

REGULAR MEETING CITY COUNCIL

September 2, 2014

The City Council of the City of Albemarle met in a regular session on Tuesday, September 2, 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 and City Council were presented with NC Department of Labor Award for Outstanding Work in Accident Prevention:

First Year Silver Award - City of Albemarle
First Year Silver Award - Police Department
Second Consecutive Year Silver Award - Public Works Dept.
Second Consecutive Year Silver Award - Parks & Recreation Dept.
First Year Gold Award - Fire Dept.

The gold award criteria is based on achieving a rate of days away from work, job transfer or restriction that is at least 50 percent below the industry rate. The silver award criteria includes lost workday cases but not restricted work activity, and the rate for days away from work must be 50 percent below the industry rate.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, and unanimously carried, the City Council approved August 18 regular session minutes, August 19 adjourned session, and August 19 closed session were approved as submitted.

Councilmember Hall, representing the Esther House came before City Council concerning their domestic violence program and to request adoption of the Domestic Violence Proclamation.

Councilmember Hall showed Council the wreath with teal blue ribbons representing sexual assault and purple ribbons representing domestic violence that will be used by the Esther House. Ms. Hall handed out an informational brochure to Council concerning The Esther House.

Councilmember Hall informed Council of the Domestic Violence Awareness Month Annual Memorial Event which will be held on October 23, 2014 and Charlotte Assistant City Manager Ron Kimble and his wife Jan will be the Keynote speakers at First Street United Methodist Church at 6pm.

Councilmember Hall also mentioned that on September 20, 2014 they will have the Applebee's Flapjack Fundraiser to raise money for the Domestic Violence Shelter.

Upon a motion by Councilmember Townsend, seconded by Councilmember Whitley, and unanimously carried, the City Council approved a proclamation for domestic violence and to place wreath inside City Hall.

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 appointment for an expiring term on the Housing Board of Appeals. Council held this matter over to September from the June 16 meeting. Joe Calloway's term expired July, 2014.

Councilmember Dry came in to the meeting at this time.

It was the consensus of Council to hold this item over until the next regular session meeting on Monday, September 15, 2014.

The Mayor and City Council discussed options for Second Street repairs and resurfacing. This item was laid over from the last meeting.

The City Manager noted that since the discussion on this issue has been publicized on local media outlets, he received an unsolicited telephone call and later memo from Albemarle resident Tom Hearne regarding this. Mr. Hearne prior to his retirement from NCDOT a couple of years ago was one of the leading pavement experts working with NCDOT, who is very knowledgeable about these matters. He is saying that in his opinion the City would be incurring a lot of unnecessary risk in removing the concrete underneath. His recommendation is to mill and resurface, using a different asphalt mix and with some specific measures in conjunction with this.

The City Manager's recommendation continues to be to consider milling and resurfacing the section of North Second Street between North Street and Franklin Street for an estimated cost of \$182,000. To mill and resurface all the way to Salisbury Avenue would be an estimate of \$364,000. This could be done by either using the majority of the funds we have budgeted for this year for paving, or use some combination of current year paving funds and other funds as Finance Director Colleen Conroy has suggested.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, and unanimously carried, the City Council approved Option 3, the milling and resurfacing of the section of North Second Street between North Street and Franklin Street for an estimated cost of \$182,000 and checking the water and sewer lines underneath the surface first by Public Utilities.

The Mayor and City Council received a report on storm damage to the Boy Scout Building at Hearne Park. The City Manager noted he is pleased to be able to report there was only a very small amount of asbestos in the structure. Parks and Recreation Director Toby Thorpe coordinated testing and removal for this at the cost of only \$329.00. The City received the appropriate certification from the asbestos contractor, and will proceed with demolition and clearing once we receive the demolition permit from the County at the cost of \$120.00.

The City Manager has asked Public Works and Public Utilities to work with Parks and Recreation to demolish and haul away the debris. The only other out of pocket expenses will be for disposal fees, which should be less than \$1,000. Once this

is complete the City will request reimbursement from First Lutheran Church for the asbestos and disposal costs.

The Mayor and City Council considered a recommendation of the Planning and Zoning Board for a text amendment to add "Boarding kennel" and related changes to the Zoning Ordinance. Planning and Community Development Director Keith Wolf stated that on August 26, 2014, the Planning Board made changes to the proposed text amendment to allow boarding kennels as a permitted use in some zoning districts and then voted unanimously to recommend approval of the text amendment by City Council.

The City's ordinance does not currently allow for a place where pets can be kept during the day or when people are on vacation, except at a veterinarian. Many cities, including Concord, Monroe, Salisbury and Asheboro, now allow boarding kennels or doggie day cares

A public hearing can be set for October 6 to consider this recommendation

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved setting a public hearing for Monday, October 6 to consider a text amendment to add "Boarding kennel" and related changes to the Zoning Ordinance.

The Mayor and City Council considered a request to rezone two lots at 2412 West Main Street to R-8A/Multi-Family Residential Conditional Use District. This request was submitted to the City Council from the Planning and Zoning Board without a recommendation. A public hearing can be set for October 6 to consider this request.

Planning and Community Development Director Keith Wolf stated that at its meeting on August 26, 2014, the Planning Board voted three in favor (Furr, Harkey and Ragsdale) and one opposed (Lilly) to recommend that this map amendment go to City Council for consideration. However the Planning Board did not vote to recommend approval or disapproval, but instead sent the request up to City Council without a recommendation.

This is a request from Claude Reid, representing Community Housing Administration. The property is owned by Poplin and Furr LLC. Sixteen citizens attended the Planning Board meeting and many of them expressed their opposition to having elderly housing apartments in their neighborhood. Mr. Jon F. Neumeyer presented a petition with sixteen signatures opposing the rezoning. Three of the Board members were unable to attend because of scheduling conflicts and illness. A quorum of the Board was present.

Mayor Michael stated that Council has one of three choices to make: 1) Set public hearing for October 6, 2) Do not set a public hearing, or 3) Send back to the Planning Board for their recommendation.

Real Estate Broker, Elaine Hollins came before Council and stated that she is the representative of the developer for the Community Housing Administration project and they are looking for a 4-5 acre tract to house 24 units for elderly housing. This property would be a great location for this and there are two houses already located on this property. The property is close to downtown and met all their criteria. She further stated that the developer will oversee and live on this site in separate housing.

Councilmember Townsend stated that Council may want to consider a joint meeting with the Planning Board if need to and decide to give the developer an answer in a timely manner.

Councilmember Aldridge asked if there had been a situation like this in the past where Council sent back to the Planning Board for their recommendation before setting a public hearing. Mayor Michael stated that never to his knowledge has this happened before that the Planning Board did not make a recommendation.

Councilmember Hall moved to send this item back to the Planning Board for their recommendation at their September 23, 2014 regular meeting. Councilmember Alexander seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Dry, and Whitley. Voting against the motion were Councilmembers Aldridge, Hughes, and Townsend. The motion carried.

The Mayor and City Council considered approval of the 2003 tax write offs in the amount of \$17,972.38 in City property taxes and \$ 31.96 in Municipal Service District Taxes for 2003.

Council received a memo from Lindsay Carter, Revenue/Collections Supervisor requesting that we write off \$17,972.38 Property Taxes for 2003 and Municipal Service District Taxes for 2003 of \$31.96. The City's collection rate for 2003 was 99.64%.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the 2003 tax write offs in the amount of \$17,972.38 in City property taxes and \$31.96 in Municipal Service District Taxes for 2003.

Upon questioning, Mayor Michael asked Revenue Collections Supervisor Lindsay Carter to ask Stanly County for a list of delinquent accounts with their names.

The Mayor and City Council considered participation with the Stanly Community College Small Business Center in an Entrepreneurial Event. City Economic Development Director Mark Donham came before Council to request Albemarle participate with the Stanly Community College Small Business Center to assist in funding of the Extreme Entrepreneurship Tour (EET). The EET brings together America's top young entrepreneurs to spread the entrepreneurial mindset among their peers. This will include high schools and college students in our region and will be held at the Stanly County Agri. – Civic Center. This would come out of the funds that Council approved this year for economic development. Supporting entrepreneurship was one of the goals identified by the Economic Development Task Force last year.

The Albemarle Department of Economic Development proposes to provide \$500 to support this program. The CWDB is providing \$5,000 and the SCC-SBC is providing \$2,200. Other sponsors will provide the balance of funding for this \$10,000 effort. Stanly County is offering the use of the Agri.-Civic Center at no charge

Upon a motion by Councilmember Alexander, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved participation with the Stanly Community College Small Business Center in an Entrepreneurial Event and provide \$500 to support this program.

The Mayor and City Council discussed the status of the NCDOT Sidewalk Grant Projects.

The City Manager noted that the City has been awarded two sidewalk projects by the NC Department of Transportation and have been waiting for approximately a year for the municipal agreements from NCDOT so that we can bring these to City Council and proceed. The NCDOT budgets for these projects are \$493,000 for Leonard Avenue from East Main Street to NC 24-27 on both sides (at one time we thought only one side was covered), and \$230,000 for South First and South Second Streets from where the sidewalk ends in downtown to NC 24-27.

Mr. Allen stated that there is some concern that the amount for South First and Second Streets may not be enough but NCDOT has said we could probably transfer funds between projects if needed. We will probably not need much right of way for South First/Second, but we will for Leonard. We would expect this to be donated to the City due to the benefit to the property owner, and the grant will not cover right of way acquisition.

The City had anticipated the grant covering engineering and design, but we have now been informed by NCDOT that due to their workload and their delay in getting agreements prepared and executed, they recommend that the City hire and pay for the engineering so as to not have to go through the federal procurement process. If these projects are not under contract by July 1, 2015 the City will have to pay a 20% match of the \$731,000 total project costs.

We contacted Stephen Chambers who staff recommends using if City Council wants to proceed with design at City expense. A very preliminary estimate for both projects is approximately \$61,500. It will be slightly more if both sides of Leonard are constructed. This estimate is based on one side only.

City Council will need to make a decision quickly about whether you want to proceed or if you want to decline these grants due to the delays in NCDOT preparing the agreements. We would lose the \$723,000 in funding if you choose not to move forward. This is with right of way being donated by the property owners.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved staff negotiating an agreement with Chambers Engineering on engineering and design and bring back before Council.

The Mayor and City Council considered approval of dates for the Joint Council/Planning Board/Board of Adjustment Dinner Meetings. The proposed dates for these semi-annual meetings are October 15, 2014 and April 15, 2015 and have been tentatively approved by the Rosebriar Restaurant.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved October 15, 2014 and April 15, 2015 in FY 14-15 as the semi-annual meeting dates of the Joint Council/Planning Board/Board of Adjustment Dinner Meetings.

The Mayor and City Council received a report on concerning burned house being demolished on Alfred Street. Planning and Community Development Director Keith Wolf stated that the burned house on the lot purchased by the City from Fernando Ponds was demolished a few weeks ago and the lot was leveled and seeded. Council reviewed photos provided by the Planning and Community Development Department

The Mayor and City Council received a report on the Regional Water Thought Leaders Meeting from the City Manager. The City Manager noted that he was invited to participate in a discussion group along with representatives of other local governments, NCDENR, USEPA, Duke Energy, APGI, and environmental organizations to initiate a regional discussion of how we should plan and safeguard our water resources for the future. He said our region is blessed with abundant resources but as the region grows there will be pressures on supply in the future. This effort is intended to begin a regional dialog as population grows over the next few decades so that we can avoid the mistakes made in other parts of the country where they are facing crises around water supply and quality.

Mayor Michael stated that the City's Blood Drive will be tomorrow, Wednesday, September 3 between 11-2 pm.

Councilmember Townsend congratulated Councilmember Alexander who was honored recently by the Rotary club.

Councilmember Townsend stated that the lady that came before Council a few weeks ago concerning a dog in her neighborhood, stated that the dog has been taken out of the City on a permanent basis.

Councilmember Townsend stated that he would like to give an update on Denico Autry, who had been a possible candidate for the Oakland Raiders will be a part of the Raiders practice team.

Councilmember Dry asked if the Concord Kannapolis Albemarle water line is on schedule. This was confirmed by the City Manager and Public Utilities Director Mike Leonas. Mr. Leonas stated that he attends the monthly progress meetings concerning the CKA water line.

Councilmember Whitley stated that he has mixed feelings concerning the issue earlier about sending back to the Planning Board for their recommendation the request to set public hearing to rezone two lots at 2412 West Main Street to R-8A/Multi-Family Residential Conditional Use District.

Councilmember Hall asked Assistant Public Works Director Judy Redwine if she had heard anything from ElectriCities concerning a webinar for Public Power Week. Ms. Redwine confirmed she had not received any information of this.

Councilmember Hall asked for a progress report concerning the clean up of a house on NC Hwy. 73 off of West Main Street. Mayor Michael stated that the owner is in the process of hauling away the debris but this is not yet complete.

Councilmember Hall mentioned an article in the Stanly News and Press concerning the benefit of the airport and National Guard here and its benefits to this area.

Councilmember Hall asked about having Police patrol more often at and near the Hearne Cemetery. There are a lot of people seen going in and out there.

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

Mayor Michael stated that the Parks and Recreation Department asked if Council would like to be the last group to jump off the high dive at Morehead Park pool before it is removed.

It was the consensus of Council to meet on Wednesday, September 3 at 6 pm at Morehead Park for this event.

The Mayor and City Council recessed the meeting for a 10 minute break before continuing with a work session to discuss the job description of the new City Manager.

The Mayor and City Council reconvened at 8:28 pm to discuss the job description of the new City Manager.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, the City Council appointed Councilmember Hughes as acting City Clerk for the balance of the meeting.

Council discussed the proposed job description for the position of City Manager.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the City Manager job description.

Mayor Michael gave an update to Council members on the progress of bringing high speed broadband to the City in cooperation with Stanly County. Discussions on the process will continue with the County and other involved entities. Further information will be reported to Council as they become available.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander and unanimously carried, the meeting was adjourned at 9:18 pm.