

REGULAR MEETING CITY COUNCIL
May 19, 2014

The City Council of the City of Albemarle met in a regular session on Monday, May 19, 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 May 5 regular session were approved as amended and May 8 adjourned session minutes were approved as submitted.

Councilmember Hughes stated that in the May 5 regular session minutes there is a correction to be made on page 4, 2nd paragraph from the bottom to read motion seconded by Councilmember Whitley. Councilmember Townsend stated that in the May 5 regular session minutes there is a correction to his comment stating it should read that we have a possible candidate for the NFL Draft for the 5th round.

The Mayor and City Council held a public hearing to consider a map amendment for the water treatment plant property at 2510 US Hwy 52 North (Tax Record 31862) from R-10 Residential, GHBD, and LID to HID. No one spoke for or against.

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 Townsend and unanimously carried, the City Council approved the following ordinance:

(Ordinance 14-10. To rezone the Water Treatment Plant Property at 2510 US Hwy 52 N from R-10, GHBD, and LID to HID.)

Ms. Vivian Walker, 1401 Lowder Street came before City Council as an announced delegate to request a peddler license. Council received a copy of Ms. Walker's application and records check.

Ms. Walker answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Alexander and unanimously carried, the City Council approved a peddler license for Ms. Vivian Walker.

Chief Halliburton came before Council to recognize:

- 1) Detective David Bryan Springer who was awarded "Forever Blue – Forever True Stanly County Officer of the Year"
- 2) Officer Patrick Flanagan who was awarded the Everyday Hero Award

These awards were presented at the Thin Blue Line Silent Auction and Awards Dinner held at II Bella Gardens in Albemarle on Thursday, May 15, 2014. Award recipients were chosen by an independent panel of judges selected by the Officer Jeff Shelton Foundation.

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

The Mayor and City Council considered the renewal of City employee medical insurance for FY 2014-2015.

Human Resource Director Robert Whitley came before Council to review document information supplied to Council for medical insurance renewal for the new fiscal year. NFP CBA consultants that the City uses are recommending renewal with BCBS with a 9.1% increase which includes ACA fees. Mr. Whitley explained to Council of any changes this new plan would bring to employees. An added bonus will be \$25,000 of life insurance for each employee with this new plan changes also include a change in the prescription plan, and an 80% coinsurance instead of the existing 70% for each employee.

Councilmember Dry entered the meeting at this time.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes and unanimously carried, the City Council approved a 9.1 % rate increase with BCBS to renew City employee medical insurance for FY 2014-2015 with an added bonus of \$25,000 life insurance for each employee, changes also include a change in the prescription plan and a 80% coinsurance instead of the existing 70% for each employee.

The Mayor and City Council considered the approval of the City's audit contract with Anderson, Smith and Wike.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved a renewal of the City's audit contract with Anderson, Smith and Wike for an amount not to exceed \$31,000.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander, and unanimously carried, the City Council approved a 25 MPH speed limit in the Greenwood Circle Subdivision.

(Ordinance 14-18. To establish a 25 mph speed limit on Greenwood Park Circle.)

The Mayor and City Council received a report on the internet gambling issue which City Council had asked staff to research any changes as a result of an inquiry from Mr. Chuck Nance who reported to City Council that Wadesboro is now issuing these licenses and they are in the same prosecutorial district as Albemarle.

The City Manager spoke with the Wadesboro Town Manager earlier this week. He advised that their Town had decided to issue licenses if requested but that this did not convey any opinion as to the legality of the business. He said they decided to do this based upon a SOG Coates Canon written by Chris McLaughlin, which Council received a copy of. This post separates the issuance of a business license from the legality of the license. Wadesboro has put a disclaimer statement on their license advising that the issuance of the license does not determine the legality of the business. The town manager also advised that as of this week no one had requested a business license for internet gambling, and that the District Attorney still believed these businesses

to be in violation of the law if they are opened and they are subject to prosecution.

Assistant City Manager Michael Ferris contacted John Phelps of the NC League of Municipalities who advised that the League has not taken an active role in this issue, and had deferred to the NC Attorney General in this matter. Some district attorneys have determined that the new software is not a violation of the law, but many others, including our District Attorney Reece Saunders has not.

The City Manager also asked Chief Halliburton to survey a few area cities to see how many of these are allowing the reestablishment of these businesses under the revised pre reveal software.

Chief Halliburton came forward and stated his findings per surrounding municipalities:

Charlotte – each operation is shut down when in violation
Salisbury – 4 operating
Concord - 2 operating
Monroe - 0
Statesville – 8 (all closed on May 17, 2014)

Mr. Chuck Nance came forward and questioned if the new pre-reveal software on the machines is being handled in court as a violation. The Mayor and Chief Halliburton affirmed this. Mayor Michael stated that he had spoken today with District Attorney Reese Saunders and he affirmed and stated they are being convicted.

Mr. Nance stated that there needs to be guidelines for businesses to follow. He also said that the pre-reveal software for the machines was designed in December, 2012. Mayor Michael asked that Chief Halliburton follow up with District Attorney Reese Saunders.

Councilmember Hall stated that we normally follow what the School of Government or the North Carolina League of Municipalities suggests.

Councilmember Townsend stated that this item tonight is just for information only and to his understanding not to be voted on.

Upon questioning by Councilmember Whitley, Chief Halliburton was asked to contact Attorney General Roy Cooper with the NC Department of Justice concerning this issue.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved Chief Halliburton contacting Attorney General Roy Cooper with the NC Department of Justice concerning this issue.

Mr. Nance stated that Attorney General Cooper will also say that it is illegal.

Mayor Michael stated that Mr. Nance will be contacted concerning the Attorney General's comments in this matter.

The Mayor and City Council reviewed the FY 2014-15 Street Assessment resolution. It was noted that our charter requires that we update these costs annually based on the prior year actual costs. Public Works Director Nina Underwood has reviewed these costs and provided Council with the update.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council approved the FY 2014-15 Street Assessment resolution below:

(Resolution 14-13. To assess the cost of installing street assessments.)

The Mayor and City Council considered a resolution to eliminate Mayor and City Council called meeting compensation. Pursuant to Council's request, Assistant City Manager Michael Ferris drafted a resolution that will eliminate on call meeting pay, and instead substitute an increase in the monthly pay of \$100.00. Typically, City Council will have more than 12 called meetings in a month, so this will likely result in a slight reduction in Mayor/Council compensation over a 12 month period.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, the City Council approved a resolution to eliminate Mayor and City Council called meeting compensation and substitute an increase in the monthly pay of \$100.00.

(Resolution 14-12. To drop called meeting compensation and substitute an increase in the monthly pay in the amount of \$100.00)

The Mayor and City Council reviewed information concerning the removal of high dives from City swimming pools in order to reduce liability insurance costs and to create a safer aquatic environment upon recommendation of the Albemarle Parks and Recreation Department. Parks and Recreation Director stated that this would include the two 3-meter high dives at Rock Creek and Morehead pools. The high dive platforms are over 30 years old and are showing signs of deterioration. Replacement of these platforms and boards with new ones would cost around \$10,000 per pool. Parks and Recreation has communicated with Ron Tilton from NCLM Risk Management Services and he says that most cities have dismantled high dives in favor of 1 meter boards or amenities such as slides or 'splash pads'.

Mr. Thorpe stated that this will become effective at the end of summer (August) 2014.

The Mayor and City Council reviewed the deed of easement for Stanly County for emergency communications tower at the Tuckertown Water Treatment Plant property. Council viewed a draft form and recent changes have been highlighted in yellow. This provides for the City to receive 2.75% of revenues from any private leases on the tower, and for the City to have exclusive space on the tower for its own communications purposes.

Upon a motion by Councilmember Hall, seconded by Councilmember Councilmember Dry, the City Council approved a deed of easement for Stanly County for emergency communications tower at the Tuckertown Water Treatment Plant property.

The Mayor and City Council considered approval of a letter in support of State Historic Tax Credits. ADDC Executive Director Shannon Johnson drafted the letter pursuant to Council's request. Originals for Senator McLaurin and Representative Burr will be prepared for the Mayor and City Council to sign.

Upon a motion by Councilmember Hall, seconded by Councilmember Councilmember Whitley, the City Council approved a letter in support of State Historic Tax Credits.

The Mayor and City Council considered attendance at Stanly County Council of Governments meeting. This meeting will be hosted by Stanly County on Tuesday, May 27 at 6:30 p.m. at the Agri-Civic Center.

The Mayor and all Councilmembers affirmed their attendance.

The Mayor and City received a status report on Stanly Community College's Advanced Manufacturing and Industrial Technology Initiative. The City Manager noted that he received this update letter from SCC President Dr. Kays this week. The City is assisting in this effort by providing utility relocation at no cost to SCC to facilitate the building renovations for this program.

The Mayor and City Council were informed that City Clerk Paulette Bowers has passed the NC Certified Municipal Clerk exam. Ms. Bowers has been with the City since February, 2006 and has served as City Clerk since December 2011. She will be able to use the designation NCCMC as of July 1, 2014 and she will receive her framed certification at the annual NCAMC meeting in August.

The Mayor and City Council were reminded of the Business Development Task Force Meeting on Tuesday, May 20 at 6:00 p.m. in the Community Room.

Mayor Michael stated that the Centralina Council of Governments (COG) will be doing a presentation on the results and recommendation of the project before Council at a later date.

The Mayor and City Council were reminded that City offices will be closed on Monday, May 26 in observance of the Memorial Day holiday.

Mayor Michael congratulated Councilmember Hall on her recent retirement and her receiving the Long Leaf Pine Award presented by NC Secretary of State Elaine Marshall.

Also, Mayor Michael thanked former Police officer Mike Martin, Assistant Police Chief Danny Bowen, and other City employees for cleaning up the shoreline near City Lake Park in kayaks.

Mayor Michael thanked all of the staff for a great City picnic on Thursday, May 15 at the Niven Center.

Mayor Michael thanked Jeff Dick for tours given to churches of the City water plants.

Mayor Michael thanked Chief Oke and the Fire Department for the burn that Council participated in on Saturday, May 10.

Mayor Michael thanked all the City staff for all the work on the new budget.

Mayor Michael asked that everyone participate in the branding survey provided on the City as well as the Stanly County websites.

Councilmember Townsend thanked Police Chief Halliburton and his staff for bringing back a sense of normalcy on Lincoln Street and to its residents there.

Councilmember Aldridge thanked Fire Chief Oke and Battalion Chief Kenny Kendall for the burn Council participated in on Saturday, May 10.

Mayor Pro Tem Alexander congratulated City Clerk Paulette Bowers on passing the NC Certified Municipal Clerk's exam.

Councilmember Dry congratulated City Clerk Paulette Bowers on passing the NC Certified Municipal Clerk's exam.

Councilmember Dry thanked Fire Chief Oke and Battalion Chief Kenny Kendall for the burn Council participated in on Saturday, May 10.

Councilmember Whitley thanked the Police Department tonight and thanked Detective David Bryan Springer and Officer Flanagan on their awards at the Thin Blue Line Awards Dinner on Thursday, May 15.

Councilmember Whitley thanked Fire Chief Oke and Battalion Chief Kenny Kendall for the burn Council participated in on Saturday, May 10.

Councilmember Hall thanked Fire Chief Oke and Battalion Chief Kenny Kendall for the burn Council participated in on Saturday, May 10.

Finance Director Colleen Conroy came before Council and stated that she had so many employees out sick in the last while but the other employees have not complained and have gone above and beyond what was needed. She said she just wanted to share this with City Council.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes and unanimously carried, the meeting was adjourned until Monday, June 2, 2014 for a regular meeting at City Hall at 7 pm.