

REGULAR MEETING CITY COUNCIL
June 16, 2014

The City Council of the City of Albemarle met in a regular session on Monday, June 16, 2014, at 7:00 p.m. in the City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Bill Aldridge, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend, and Christopher Whitley. Absent, none.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, the minutes of the June 2 regular session were approved as submitted.

The Mayor and City Council held a public hearing pursuant to N.C.G.S. 158-7.1 for an Economic Development Incentive Agreement.

Stanly County Economic Development Director Paul Stratos came before Council and gave a brief summary stating that this grant will aid the purchase and installation of a new taxable investment within the City of Albemarle and Stanly County. The company will invest an estimated \$2,200,000 and create approximately 23 new jobs. This is a performance agreement between Stanly County, The City of Albemarle, and Triton glass, LLC.

Mr. Stratos stated that Stanly County Government approved this agreement at its meeting last week. He answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council closed the public hearing.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved an incentive agreement pursuant to N.C.G.S. 158-7.1 for Economic Development.

Mayor Michael stated that there are two agenda adjustments:

- 1) Assistant Police Chief Danny Bowen to come before City Council for a grant request.
- 2) A closed session following the round table.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved the agenda adjustments being added.

The Mayor and City Council received a report on the Business Development Task Force findings and recommendations from Centralina Council of Governments.

Mr. Bob Henderson and Mr. Jim Prosser with Centralina Council of Governments came before Council and gave a brief summary of the Business Development Task Force Process Improvement Event held May 6-8 at City Hall. It was noted that an action plan was adopted to address the problems identified and each participant stated the goals they wanted to see accomplished through this process. The group identified challenges to the current process and came up with recommendations to enhance the permitting process and implementing this plan. Recommendations for the next 30 days, 60 days, and beyond sixty days were also noted.

City Council received a copy of the new proposed coordination form and instruction sheet. Mr. Henderson and Mr. Prosser answered any questions that Council had.

Mr. David Morgan, a member of the Business Development Task Force came forward and asked that the City Council have this group continue to meet monthly and work on issues that may come up at a later time.

Mr. Morgan also addressed the City application form that is used for new board or commission candidates and requested reform with his suggestions.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander, and unanimously carried, the City Council approved the recommendation of the Business Development Task Force Report.

Mayor Michael noted that the monthly administrative reports were in the agenda package.

Councilmember Alexander said it appeared that Electric revenues for the current Fiscal Year are below what was budgeted. The City Manager said that is correct, and consequently the Public Utilities Department Electric Division has spent less, primarily in power purchase. The revenues for the years should be in time with expenditures.

Councilmember Alexander said Water and Sewer revenues are projected to be below expenditures. The City Manager said this was planned as the current budget has an appropriation of retained earning to cover costs.

Upon a motion by Councilmember Hall , seconded by Councilmember Townsend, and unanimously carried, the City Council approved second reading of Ordinance 14-17 FY 2014-2015 Budget.

(Ordinance 14-17. To approve FY 2014-2015 Budget.)

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and unanimously carried, the following reappointments were made to the Planning and Zoning Board:

New appointment

Jason Andrew	(3 yr. expiring term, July 2017)
Todd Furr	(3 yr. expiring term, July 2017)

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, the following appointments were made to the Zoning Board of Adjustment:

<u>New Appointments</u> –	From Alternate to Regular Board
Dean Speight	- Term Expiring July, 2017
Perry Moser	- Term Expiring July, 2017

New Appointment - For unexpired terms as alternates
Rodney Morgan 1st Alternate (3 yr. term expiring July, 2016)

Chuck Horne 2nd alternate (3 yr. term expiring July, 2015)
Heath LuQuire 3rd alternate (3 yr. term expiring July, 2016)

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the following appointments were made to the Albemarle Historic Resource Commission.

Reappointments:

Sheila Simpson (term expiring July 2017)
Gene Starnes (term expiring July 2017)
Ritchie Hearne (term expiring July 2017)

Upon a motion by Councilmember Townsend , seconded by Councilmember Dry and unanimously carried, the following reappointments were made to the Community Appearance Commission:

Reappointments:

Brandi Guterrez (term expiring July 2017)
Mrs. Willie Napier (term expiring July 2017)
Deborah Blanding (term expiring July 2017)
Pauline Jackson (term expiring July 2017)

New Appointments

Krystyal Dulin (term expiring July 2017)
Lorraine Watkins (term expiring July 2017)

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes and unanimously carried, the City Council approved holding off on appointments to the Housing Board of Appeals until September 2014.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the following appointments were made to the Albemarle Greenway Commission.

Reappointment

Beth Chivington (term expiring July 2017)

Ritchie Hearne (term expiring July 2017)

New Appointment

Lindsay Gobush (term expiring July 2017)

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the following appointment was made to the Electoral District member of the Parks and Recreation Advisory Board and a request to hold off on replacements for Ken Russell, Electoral District and Anita Owens-Scott, School District until a later meeting.

Reappointment

Ben Davis Electoral District (2 yr. - term expiring July 2016)

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the following appointments were made to the Tree Commission.

Reappointments

Hannah Hearne. - (term expiring July 2017)

Sandra Rushing - (term expiring July 2017)

The Mayor and City Council reviewed the City's shared leave policy. Human Resource Director Robert Whitley provided a memo regarding the establishment of this policy that Council reviewed. Mr. Whitley stated that the original intent of the policy was to provide for a means of employees to help other employees after they had built sufficient leave balances that would take care of most of their own possible reasons for needing sick leave. There is the possibility that if the current minimum is eliminated employees who donate leave when they do not have a sufficient balance could find themselves out of leave when they themselves need it.

Councilmember Hall stated that if an employee wants to donate their time accrued, they should be able to do so with no restrictions. She asked that B(1) be eliminated which states: Employed a minimum of six months to donate sick or

vacation leave and asked that B(2) be removed which states: May not reduce his sick leave account below 30 days (240 hours) and be changed.

Councilmember Townsend moved to do away with B(1) and change B(2) from 240 hours to 80 hours in the City's shared leave policy. The motion was seconded by Councilmember Dry.

Councilmember Hall offered a substitute motion to remove B(1) and B(2) with no restrictions on number of hours to be able to donate or waiting period to be able to donate in the City's shared leave policy. The motion was seconded by Councilmember Alexander.

Councilmember Hall withdrew her substitute motion.

Council voted on the original motion offered by Councilmember Townsend. Voting for the original motion were Dry, Hughes, Townsend, and Whitley. Voting against the original motion were Councilmembers Aldridge, Alexander, and Hall. The motion carried to do away with B(1) and change B(2) from 240 hours to 80 hours/2 weeks in the City's shared leave policy.

The Mayor and City Council reviewed the Town of Greece, New York v. Galloway Decision. Council received a memo from the League regarding this decision, a copy of the decision from the Supreme Court, and a memo from the City Manager regarding a webinar he participated in regarding this.

The City Manager spoke of a webinar he attended and the webinar speakers recommended that if cities elect to have prayer at their meetings that the following guidelines be followed to deter any potential litigation. These guidelines are as follows:

1. Have the invocation at the beginning of the meeting
2. Have the person delivering the invocation face the Mayor and City Council and not the audience since the prayer is intended to solemnize the occasion and to seek guidance for decision making by the legislative body
3. Do not require the public to participate in the prayer and do not single out any person who chooses to leave the room during the invocation
4. Have a written policy that prohibits prayers that are intended to disparage other religions or to convert or proselytize.
5. If you elect to invite local clergy to offer the invocation provide an open invitation for all clergy to participate and do not single out specific clergy for this function.
6. Do not edit or review the prayers to be given.

7. Limit the length of prayers to a few minutes.
8. You cannot discriminate against any religion, and must allow all faiths including non believers to deliver an invocation if so requested.

Mayor Michael asked that the City Manager determine his recommendations and place these on the City website for anyone applying to speak.

The City Manager answered any questions that Council had.

Councilmember Hall moved to have the City Manager to make recommendations/guidelines and place on the City website for anyone wanting to do the invocation at meetings. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Alexander, Aldridge, Dry, Hall, Hughes, and Whitley. Voting against the motion was Councilmember Townsend. The motion carried.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, City Council approved for multiple people requests for invocation, allowing first come first serve at any individual meeting.

The Mayor and City Council reviewed structures to be considered for demolition for 2014-2015. The memo lists structures that may need to be demolished by the City unless the property owners are willing to repair them or demolish them. The list was prepared by Planning Director Keith Wolf and ordered from high to low priority based on his opinion of severity of damage and the length of time that the property has been identified as a problem. The Council may have other criteria such as location and cost that may determine which structures should be chosen. The proposed FY 14-15 budget has \$45,000 budgeted for housing demolition and removal.

Planning and Community Development Director Keith Wolf has clarified through James Luster with CCOG that we do not currently have a commercial maintenance code to condemn and raze derelict commercial structures so these cannot be considered by City Council. The City will need to consider and adopt a code such as this to require property owners to repair structures that are deficient but not to the extent they can be condemned.

Mr. Wolf stated that another factor to consider is that two of the structures (Heath Street and North Second Street) are in the Central School Redevelopment Area. Also, title searches have been performed on the structures on Heath Street, Lowder Street, and Austin Street so you may want to consider this as well since these funds have been spent to move these forward. It was noted that it is

difficult to know which ones will require asbestos removal or how much that will cost. From experience, it is known that houses on a steep slope or houses with a basement will likely have higher contractor bids because they are more difficult to demolish and may require many loads of fill dirt. Numbers 2 and 9 on the list do have basements.

Upon questioning, the City Manager stated that we should be able to complete at least 4 structures. The City Council needs to make priorities and staff will do as many as we possibly can.

Councilmember Aldridge stated that structure #2 (1518 US Hwy. 52 N) is a definite eyesore for the City.

Councilmember Townsend stated that structure #1, the lady that owns this property passed away and her children may not be aware of the City's intentions and asked the City give them an opportunity to respond. He asked for a delay be placed on this structure.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved the priority order for the demolition list for 2014-2015 as follows:

2. 1518 US 52 Hwy N (Taxrec 4408) structural damage (on US 52)
3. 904 Lowder Street (Taxrec 25255) burnt house and other issues
4. 842 Woodland Drive (Taxrec 16150) structural damage
5. 112 Heath Street (Taxrec 27905) burnt house (in half mile area)

And to send a notification from the City concerning the property owners on structure #1 and #6.

1. 316 and 318 Sides Street (Taxrec 9071) structural damage
6. 732 N. Second Street (Taxrec 18084) structural damage (in half mile area)

The Mayor and City Council reviewed changes to flat rent requirements of regulations signed into law under the 2014 Appropriations Act requiring Public Housing to set the flat rent at no less than 80% of the applicable Fair Market Rent.

Council received a memo from Housing Director Cedric Baldwin and accompanying information regarding this issue. Mr. Baldwin stated that this study shows that the maximum rents we currently charge are not sufficient and should be increased. The rates can set at 80% of market rent instead of charging the full amount. This is provided to Council for their information prior to a hearing that will be held in Public Housing on July 17. No action is required at this time.

Mr. Baldwin and Assistant City Manager Michael Ferris answered any questions that Council had.

The Mayor and City Council considered approval of write-offs of tenant accounts for the period July 1, 2013 - December 31, 2013 in the amount of \$3,787.17. Even though these are being written off due to accounting purposes, we will continue to try to collect these bad debts through the debt set off program

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry and unanimously carried, the Council approved write-offs of tenant accounts for the period July 1, 2013 - December 31, 2013 in the amount of \$3,787.17 and continue to try to collect these bad debts through the debt set off program.

The Mayor and City Council considered a resolution regarding Strategic Transportation Corridors. Pursuant to Council action at the June 2 meeting, the City Manager adapted the resolution adopted by the RRRPO TAC regarding this matter for a resolution to be considered by City Council.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley and unanimously carried, the Council approved a resolution regarding Strategic Transportation Corridors.

(Resolution 14-14. Resolution regarding Strategic Transportation Corridors.)

The Mayor and City Council considered a resolution to adopt Landfill Fees for FY 2014-15. Council received a memo from Public Works Director Nina Underwood.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the Council approved a resolution to adopt Landfill Fees for FY 2014-15.

(Resolution 14-15. To increase Landfill fees effective July 1, 2014.)

The Mayor and City Council considered resolution to adopt water & sewer service rate schedule (Effective July 1, 2014). The schedule of rates presented in the resolution represent an eight percent (8%) increase over the current rate schedule for all customer classes.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes and unanimously carried, the Council approved a resolution to adopt Water & Sewer Service Rate Schedule (Effective July 1, 2014).

(Resolution 14-16. To increase water/sewer rates 8.0 % effective July 1, 2014.)

The Mayor and City Council considered a resolution to adopt an Electric Service Rate Schedule (Effective July 1, 2014)

The Mayor and City Council considered an electric rate adjustment resolution. This will implement the 2.5% rate adjustment needed to make the City whole from the wholesale rate increase we are receiving.

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

(Resolution 14-17. To increase electric rates 2.5% effective July 1, 2014.)

The Mayor and City Council received a memo and report on the sale of surplus property sold this fiscal year from Linda Lewis, Purchasing Coordinator.

The Mayor and City Council reviewed a policy on when US and NC flags are to be lowered. Councilmember Townsend requested that this issue be placed on the agenda. He had received inquiries from citizens as to why the City did not lower the North Carolina flags at its facilities on June 7 when flags were lowered at state facilities. The City did not lower its flags on that date since the Governor's order only applied to state facilities. Council received a copy of this order as well as another recent example for

former NC Representative Jim Gulley. Council received a copy of the NC State Government Flag Guide along with a copy of the City of Albemarle flag policy adopted in 2005

The City Manager noted that we did not lower the flag for the Gulley memorial, and have not been doing so when the order only applies to state facilities. We do lower flags when we receive an order requesting us to do so.

If City Council would like for the City to lower NC flags any time the Governor orders them lowered at state facilities, this policy can be amended to include this change and City staff will follow the revised policy according.

Councilmember Townsend stated that originally he was unsure of the City's policy requirements of lowering the flag to half-staff but now understands why the flag was not lowered when Maya Angelou passed away.

The Mayor and City Council reviewed a letter to Destrik Burns pursuant to Mayor Pro Tem Alexander's suggestion and the request of City Council. The City Manager drafted a letter for Council consideration.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, the Council approved a letter to Destrik Burns.

The Mayor and City Council were informed of the Community Blood Bank Blood Drive to be held at City Hall on Wednesday, June 25 from 11:00 am to 2:00 pm

The Mayor and City Council were informed of the Taking Our Community Back March which will take place on Saturday, June 21 at 9:30 am beginning at the EE Waddell Community Center.

The Mayor and City Council were informed of the proposed Albemarle ABC System FY 2014-2015 Budget.

The Mayor and City Council were reminded of the Business Development Task Force will hear a presentation by the NC Department of Insurance meeting which will take place in the City Council Chambers at City Hall on Wednesday, June 18 at 5:00 p.m.

The Mayor and City Council were reminded that City Offices will be closed on Friday, July 4 in observance of Independence Day.

Assistant Police Chief Danny Bowen came before City Council concerning a grant request. He requested approval to apply for a COPS Grant for two additional Police Officers. The City would be required to pay 25% of the salary and benefits of the officers over the three year life of the grant, with the grant paying the remainder of the costs. Assistant Chief Bowen said the City's annual share would be approximately \$25,000.

Council asked how the City would pay its share if funded. The City Manager said with the budget being adopted for FY 2014/2015, the money would have to come from other areas of the Police Department budget or a budget amended to appropriate fund balance would be necessary.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry, the City Council voted to apply for the grant in the next funding cycle when the Police Department can plan for the potential costs. Voting in favor of the motion were Councilmembers Alexander, Dry, Hughes, Townsend and Whitley. Voting in opposition were Councilmembers Aldridge and Hall. The motion carried.

Mayor Michael noted the public input session into the potential ball field complex was very well attended.

Parks and Recreation Director Toby Thorpe said an announcement concerning the current PARTF Grant application for Morehead Park improvements will be made in July. Application for funding of the ball field complex will be submitted in January.

Mayor Michael asked the City to contact the NCDOT about needed sidewalk curb cuts at West Main Street and NC Highway 73. He noted cuts are also needed at North Second Street and Montgomery Avenue, but the City is currently studying what to do with the pavement in this area and any sidewalk projects would need to be coordinated with street improvements.

Councilmember Dry thanked the Electric Division and Public Utilities Director Michael Leonas for recent assistance on a citizen issue.

Councilmember Dry thanked Crystal Bowers in the Public Works Department for her assistance recently on an issue.

Councilmember Hall said she has shared additional information with the NCLM regarding the recent Fire Department training burn she and others participated in.

Councilmember Hall said she would like to meet again with the Economic Development Task Force.

Councilmember Hall said she was recently in Burleson, Texas with the NLC and she provided information for staff to review.

Mayor Michael asked the City Attorney for an update on City related projects he is working on. He reported he is working on two public hearing notices.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the City Council adjourned to a closed session pursuant to NCGS 143-318.11(a) 3, to consult with the City Attorney.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council reconvened to open session. Mayor Michael announced a closed session pursuant to NCGS 143-318.11(a) 3, to consult with the City Attorney, was held and there was nothing to report at this time.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander and unanimously carried, the meeting as adjourned to July 7.