

ADJOURNED MEETING CITY COUNCIL
October 21, 2015

The City Council of the City of Albemarle met in an adjourned session on Wednesday, October 21, 2015, at 6:30 p.m. at the Rosebriar Restaurant. Mayor G.R Michael presided and the following Councilmembers were present, to wit: Bill Aldridge, Troy E. Alexander, Benton Dry, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none

The City Council held a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment to discuss matters of common interest.

Mayor Michael brought the meeting to order. The Mayor had each person in attendance give their name and title, introducing new members of the Planning Board and Board of Adjustment. The Mayor also introduced our new Assistant City Manger Christina Alphin.

Mayor Michael reminded everyone of the following events coming up this week:

- 1) CKA Valve Turning in Mt. Pleasant on Thursday, October 22 at 4 pm
- 2) Public Input Session on the Commercial Maintenance Code at City Hall at 7 pm Thursday, October 22, 2015
- 3) City Streetscape survey on the City website and encouraged all to participate
- 4) Streetscape Event at Market Station 8-12 noon on Saturday, October 24
- 5) Streetscape Event at City Hall 10-5 pm and at Market Station 7-9 pm on Monday, October 26

Mayor Michael thanked everyone for serving on their respective board.

Planning and Community Development Director Keith Wolf handed out a copy of an agenda:

- 1) Introduction of new Board Members:
 - a) Sarah Bivens and John Sullivan, Planning Board, Kristie Bryson and Rusty Story, ZBA
 - b) Tym Scott's term on the ZBA expired and appointed to Planning Board

- c) Randy Shank's term on the Planning Board expired and appointed to ZBA
- d) Rick Russell's term on the Planning Board expired and appointed to ZBA

- 2) Discuss Albemarle Community Appearance Commission
- 3) Discuss Housing Board of Appeals

Mr. Wolf introduced new members to the two boards and explained that some members had moved between the Planning Board and Zoning Board of Adjustment when their term was over allowing them to continue to serve.

Mr. Wolf stated that there are two boards; the Community Appearance Commission and the Housing Board of Appeals that the Council may want to consider abating. He said that the ACAC by-laws stated to maintain at all times a majority of members who have had special training or experience in a design field as architecture, landscape, horticulture, city planning or a field closely related. It has been difficult to get people to volunteer that have this type of background.

Ms. Wolf said that the only two items handled now by the ACAC is the Community Appearance Award given to a residential home each month based on curb appeal and a sign displayed in their yard from the ACAC and they also organize the Community Cleanup every two years. Also, there is a lot of staff time spent each month in preparation of the meetings and minutes. The cleanup can be handled by another entity if Council decides to dissolve the ACAC. Mr. Wolf proposed to Council to maybe consider discontinuing this board for a while and maybe look at interest in this area at a later time.

Mr. Wolf answered any questions that the audience had.

Mayor Michael stated that Council is going to review all City Boards/Commissions and see if there are any that need to be removed. We have had problems getting people to apply as a volunteer to serve on all of the boards. Sometime we have vacancies on boards and are not able to fill them due to lack of volunteers.

Mr. Wolf stated that he would also like to discuss dissolving the Housing Board of Appeals which has never met. This board hears and decides appeals regarding the application or interpretation of the standards provided in the housing code, nuisance code and the building maintenance code. If we decide to remove the Housing Board of Appeals, then if there is an issue we can send those issues over to the Zoning Board of Adjustment for review. We are in the process of making changes to the ZBA and can incorporate these duties into their bylaws.

Mr. Wolf answered any questions that the audience had.

Mayor Michael reiterated that Council will be looking at all City Boards to see if we need to dissolve any or change the number of members required per board or their duties all at one time and change the ordinance one time.

Mayor Michael asked that Mr. Wolf give a summary of an issue he has already handled concerning the placement of off premises signs. Mr. Wolf talked about commercial and industrial districts sign specifications for sign placement determined by type of district and type of sign request, giving the maximum area for a wall, ground-mounted, or pole sign (Chapter 92.033). There were complaints concerning the size of signs for some of the new stores in the Olive Place shopping center which could cause us to look at revisions to the sign ordinance.

Mr. Wolf also spoke of a legislative case that went to Supreme Court where a religious group was meeting in different public building locations because they did not have a church. They would use off premises directional signs to let people know where they were meeting each time. They were putting up signs on Saturday and removing on Sunday but the town ordinance stated that directional signs can only be placed so many hours before the event and removed one hour after the event and the church was charged. The church filed a complaint with the US District Court stating that the sign code abridged their freedom of speech as the town's rules were content based. The Court of Appeals was in favor of the church complaint 9-0.

Mr. Wolf and Senior Planner Nasser Rahimzadeh answered any questions that Council had.

The Mayor asked that the City Manager make a list of all Commission/Boards and their duties for Council reference. The Mayor again thanked all board members for all that they do.

Councilmember Hall asked that we all keep former City Manager and Councilmember Jack Neel in our prayers.

Mayor Michael stated that City Council will take a brief recess and return to complete other business.

Mayor Michael brought the meeting back to order to discuss several issues concerning the new personnel policy that was just adopted on July 1, 2015.

The Mayor stated that there are questions from employees dealing with the changes concerning holiday pay and it not being counted as hours worked. It was explained that the new City-wide policy of being on call gives an employee one hour pay a day just for being on call. If the employee responds and comes back in to work, they are paid for at least 2 hours even if they work less than 2 hours. If they respond and come in to work but have taken a sick day, vacation day, or we have had a holiday that week, the holiday and other time off does not count as hours worked and therefore is not included in the hours in the computation of overtime. This meets the standards of FLSA.

It was the consensus of the Mayor and City Council at an adjourned session on August 19, 2015 to have information gathered by researching the practices of ElectriCities member cities to determine how holiday pay is handled and if it is counted as hours worked. City Council reviewed research results showing how Electricities member cities handle this issue. The question posed to member cities was “Do holiday hours count as hours worked in your city when calculating overtime?” Out of 15 member cities, 10 state “No”, and 5 stated “Yes”.

The City Manager stated that around 5 years ago, the City stopped counting sick and vacation hours as hours worked in calculating overtime, but continued counting holidays as hours work until the new policy was put into place. Non-exempt employees when called back in on non scheduled incidents before July 1, 2015 were always paid time and a half if called back in with a minimum of 2 hours compensation for coming in. The new policy as of July 1, 2015 does not count holiday hours as hours worked for those folks who are involved in emergency non scheduled events. The Electric Division, Water and Sewer Division, Public Works Division, Police, Fire, or Public Housing on call employees are affected the most by this ruling.

Council continued discussion with questions being answered by the Mayor and City Manager. Each Councilmember responded with what they would like to see change if anything and their reasoning.

The Mayor asked Council to decide if they would like to leave the personnel policy as is or change just the part concerning non exempt employees being called back in on unscheduled, unexpected events after going home for their regular day.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council decided to go back to the policy prior to July 1, 2015 for call-back pay for non scheduled incidents beginning the 1st pay period in December. Employees will be guaranteed time and one half for on call unexpected, unscheduled call backs. Employees will be guaranteed a minimum payment of two hours pay at time and one half pay per day if called back in.

The City Manager will advise all of the departments concerning this change.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, and unanimously carried, the City Council approved that employees on call will be guaranteed at least two hours of wages or the actual hours worked for a call-back situation in a 24-hour period, whichever is greater

The City Council was also advised there are employee concerns regarding changes made with the salary study and related personnel policy. It was noted that it has caused some employees to earn as much or in some cases more than employees who have been in the identical position for a longer period of time. City Council discussed the issue and felt these situations are a byproduct of the overall changes that were made and cannot be avoided in all situations in an organization the size of the City. It was the consensus of City Council to not take any further action on this item.

Mayor Michael reminded everyone to be at City Hall at 3 pm if carpooling to Mount Pleasant for the CKA Valve Turning Ceremony at 4 pm.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes and unanimously carried, the meeting was adjourned until Thursday, October 22 for a public comment meeting concerning the Commercial Maintenance Code in the Raymond I Allen room of City Council at 7 pm.