Avenue
Albemarle, NC 28002
Property Identification: Pin # 654804749748

WHEREAS, the Albemarle City Council finds that the property described herein is unfit for human habitation under the City 's Minimum Housing Code, and that all of the provisions of the Minimum Housing Code have been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said dwelling or building should be removed or demolished as directed by the Housing Inspector, and should be placarded by placing a notice prohibiting use for human habitation; and

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to standards of the Minimum Housing Code in accordance with G.S. 160A-443(5) pursuant to an order issued by the Housing Inspector on March 17, 2016, and the owner having failed to comply with the order;

NOW, THEREFORE, be it ordained by the Albemarle City Council that:

SECTION 1. The Housing Inspector is hereby authorized and directed to place a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful” in the building located at the following address: 141 Arey Avenue., Albemarle, NC.

SECTION 2. The Building Inspector is hereby authorized and directed to proceed to “Remove or Demolish” the above described dwelling in accordance with his order to the owner thereof dated March 17, 2016 and with the Minimum Housing Code and G.S. 160A-443(5).

SECTION 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

SECTION 4. This ordinance shall become effective upon its adoption.

This ordinance was introduced and signed by Councilmember _____, a member of the City of Albemarle, North Carolina.

Member of Council

This ordinance was introduced and passed its reading at the meeting of the Council held on May 2, 2016, was adopted, and ordered published as by law provided.

Dated May 2, 2016.

Mayor

Attest:

Clerk

The Mayor and City Council considered an unopened right-of-way abandonment requested by Main Street Methodist Church. At the May 2, 2016 meeting, Council adopted resolution 16-09 of Intent to Abandon a portion of unopened alleyway. A public hearing was held on June 27, 2016, where a few adjoining property owners expressed concerns over accessibility. Since that time, the Church has met and agreed to providing the legal easement to all property owners along the alleyway. City Attorney, David Beaver, has attempted contact with the concerned property owners regarding the easement. As of July 13th, he had not spoken to Mr. Napier, but has attempted.

There are public utilities located within the proposed abandonment which will be preserved by a utility easement in the proposed order. The attached ordinance does reflect the order is subject to obtaining a legal easement for all property owners that abut to the alleyway and will remain in effect in perpetuity and utility easement rights for the City are also specifically preserved.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the following Ordinance as amended:

(Ordinance 16-21. To abandon the City's interest in an unopened alleyway adjoining the property of Main Street United Methodist Church.)

The Mayor and City Council discussed the Special Event Ordinance revisions presented at the June 27 Council meeting. Assistant City Manager Christina Alphin stated that since the initial presentation of the Special Event Ordinance at the last meeting, the following changes have been made:

- Removal of specific City-sponsored events.
- Removal of E.E. Waddell and Niven Center from the exception list for alcohol consumption.
- Clarified areas alcohol is NOT permitted to include: City Hall, Police/Fire Stations, Public Housing Community Centers AND Amhurst Bellfield and Playground

In addition:

- Staff has found no restrictive covenants in the deeds of the Niven Center property or the E.E. Waddell property.
- Staff is still working with Landmark to get clarification on the lease agreement and allowance of alcohol at the Central School Apartment Auditorium.
- Council did express interest in being able to get the special event process done at City Hall; however we currently do not have specific staff to designate to this process specifically at City Hall but will assure the applications are accessible online and therefore accessible and able to submit via email from the applicants home. We will welcome applications at City Hall which will be forwarded to Parks and Recreation for processing.
- Staff has reviewed requirements of the Liquor Liability Policy, but did not make any changes because our insurance provider recommends we keep this policy included. Several general liability policies have exclusions for alcohol

related incidents and liquor liability policy will add a layer of protection for the City in the event of any alcohol related injuries.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the City Attorney to place the special event policies in ordinance format to bring back before City Council for approval.

The Mayor and City Council considered setting a public hearing for August 15, 2016 to rezone 2218 East Main Street. On June 28, 2016 Planning Board heard a request from the property owner to rezone property addressed 2218 East Main Street from General Highway Business (GHBD) and Single-Family Residential (R-10) to General Highway Business district.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved setting a public hearing for August 15, 2016 to consider the rezoning of 2218 East Main Street.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the resetting of a public hearing for East Drive Right of Way Abandonment for August 15, 2016 at 7:00 p.m.

The Mayor and City Council considered a special request from Larry Mills, owner of 454 Smith. On June 22, 2016, Larry Mills contacted staff regarding dead trees on his property and a crack in his driveway.

Mr. Mills stated that the trees were not given sufficient root base to adequately grow at the widening of Smith Street which is now causing them to die. He also claims the crack in the driveway was caused by the City removing rebar from his driveway during this time. City Staff went out to assess his concerns and Mr. Mills was advised that this was private property and the City would not be able to accommodate his request.

Mr. Mills is now requesting action of the Council. Staff located documentation dating the project back 24 years. Council reviewed a letter from Street Superintendent Ross Holshouser that details the cost for all associated requests. This is not a project that is budgeted and would require appropriation from Fund Balance if Council chooses to assist in this request

It was the consensus of City Council to delay a decision on this issue until the Monday August 15 meeting, giving Council time to go by the property at 454 Smith Street and view the issues and concerns of Mr. Mills.

The Mayor and City Council considered a quote for the replacement of a Digger Derrick Truck from Terex Utilities, Inc., in the Public Utilities Electric Division in the amount of \$246,926.00. This is a budgeted replacement for Unit 304, a 1998 digger derrick rig with over 10,000 hours. The truck is essential in the daily operations of the Electric Division associated with the removal, installation, and maintenance of electrical distribution, transmission, and overhead lighting poles.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved a quote for the replacement of Public Utilities Digger Derrick Truck from Terex Utilities, Inc., in the Public Utilities Electric Division in the amount of \$246,926.00.

(Bid Tabulation – Terex Utilities, Charlotte, NC)

The Mayor and City Council reviewed a proposal for professional services concerning the Wiscasset Mills Athletic Complex from Benesch/Site Solutions for the Wiscasset Mills Athletic Complex.

The City Manager stated that following an RFP process, the City Council previously selected Benesch / Site Solutions for this project. He stated that the matter before Council is to now formally consider the contract to perform the specific design work.

It was the consensus of Mayor and City Council to table approval of the proposal for professional services with Benesch/Site Solutions for the Wiscasset Mills Athletic Complex for further discussion to determine what work the City might be able to perform itself and therefore be removed from the proposed scope of work.

The Mayor and City Council discussed the Streetscape Plan for FY 16-17. Assistant City Manager Christina Alphin stated the Streetscape Master Plan has been adopted for the FY 2016/2017 Budget. She gave a presentation of the Streetscape implementation for FY 16-17 and she highlighted recent accomplishments and the plan for items to be implemented this fiscal year.

Ms. Alphin mentioned several recommendations and options for consideration at City Hall, Courthouse Square, 2nd/Main, and at the Farmers Market as follows:

- 1) Install Crosswalks (4) - \$23,800
- 2) Install Bollards \$1,000 each
- 3) Wi-Fi hotspot
- 4) Install outdoor music at Courthouse Square Park
- 5) New signage at Courthouse Square Park
- 6) Rehab of sidewalks at Main/3rd and Main/4th
To install underground electric to trees to enable lights using funds from public works and public utilities budget
- 7) Rearrange benches and urns - \$1,500
- 8) Street stripping downtown and rearrange angle parking on 2nd Street
- 9) Parking audit revealed ample parking only losing 6 spaces if removing angle parking on 2nd Street – from 321 spaces to 315 spaces
- 10) Downtown Branding – 2-4 way finding signs, and 1-2 sets of pole banners

Options if added funding to consider: Theme accent stamped square, Historical signage (blades or posts) and more way finding signs.

Ms. Alphin stated that many of the first phase of items recommended for implementation are those that can be done with our own labor or were budgeted for in other Departments. This means that we will contribute much more in funding, labor, equipment and materials than just the \$20,000 for streetscape in the Administration portion of the budget. We will keep track of all these costs as we

implement the plan so City Council and the public can see the real cost of the investments we are making

There consensus was to move forward with the implementation strategies as presented within budgetary limitations with exception of holding a merchant meeting regarding the removal of angled parking on Second Street and ringing this back before Council for reconsideration. In addition, checking with NCDOT about bike lanes on First Street and the possibility of a pedestrian pushbutton at Market Station. Estimates for the themed accent will be brought back before City Council at a later date.

The Mayor and City Council discussed proposed ordinance text amendments to Chapters 21, 90, & 92 of City Ordinance concerning appointed boards.

Planning and Development Services Director Kevin Robinson reviewed proposed text amendments to Chapters 21, 90, & 92 of City Ordinance concerning appointed boards. Due to the length of these changes, staff is requesting Council to review the proposed amendments and set a public hearing on August 15, 2016, allowing extra time for Council to review changes. Staff will bring the formal ordinance for consideration at the August 15th meeting for Council to adopt at that time.

Mr. Robinson gave a PowerPoint presentation which explains that the Housing Appeals Board has been removed from Chapter 90 and the duties of this Board re-assigned to Board of Adjustment. Albemarle Community Appearance Commission has been removed with its duties kept in place and re-assigned to the Historic Resources Commission. The Greenway Commission has been removed with its duties kept in place and re-assigned to the Parks and Recreation Advisory Board. Establishment and composition sections (Chapter 92) for both Board of Adjustment and Historic Resources Commission have been moved to Chapter 21 for consistency with other boards. Composition and size of boards has been changed where necessary to meet state statute and/or accommodate better representation on boards. Term limits have been placed on both Historic Resources Commission and Parks and Recreation Advisory Board.

Mr. Robinson answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved

setting a public hearing for Monday, August 15, 2016 to consider ordinance text amendment changes concerning appointed boards.

The Mayor and City Council received an update on the Parker Street paving assessment petition. Public Works Street Superintendent Ross Holshouser came before Council and stated that what they found was unexpected and identified an unusually limited amount of right of way. He also stated that to perform the project additional right of way is needed. Mr. Holshouser stated that the challenge from here forward is that some of the property owners did not sign the petition to have the street paved and we are assuming would therefore not be inclined to donate the needed right of way to make the project happen. An estimate developed based on the value of land in the area is that right of way acquisition would cost approximately \$7,700 or \$500 per property owner.

The City Manager stated that at this point, staff requests direction from City Council on how to proceed. When an assessment project is performed, the City does absorb the labor and equipment costs as well as some of the materials costs. The property owners through the assessments pay for the asphalt. The cost-sharing arrangement is done because there are benefits to both the City and property owners in having the road paved. If we proceed with right of way acquisition, we would be going beyond the typical commitment and cost sharing established by the City.

Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the Parker Street paving if all property owners are willing to donate land to extend paving width needed for the paving and all property owners are willing to pay the assessment fees for the asphalt.

The Mayor and City Council were updated on abandoned and junk vehicle cases by Planning and Development Services Director Kevin Robinson.

1119 US 52 Highway North

On June 23, 2016 Planning and Development Services began the process of observing 1119 US 52 Highway north. It was established that there were multiple junk properties on the lot.

City staff continued to observe the property and noted no significant change in number through the month of June and early July.

□ City staff sent a notice of violation on July 12, 2016 to the property owner, Richard Huneycutt citing him for being in violation of Title VII: Offenses §80 Abandoned/Nuisance/Junked Motor Vehicles.

□ Failure to remove junk vehicles within the 15 day period set by Staff may result in removal of vehicles at the expense of owner.

Mr. Robinson stated that the owner of this property will be in tomorrow about the site for use as LID zoning.

503 Old Charlotte Road

□ On September 9, 2015 Planning and Community Development sent a certified letter to Yes Auto Sales located in Midland, NC and City staff determined that the property met the criteria of an automobile junk yard and that such a use was not an allowed uses in Light Industrial district (LID).

□ In November the property owner, Yett Millwork Corporation, applied for a rezoning from Light Industrial district to Heavy Industrial district (HID). Planning Board recommended to Council that the property be rezoned from LID to HID.

□ On January 4, 2016 council denied the request to approve Ordinance 16-01 rezoning of 503 Old Charlotte Road from LID to HID and established a 90 day compliance deadline.

□ In March City Council granted Yes Auto Sales an extension on their compliance deadline and changed the deadline from March 31, 2016 to December 31, 2016.

□ On June 30, 2016 Planning and Development Services sent a certified letter to Yett Millwork Corporation containing the original notice of violation, pictures of the state of the property in June, and a letter informing both parties that six months had passed.

□ As of July 12, 2016 neither Yett Millwork, owner, nor Yes Auto, tenant, have brought this property into compliance with the listed violations of City zoning ordinance. There may have been an overall increase in junk vehicles.

The Mayor and City Council received a follow-up on a discussion of possible discounts on filling of swimming pools. This issue was raised at the previous City Council meeting and discussed briefly.

The City Manager stated in his agenda comments that staff is working on multiple other changes to the Utility Customer Service Policy that will be presented to Council at a September meeting. This information will be incorporated about pools into this presentation in September, as we are beyond the typical pool filling time of year at this point and any changes would need to be formalized with changes being made to the Utility Customer Service Policy.

The Mayor and City Council considered a resolution to assign NC Main Street Designation. City Council has already taken action to move the administration of the NC Main Street Program in-house, Liz Parham with the NC Main Street Program has informed City staff that they require a resolution be adopted for their records.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved a resolution to assign NC Main Street Designation.

(Resolution 16-16. To assign the NC Main Street Designation.)

The Mayor and City Council considered attendance at the NLC Cities Summit in Pittsburgh, PA from November 16-19. The Conference begins early on Wednesday the 16th, so anyone attending would need to be in Pittsburgh on the 15th. The closing event is on Saturday evening so anyone staying for the entire Conference would return on the 20th.

Mayor Michael stated that the NCLM annual conference will be in Raleigh on October 23-25. Councilmembers Hall, Hughes, Bramlett, Townsend and Mayor Michael confirm their attendance at the meeting.

The Mayor and City Council were reminded of National Night Out, August 2 from 6:00 p.m. - 9:00 p.m. National Night Out will be held in Downtown Albemarle this year. The event will feature music, an emergency vehicle car show, inflatables for kids, face painting, the What – A – Burger truck,

door prizes and more staffed employment information booths regarding job opportunities with the City of Albemarle.

Mayor Michael congratulated Bishop Richardson of Saint Delights Church on his celebration of his 37th pastoral anniversary.

Mayor Michael stated that he attended the Boy Scouts dedication of a new repelling tower which is now the largest in NC.

Councilmember Townsend reminded everyone of the Stanly County Law Enforcement Day of Prayer at the Agri-Civic Center on August 9 from 6:00 PM - 7:00 PM.

Councilmember Townsend mentioned to Parks and Recreation Director Toby Thorpe of the raised concrete at the EE Waddell Center near the large banquet room causing someone to trip and fall.

Mr. Thorpe stated that a window was broken and some food taken. He also stated that concerning the tennis court, this was the paving contractor's damage and they repaved the area.

Councilmember Hughes stated that the parking near Dry Cleaners on East Main Street has just been resurfaced and looks very nice.

Councilmember Bramlett stated that concerning the downtown streetscape, he would like to see City signs stating that we are the "Gateway to the Uwharries". Maybe the Rotary Club could involve this in one of their projects.

Councilmember Bramlett asked about the status of designating US Highway 52 as "Pfeiffer Highway". The Mayor said this issue is waiting on other towns to our north and closer to Pfeiffer to take action on this.

Councilmember Hall stated that the Ross Clothing Store on Leonard Avenue had a grand opening this past Saturday, July 16.

Councilmember Hall asked if the Mayor or Councilmembers received a letter from Congressman Hudson. She stated that the letter was concerning the annual Business and Economic Summit in Washington, DC and he asked for attendance.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the meeting was adjourned.