

REGULAR MEETING CITY COUNCIL

October 6, 2014

The City Council of the City of Albemarle met in a regular session on Monday, October 6, 2014, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Troy E. Alexander, Bill Aldridge, Benton H. Dry, II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend, and Chris Whitley. Absent none.

Mayor Michael gave the invocation.

The Mayor presented the North Carolina Certified Municipal Clerk Plaque to City Clerk Paulette Bowers. This certification is from the North Carolina Association of Municipal Clerks.

The Mayor presented the City of Albemarle Department of Public Housing with the CCRHCO Humanitarian Award for the 2nd consecutive year for its Community Health Initiatives.

The City of Albemarle Department of Public Housing recently attended the Carolinas Council of Housing Redevelopment & Codes Officials (CCHRCO) annual conference in Hilton Head, SC. This is an organization that covers both North and South Carolina Public Housing Authorities and Departments of Public Housing under HUD. Thanks to the collaboration of many community supporters,

This Initiative was a collaborative effort of:

Mr. Ron Love, Boy Scouts of America
Pamela Poole, Nurse Aide Instructor, Stanly Community College
Mr. & Mrs. Johnny & Martha Legrand and McDonald's Chapel, Badin ,NC
Ms. Courtney Swain, Stanly Co. Agricultural Extension Service (and her husband, Matt Swain)
Ms. Jennifer Layton, Stanly Co. Health Department
Ms. Shannon Johnson & Victoria Sites, Albemarle Downtown Development Corp.
Mr. Chuck Byrd & Stephanie Hunsucker, Family Sports & Fitness, Stanfield, NC
Ms. Danielle Pennington, Exercise Instructor

Ms. Daune Steele, "Daune's Dancing Stars" Instructor
Ms. Tracy Pollard, Piedmont Health Services and Sickle Cell Agency

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the September 15 regular session minutes as submitted.

The Mayor and City Council held a public hearing to consider text amendments to add "Boarding Kennel" and related changes to the zoning ordinance and no one spoke for or against this issue.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the City Council approved Text Amendments to Add "Boarding Kennel" and Related Changes to the Zoning Ordinance.

(ORDINANCE 14-28, To add "Boarding Kennel" and related changes to the zoning ordinance)

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, the City Council approved the following agenda adjustments to be placed at the end of the new business section.

- 1) Council to vote on a delegate and alternate for the NCLM meeting October 13 in Greensboro, NC.
- 2) Council to vote on a delegate and two alternates for the NLC conference in Austin, TX.
- 3) Determine date for closed session to discuss the hiring of a new City Manager.
- 4) Discuss appointment of candidates for Community Appearance, Housing Board of Appeals, and Zoning Board of Adjustment.

Mr. Jeff Edwards, District Manager, Waste Management of the Carolinas came before Council to provide an update on Waste Management and their services. Jeff has been the District Manager for Waste Management for the last 6 years and wanted to speak to Council about their operations, service to Albemarle and to introduce himself to those on Council he has not met.

Mr. Edwards answered any questions that Council had.

The Mayor thanked Mr. Edwards for being here this evening.

Mr. Chris Lambert, Stanly County CVB was scheduled to be here this evening to provide Council with an update on the Stanly County Convention and Visitors Bureau. Due to sickness, this item will be rescheduled for Monday, October 20, 2014 regular session meeting.

Mr. Charles Napier, 918 North Fifth Street came before City Council to request that the City clean a ditch behind 1005 Lowder Street. It was noted that Mr. Napier's family owns two rental houses on Lowder Street. There is a platted alley behind this property that runs between Church Street and NC 73 that has not been accepted by the City for maintenance. The ditch is between Mr. Napier's property and the alley. There is a City electric line, a City sewer line, and a PNG gas main that cross parts of the unopened alley. Street Superintendent Ross Holshouser and the City Manager have met at the site to look at this in the last two weeks and do not have any records indicating that the City has accepted this for maintenance and no one on our current staff remembers the City ever doing any maintenance on the alley.

Mr. Napier indicated that the City used to use this alley for garbage pickup, but they stopped doing so some time in the 1960's. Mr. Napier asked that the City go in and clean out the ditch which is connected to a pipe installed on his property and pipe on the property of Main Street Methodist Church. Mr. Napier has spoken with Councilmember Dry who suggested that the City enter into an agreement with Mr. Napier to clean this ditch one time but without incurring future responsibility.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander and unanimously carried, the City Council approved the City enter into an agreement with Mr. Napier to clean this ditch one time but without incurring future responsibility and a release of liability agreement be signed by Mr. Napier along with his two brothers that are joint owners with him concerning the property behind 1005 Lowder Street.

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 an appeal of the Planning Board to rezone two lots at 2412 West Main Street (Tax Records 24743 and 24744) from R-O/Residential Office and R-10/Single-Family Residential to R-8A/Multi-Family Residential Conditional Use District. This request was denied by the Planning and Zoning Board. The applicant has appealed the matter to the City Council.

Upon a motion by Councilmember Hall, and seconded by Councilmember Townsend, the City Council approved setting a public hearing for Monday, November 3 to consider an appeal of the Planning Board to rezone two lots at 2412 West Main Street (Tax Records 24743 and 24744) from R-O/Residential Office and R-10/Single-Family Residential to R-8A/Multi-Family Residential Conditional Use District. Councilmembers Alexander, Aldridge, Hall, Hughes Townsend, and Whitley voted in favor of the motion. Councilmember Dry voted against the motion which carried.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hughes and unanimously carried, the City Council approved setting public hearing for Monday, November 3 for Text Amendment to Add Sober Living Facilities, to Section 92.079 NBD NEIGHBORHOOD BUSINESS DISTRICT under Subsection (C) Conditional Uses for November 3.

The Mayor and City Council considered approval of municipal agreements with the North Carolina Department of Transportation. These agreements are for grants received by the City for sidewalk construction on Leonard Avenue in the amount of \$493,000 and for South First/Second Street in the amount of \$230,000.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved Municipal Agreements with North Carolina Department of Transportation for grants received by the City for sidewalk construction on Leonard Avenue, eliminating the sidewalk on the east side of Leonard Avenue between Eastover Avenue and Lundix Street in the amount of \$493,000 and for South First/Second Street in the amount of \$230,000.

The Mayor and City Council considered approval of engineering agreements with Chambers Engineering. These agreements are for the Leonard Avenue and South First/Second Street sidewalk grant projects.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend and unanimously carried, the City Council approved engineering agreements with Chambers Engineering for the Leonard Avenue and South First/Second Street sidewalk grant projects and pay the environmental costs for both streets in the amount of \$1,500.

The Mayor and City Council discussed Fire Department 800 MHz Radio Purchase. Since, the City and County departments did not receive the federal grant for radios for the new emergency communications system; Chief Oke is seeking direction from City Council regarding the purchase of the new 800 MHz radios. He asked if Council desires to make the purchase now or apply for assistance to Firefighters Grant. The County stated that they will cover the application fees for grant application.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the City Council approved applying for the grant and then purchase the new 800 MHz radios.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the following ordinance.

(Ordinance 14-29. To Appropriate Contributions and Donations for the Purchase of a K-9, Training and Related Equipment.)

Police Chief Halliburton came forward and introduced Officer Grant Harrington who raised \$15,000 toward the purchase of a K-9. He has been elected as the new K-9 officer and his training will start October 20 with his new dog.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the following ordinance for a second year grant with the City matching 30% in the amount of \$17,664.00.

(Ordinance 14-30. NC Governor's Highway Safety Program Traffic 2nd year Grant and the City will do a 30% match in the amount of \$17,664.00.)

The Mayor and City Council received a report on preparations for loose leaf collection season from Assistant City Manager Michael Ferris. The City staff met recently with Waste Management in preparation for the upcoming loose leaf collection season. WM will publish the map and schedule in the SNAP on October 5 and 12. Collection service begins in Zone 1 on October 13.

The Mayor and City Council considered a resolution for change in electric rate schedule OL - (Outdoor Lighting) Schedule adopting a change in Electric Rate Schedule OL (Outdoor Lighting) for incorporation of newer technology and lower costs associated with Light Emitting Diode (LED) outdoor lighting fixtures.

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

(Resolution 14-21 To adopt an Electric Rate Schedule OL (Outdoor Lighting) and incorporate a new rate for Light Emitting Diode (LED) outdoor lighting fixtures.)

The Mayor and City Council discussed called meetings to review Pay Plan/Personnel Policies Study and for a Pre Budget Workshop. Staff would like to set a work session so that Becky Veazey, President of the MAPS Group can present her findings to City Council regarding the pay plan and benefits study they recently completed. Staff suggests Monday evening, November 10 for this meeting. Mayor Michael has also suggested that the City Council hold a pre budget process workshop to discuss City Council priorities and look at available funding regarding these challenges.

It was the consensus of City Council to hold the following meetings:

- 1) Monday evening, November 10 to review Pay Plan/Personnel Policies Study at 6 pm
- 2) Wednesday, November 12 for a Pre Budget Workshop at 6 pm.

The Mayor and City Council considered surplus scrap metals bid and award of surplus sale. On September 26, 2014, the City (PUD in coordination with Finance) received and opened bids for Surplus Scrap Metals (Bid No. 2015-02) for ten (10) different categories of scrap metal surplus by the Electric Division. A total of four (4) bidders submitted bids.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved awarding the surplus sale of scrap metal to A L Lowder, Inc. for Solid Coated Copper Wire at \$2.00 per pound, Butch's Scrap Metal for Steel Guy Wire at \$0.03 per pound, and Foil's Inc. for Solid Bare Copper at \$2.80 per pound, Stranded Bare Copper at \$2.80 per pound, Stranded Coated Copper at \$2.25 per pound, Coated Copper with Steel Messenger at \$1.59 per pound, Small Gauge Insulated Copper at \$1.80 per pound, Coated Copper Bus Bar at \$2.20 per pound, Scrap Aluminum Wire at \$0.31 per pound, and Unsegregated Miscellaneous Metals at \$0.19 per pound.

The Mayor and City Council discussed a possible presentation by Waste Zero. Pro Tem Alexander requested this item be added to the agenda and stated that Waste Zero operates a pay as you throw style program for solid waste services in cooperation with local governments. The City Manager met with Greg Peverall of this company a couple of weeks ago along with Michael Ferris, Nina Underwood and Darren Preslar. The City Manager proposed this matter should be left to the next Manager to evaluate and make any recommendations.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry, and unanimously carried, the City Council approved inviting Waste Zero to a future Council meeting to give a presentation.

The Mayor and City Council considered an Electronic Gaming Settlement Agreement. PC Amusements has submitted a signed settlement agreement for the consideration of the City Council. The agreement refunds \$14,166.67 of the original \$34,000 in business license fees that was paid FY 2012/2013. There is only one more outstanding business at this point that has not responded per Assistant City Manager Michael Ferris. City Council requested that Mr. Ferris contact this business again by letter.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved a refund to PC Amusements concerning an Electronic Gaming Settlement Agreement in the amount of \$14,166.67.

The Mayor and City Council considered approval of an encroachment Agreement with tw Telecom for Phase II of the Broadband Project to enhance broadband access to Stanly Regional Medical Center. City Council approved an encroachment for the first section at the last Council meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved tw Telecom for Phase II of the Broadband Project to enhance broadband access to Stanly Regional Medical Center.

The Mayor and City Council discussed elections for ElectriCities Board of Directors. The City Manager is the City's NCMIPA#1 Commissioner and will cast the City's votes as directed by City Council. Mr. Allen is only aware of one candidate which is Dan Brown, the retired Morganton Electric Director, who now serves as a consultant for Morganton. He is being nominated by Morganton for the majority seat, and has asked for the City's support in this election.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved the City Manager, the City's NCMIPA#1 Commissioner, casting a vote for Dan Brown, the retired Morganton Electric Director for the majority vote seat, who now serves as a consultant for Morganton and the City Manager's discretion on voting for the weighted seat.

The Mayor and City Council considered letters regarding Governor's \$1 Billion Transportation Bond Program.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved letters to Senator McLaurin and Representative Burr, the City's Board of Transportation representatives and Secretary of Transportation Tata regarding the Governor's proposed transportation bond.

The Mayor and City Council reviewed information regarding 2004 and 2005 unpaid ad valorem taxes. Pursuant to Mayor Pro Tem Alexander's request, Revenue Collections Supervisor Lindsay Carter obtained from the Stanly County Tax Supervisor's office information regarding unpaid 2004 and 2004 ad valorem taxes. Any unpaid 2004 taxes will have to be written off next year.

The Mayor encouraged Council to look at the 2004 and 2005 list and get any information to Ray on property owner's information.

The Mayor and City Council discussed a request by the Board of Adjustment to replace a member.

At the meeting on September 11, 2014 Board of Adjustment meeting, Mr. Moser asked if inactive board members would be replaced if they missed three

meetings in a row. Keith Wolf said that the City Council would have to consider the need to replace a member. A motion to ask City council to replace Ben Lisk due to consecutive absences was approved unanimously on a motion by Mr. Moser and a second by Mr. Horne. Mr. Lisk has attended two of the nine Board of Adjustment Meetings since his appointment on July 18, 2011.

Upon a motion by Councilmember Dry seconded by Councilmember Townsend, and unanimously carried, the City Council approved the following:

- 1) Moving Chuck Horne from 1st alternate to a regular member of the board.
- 2) Move Heath LuQuire from 2nd alternate to 1st alternate
- 3) Move Benny Bowers from 3rd alternate to 2nd alternate.

The Mayor and City Council considered a resolution honoring Big Brother 2014 Contestant Donny Thompson.

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

(Resolution 14-22 – To honor Big Brother 2014 Contestant Donny Thompson).

The City Council asked the City Manager to see if Mr. Thompson is available to attend a future meeting to receive the Resolution.

The Mayor and City Council discussed attendance at Stanly County Chamber of Commerce Sports Hall of Fame Banquet for Monday, October 13, 2014 at 6:00 p.m. at Stanly Regional Medical Center.

The Mayor asked anyone interested in attending to please let the City Manager know.

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

2014 Employee Christmas Luncheon for Wednesday, December 17 at the EE Waddell Community Center.

The Mayor and City Council were reminded of activities scheduled for Public Power Week.

Some of the activities include Park Ridge Christian School/Public Utilities - Electric Division demo trucks/equipment, Key Accounts Breakfast, Day of Caring, City Hall Event in the lobby of City Hall, and YMCA Park with Central School/Public Utilities – Electric Division demo trucks/equipment.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved Councilmember Townsend as delegate and Councilmember Alexander as alternate for the NCLM conference in Greensboro, NC on October 13.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry, and unanimously carried, the City Council approved Councilmember Hall as delegate and Councilmembers Hughes and Townsend as alternates at the National League of Cities (NLC) conference in Austin Texas.

City Council decided by consensus to have a closed session meeting to discuss the hiring of a new City Manager on Thursday, October 16 at 7 pm at City Hall.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander, and unanimously carried, the City Council approved removing Krystyal Dulin from the Community Appearance Commission and appointing her to the Board of Appeals with term expiring July, 2017.

Police Chief Halliburton came before City Council per Mayor's request to give an update on the shooting incident at Albemarle High School last week.

Chief Halliburton stated that Police responded to the school on Park Ridge Road around 7:40 to find a male student with a gunshot wound. The court

investigation is continuing and witnesses are being interviewed but he can not release anything new concerning this case.

Chief Halliburton stated that the school personnel were great in their response to notifying parents and getting kids released by 9:05 am.

Mayor Michael asked that Chief Halliburton thank the Police, Fire, EMS, SBI, school staff and Elbert Branch, School Recruitment Officer.

Councilmember Townsend stated that he would like to make sure Planning and Community Development Director Keith Wolf is aware of clothing boxes appearing in several locations throughout the City.

Mr. Wolf came forward and stated that he had received a report concerning this where boxes were located at Wal-Mart and he contacted the owner of the boxes to pick them up and made them aware of the City ordinance concerning drop boxes. These boxes have been removed by the owner.

Councilmember Townsend asked if Council should remind everyone of the policy concerning Urban Archery Deer Season. The Mayor stated that this can be placed in the bill stuffer, on the radio and in the local newspaper.

Councilmember Hall reminded everyone to place October 23 on their calendars for the Domestic Violence Awareness Month Annual Memorial Event at First Street United Methodist Church at 6pm.

Councilmember Hall updated Council concerning the County and all municipalities who have a domestic violence wreath and are displaying it. She also stated that she can get a wreath for anyone that may need one.

Councilmember Hall stated she sent a letter to NCLM Nominating Chair, Jennifer Webb that she will be running for the at-large seat for the NC League of Municipalities.

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

until Wednesday, October 15 for a joint meeting with the Planning Board and Zoning Board of Adjustment at Rosebriar Restaurant at 6:30 pm.