

REGULAR MEETING CITY COUNCIL
July 7, 2014

The City Council of the City of Albemarle met in a regular session on Monday, July 7, 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 recognized Mr. Destrik Burns. City Clerk Paulette Bowers contacted Mr. Burns and Ms. Inscoe and they both were in attendance. Ms. Inscoe gave a brief summary of what had happened and how Mr. Burns was there in her desperate need after she fell on the sidewalk near the Annunciation Catholic Church on Second Street on April 20, 2013. Mr. Burns was presented with a letter of appreciation from City Council for his Good Samaritan act of kindness and he thanked Council for this recognition.

Fire Chief Shawn Oke came before Council to introduce Madison Eury who was named the 2014 Miss Stanly County Fire Queen during Friday's Oakboro Fourth of July Celebration on July 4 representing the Albemarle Fire Department. She is the 18-year-old daughter of Jeremy Eury and Jenny Parnell and a West Stanly High School graduate and plans to continue her education at Central Piedmont Community College in the fall to begin pursuing a degree in occupational therapy.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the minutes of the June 16 regular session and June 16 closed session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider rezoning 1816 Badin Road (southwest corner of Badin Road and the (Northeast Connector) from R-10/Single-Family Residential to GHBD/General Highway Business District.

Mr. Robert Brooks, owner of the property at 1816 Badin Road came forward and stated that he had problems trying to sell this property with the existing zoning of R10-Single-Family Residential and hopes to now be able to sell with this change being made to the zoning.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall 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 the following Ordinance –including the following statement - Although this proposal may not be directly addressed by the Albemarle Land Use Plan, the specific conditions addressed by this proposal warrant approval and are not at odds with the objectives of the Land Use Plan:

ORDINANCE 14-21

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING AND ALTERING THE BOUNDARIES OF CERTAIN DISTRICTS ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, SO AS TO TRANSFER FROM R-10 SINGLE FAMILY DISTRICT TO GHBD/GENERAL HIGHWAY BUSINESS DISTRICT THAT REAL PROPERTY AT 1816 BADIN ROAD (SOUTHEAST CORNER OF BADIN ROAD AND NORTHEAST CONNECTOR), ALBEMARLE, NC 28001 (TAX RECORD NO. 3866)

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. TITLE IX: Planning and Regulation of Development, Chapter 92, Sections 74 and 80 of the City of Albemarle, North Carolina, Code of Ordinances, shall be and the same is hereby amended as follows:

That all portions of the real property at 1816 Badin Rd.
(southwest corner of Badin Road and Northeast Connector)
Albemarle, NC 28001, Stanly County Tax Record No. 3866,
presently zoned R-10/Single-Family Residential District
be reclassified GHBD/General Highway Business District.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 This ordinance shall be effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember Hall, a member of the Council of the City of Albemarle, North Carolina.

S/ Martha Sue Hall
Member of Council

At the meeting of the Council held on July 7, 2014, this ordinance was introduced, adopted and ordered published as by law provided.

Dated July 7, 2014.

S/ G. R. Michael
Mayor

Attest:

S/ E. Paulette Bowers
Clerk

The Mayor and City Council held a public hearing to consider a text amendment to allow an Adult Day Care Center as a permitted use in the Residential-Office District. No one spoke for or against.

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

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

ORDINANCE 14-22

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA TO DEFINE

AND ADD "ADULT DAY CARE CENTER" AS A PERMITTED USE IN THE R-O/RESIDENTIAL OFFICE DISTRICT

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. Title IX: Planning and Regulation of Development, Chapter 92 entitled "Zoning Regulations" of the Code of Ordinances of the City of Albemarle, North Carolina be and the same is hereby amended by adding "Adult Day Care Center" as a permitted use in the R-O/Residential Office District Chapter 92.078 as a permitted use "(2)" under paragraph "(B)", and thereafter by re-numbering permitted uses "(2)" through "(18)" inclusive now appearing as numbers "(3)" through "(19)" inclusive following the addition of "(2) Adult Day Care Center."

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 This ordinance shall be effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember Alexander, a member of the Council of the City of Albemarle, North Carolina.

S/Troy E. Alexander
Member of Council

At the meeting of the Council held on July 7, 2014, this ordinance was introduced, adopted and ordered published as by law provided.

Dated July 7, 2014.

S/ G. R. Michael
Mayor

Attest:

S/ E. Paulette Bowers
Clerk

Mr. John Anderson came before City Council to request a City peddler license for Jermine Donnell Lloyd, his business associate. Council reviewed Mr. Lloyd's application and background check and Mr. Anderson answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry and unanimously carried, the City Council approved a peddler license for Jermine Donnell Lloyd.

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 discussed appointments to the Parks and Recreation Advisory Board. The District Two appointment was laid over as well as the appointment for the East Albemarle School District.

Toby Thorpe stated that he had not received any name from the East Albemarle principal for the representative for the East Albemarle School at this time.

Mayor Michael asked that this item be moved forward until the next meeting on July 21.

The Mayor and City Council discussed an appointment to the Zoning Board of Adjustment. It was noted that Rodney Morgan met with the City Manager this week to decline the appointment to the ZBA. He asked that the City Manager share with Council that he prefers serving on the Planning Board, and that he would like to be considered for reappointment to the Planning Board after the one year absence required by City ordinance. We still have a vacancy we need to fill on the ZBA.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes and unanimously carried, the City Council approved moving Chuck Horne from 2nd to 1st alternate and Heath LuQuire from 3rd to 2nd alternate, leaving the 3rd alternate spot vacant.

This will be brought back up at the July 21 meeting to fill the 3rd Alternate position on the ZBA.

The Mayor and City Council considered approval of a one lot subdivision for Tax Record 25839. Planning and Community Development Director Keith Wolf noted that the owners, Patricia W. and William D. Mathews located on E. Cannon Avenue want to divide the current property to create a new lot and sell that lot to Larry Edward Mills. The new lot meets all of the minimum requirements for a subdivision in the City of Albemarle. On June 24, 2014, the Planning Board recommended approval of this subdivision plat by the City Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, the City Council approved a one lot subdivision for owners, Patricia W. and William D. Mathews, of a property, Tax Record 25839, located on E. Cannon Avenue.

The Mayor and City Council considered approval of Bid #2014-07 for the sale of timber. This is for sale of timber in the buffer area at the landfill that the City purchased a couple of years ago, and that was discussed during budget deliberations. Council received a memo from Public Works Director Nina Underwood and a copy of the bid tabulation. Mr. Underwood is recommending awarding the bid to Troy Lumber for a total of \$142,460

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved Bid #2014-07 for Sale of Timber and awarding the bid to Troy Lumber for a total of \$142,460 minus commission paid.

CITY OF ALBEMARLE
FINANCE DEPARTMENT



BID SHEET
BID NO. 2014-07

TIMBER				
Item	Supplier	5% Bid Bond	Non-Collusion Affidavit	Bid Amount
1	AMERICAN TIMBER SERVICES LLC			
2	BOB SWAN CO			
3	CAGLE SAWMILL			
4	CANAL WOOD LLC (Ben Stanton)			
5	CANAL WOOD LLC (Dale Driggers)			
6	CANAL WOOD LLC (Jason Lockamy)			
7	CANAL WOOD LLC (Todd Stubbs)			
8	CLAYBORN WATERS CO			
9	CURTIS LAND AND TIMBER CO			
10	DEBERRY LAND & TIMBER INC			
11	EDWARDS WOOD PRODUCTS			
12	EDWARDS WOOD PRODUCTS			
13	EDWARDS WOOD PRODUCTS			
14	H W CULP LUMBER CO			
15	JEFF SHAVER & SONS			
16	JORDAN LUMBER & SUPPLY CO	BID WAS NON-RESPONSIVE, DID NOT SUBMIT REQUIRED DOCUMENTS: 5% BID BOND OR NON-COLLUSION AFFIDAVIT		
17	KEPLEY-FRANK HARDWOOD CO INC			
18	MCDOWELL LUMBER CO			
19	PIEDMONT HARDWOOD LUMBER CO			
20	PIEDMONT LAND & TIMBER			
21	RIVER HILLS LAND & TIMBER CO			
22	SHAVER WOOD PRODUCTS			
23	SOUTHLAND TIMBER CO INC			
24	SQUIRES FOREST PRODUCTS			
25	TROY LUMBER	x	x	\$142,460.00
26	UWHARRIE LUMBER CO			
27	WILLIAMS FOREST PRODUCTS INC			

The Mayor and City Council considered declaring electrical & ancillary components from the Happy Hollow Substation as surplus and authorize the City Manager to dispose of the equipment in accordance with City policies for surplus. Council reviewed memos from Electric Superintendent Charles Burris and Purchasing Coordinator Linda Lewis.

It was noted that In January 2013 the Electric Systems Division of Public Utilities began experiencing problems with voltage stability from the Happy Hollow Substation. The load was transferred to the Love Street Substation and Happy Hollow was de-energized. The circuits have been converted from 4kV to 25kV allowing a higher load on the circuits and a more stable voltage delivery via other substations.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, the City Council approved declaring electrical & ancillary components from the Happy Hollow Substation as surplus.

The Mayor and City Council considered an amendment to an agreement with Pfeiffer North Stanly Association.

The City Manager noted that he was contacted a few weeks ago by Dr. Mike Riemann on the PNSWA Board of Directors about their water agreement that expired in June. It was originally for a period of 40 years starting in 1962, then in 1974 it was extended 12 years to 2014. Their original allocation

was 250,000 gallons per day, which was increased to 500,000 gallons per day in 1998, and then to 650,000 gallons per day in 2008.

They are anticipating that before the end of this year they will be using more than 80% of their allocation of 650,000 gpd with a usage of approximately 550,000 gpd. They are requesting:

1. A contract extension of 30 years
2. An increase in their allocation (750,000 gpd)
3. That they be charged the same rate as Stanly County and what we were charging Oakboro before the County bought their system.

The City Manager noted that he welcomes the revenue from water sales and thinks that charging inside rates is fine because we do not now pump the water from US 52 WTP up to North Stanly as in the past.

The City Manager drafted the amended agreement and forwarded it to Dr. Riemann for his review and to David Beaver for his review. He advised Dr. Riemann that this was only his recommendation, and that of course it was subject to amendment by City Council. He advised the City Manager that the draft was acceptable to PNSWA. Council reviewed the original 1962 agreement.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved the amended agreement with Pfeiffer North Stanly Association.

The Mayor and City Council considered an amended ordinance to update the City's shared leave policy. These changes were authorized at the June 16 meeting. Council received a copy of the proposed ordinance.

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

ORDINANCE 14-23

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT IT'S CODE OF ORDINANCES BE AMENDED BY AMENDING AND DEFINING ELIGIBILITY REQUIREMENTS AND RESTIRCTIONS UNDER TITLE II: GOVERNMENT AND ADMINSTRATION-CHAPTER 24. PERSONNNEL-SECTION 58(B) REGARDING THE CITY'S EMPLOYEES SHARED LEAVE POLICY

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. Title II: Government And Administration-Chapter 24. Personnel-Section 58(B), Nos. 1 through 4 inclusive, are hereby deleted in their entirety and in the place and stead thereof there shall be the following:

(B) To donate shared leave, donor employees:

- (1) May not reduce sick leave account below 80 hours.*
- (2) May not donate annual leave (any combination) in excess of 15 days (120 hours); provided unused shared leave may be returned to donor(s) on a pro rata basis.*
- (3) Assume the risk of not having enough sick leave accrual to provide for their personal needs when giving to requesting employees.*

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 This ordinance shall be effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember Hall, a member of the Council of the City of Albemarle, North Carolina.

S/ Martha Sue Hall
Member of Council

At the meeting of the Council held on July 7, 2014, this ordinance was introduced, adopted and ordered published as by law provided.

Dated July 7, 2014.

S/ G. R. Michael
Mayor

Attest:

S/ E. Paulette Bowers
Clerk

The Mayor and City Council considered a request of the Stanly County Farmer's Market for one way traffic on a portion of Railroad Street from 8:00 am to Noon on Saturdays during the market season from April to October. The Farmer's Market is so successful that they are having significant traffic issues on Saturday mornings.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, the City Council approved one-way traffic on a portion of Railroad Street from 8:00 am to Noon on Saturdays during the market season from April to October.

The Mayor and City Council reviewed draft guidelines for City Council meeting invocations. At the last meeting of City Council, Council asked that the City Manager draft guidelines based on recommendations from the State and Local Legal Center for invocations at City Council meetings.

Upon a motion by Councilmember Alexander, seconded by Councilmember Whitley and unanimously carried, the City Council approved the guidelines and application as presented for City Council meeting invocations.

Public Works Director Nina Underwood came forward to introduce Mr. Ross Holshouser, the new Street Superintendent. Mr. Holshouser began work last week as the City's Street Superintendent and he has extensive experience in construction and is the former Town Administrator in Oakboro. He is coming to the City from the Stanly County Public Schools where he was a construction teacher.

The Mayor and City Council welcomed Mr. Holshouser.

The Mayor and City Council considered approval of street closings for the 5th Annual Tour de Elvis 5K and Bike Ride which will take place on Friday, August 15th (5K and concert) and Saturday, August 16th (Bike Tour). These events raise funds for the Roger F. Snyder Greenway Fund.

Parks and Recreation Director Toby Thorpe stated that this event requires coordination between Albemarle Parks and Recreation (event management), Public Works (barricades and cones), Police (traffic control), and Fire (emergency standby). Where NCDOT streets / roads are involved a request form has been submitted and is attached. In addition, assistance from the Stanly County Sheriff's Department for traffic control outside the City limits will be arranged for Saturday 8/16 as part of the bike ride.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved street closings for the 5th Annual Tour de Elvis 5K and Bike Ride which will take place on Friday, August 15th (5K and concert) and Saturday, August 16th (Bike Tour).

The Mayor and City Council reviewed a draft letter of appreciation to the Albemarle ABC Board, pursuant to Council request.

It was the consensus of Mayor and City Council to approve the letter of appreciation to the ABC Board.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the City Council approved rescheduling the Monday, September 1 Council meeting which conflicts with the Labor Day holiday until Tuesday, September 2, 2014.

The Mayor and City Council discussed attendance at the National League of Cities Congress of Cities. This conference will take place in Austin, Texas on November 19-22. Council received information regarding this meeting and it was noted that there is an early bird registration deadline of July 18 if anyone makes a decision prior to that date. Additional information regarding the conference can be found on the NLC's website www.nlc.org under "Build Skills and Networks."

The Mayor asked that Council contact Mr. Allen before July 18 if possible if they intend to go to this conference in November to receive discounts available.

The Mayor and City Council received information concerning a letter of thanks from the Stanly County Historical Society. Mr. Ken Ringler, the Chairman of the Society met with the City Manager on Wednesday afternoon to hand deliver this letter and express their appreciation of the City's support of the museum

The Mayor and City Council reviewed information concerning the updates to the Code of Ordinances. Council was asked to bring in their Code Book if they have one at home, to be updated with the latest supplement by City Clerk Paulette Bowers.

Councilmember Dry stated that he was pleased to learn that Economic Development Director Mark Donham contacted Winston-Salem. The City Manager stated that there will be a report soon for Council concerning this issue.

Councilmember Whitley stated that he attended the event, Taking Our Community Back March on Saturday, June 21 and the Forest Hills July 4 parade and they were both very enjoyable.

Councilmember Hall thanked Fire Chief Oke for sponsoring Madison Eury in the July 4th Miss Fire Queen Pageant at Oakboro on Friday, July 4.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council adjourned to a closed session Pursuant to NCGS 143-318.11(a) 3, 5 and 6 to discuss real estate acquisition, personnel matters, and to consult with the City Attorney.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council reconvened to open session. Mayor Michael announced a closed session Pursuant to NCGS 143-318.11(a) 3, 5 and 6 to discuss real estate acquisition, personnel matters, and to consult with the City Attorney.

Mayor Michael stated that City Manager Raymond Allen will be retiring January 1, 2015. He has been City Manager for Albemarle for 28 years and this coming November 2014, he will have 33 years of service with the City.

Mr. Allen stated that with mixed feelings he will be retiring in January. Also, he stated that he had enjoyed working with the people of this City and all of the City employees. After retirement, he will pursue other interests but until then will be finishing City projects in progress the next 6 months with the same dedication as he always has.

Mayor Michael gave his final sentiments from him and the City Council. He stated that Mr. Allen's leadership to the community will be missed because he has been such a great asset to the City. The Council will soon make a decision on how to start the replacement process.

Each Councilmember gave their comments concerning Mr. Allen's retirement.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry and unanimously carried, the meeting was adjourned.

_____ City Clerk _____ Mayor