

REGULAR MEETING CITY COUNCIL

June 2, 2014

The City Council of the City of Albemarle met in a regular session on Monday, June 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.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hughes and unanimously carried, the minutes of the May 15 Adjourned session and May 19 regular session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider approval of the FY 2014-2015 Budget.

Mr. David Morgan, 424 North 10th Street, came before City Council requesting consideration from Council on items of concern on the 2014-15 Budget proposed.

- 1) Consider Curbside Recycling for residents
- 2) Non-Partisan instead of Partisan Elections
- 3) Review District lines and continue district seats for Council
- 4) Sidewalk repair and curb cuts where needed
- 5) Facility – EE Waddell Center – parking lot paving in need of repair; etc.
- 6) City Hall – determining which entrance is the front, automating doors for handicap accessibility

He applauded hiring an Economic Development Director for the City. He asked for the City to determine what is needed at the prime power park. He thanked Council for allowing him time to share his thoughts.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall 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 1st reading of the following Ordinance:

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

Mayor Michael stated that there are two agenda adjustments as follows:

- 1) Mr. Todd Lilly, Elite Social Club requesting a street closing for a graduation party on 6.14.2014.
- 2) Piedmont Natural Gas requesting right of way on City property on Richardson Street to run a gas line.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, the City Council approved the above agenda adjustments.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry and unanimously carried, the City Council approved a street closure request for a graduation celebration requested by the Elite Social Club which will be held on Saturday, June 14 from 6 pm until 11 pm. They are requesting a street closing at the corner of South Fourth Street and Summit Avenue and the corner of South Fourth Street and East Park Avenue for this event.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a right of way encroachment agreement between the City and Piedmont Natural Gas to allow PNG to place gas lines on the ROW of the City on Richardson Street.

Public Housing Director Cedric Baldwin came before Council as an unannounced delegation to inform Council of the concept of having a Community Outreach March on Saturday, June 21 beginning at 10 am beginning at the E. E. Waddell Center and ending at Amhurst Gardens. They are in the process of getting a parade permit to bring before Council at its next meeting.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, the City Council approved the concept of having a Community Outreach March on Saturday, June 21 beginning at 10 am at the E. E. Waddell Center and ending at Amhurst Gardens.

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 received a report on the internet gaming issue. The City Council requested that we obtain an opinion from the North Carolina Attorney General's office regarding the legality of internet gaming in North Carolina following the decision. Chief Halliburton contacted the AG's office and got the following statement:

The AG's office fought in court for many years to give law enforcement the right to enforce the law against video gambling. Eventually we prevailed at the NC Supreme Court and won a strong decision upholding the law. We believe the law and the NC Supreme Court ruling are clear and we're continuing to defend their enforcement vigorously (sweepstakes interests have continued to file civil court actions to try to block enforcement of the law and we've continued to defend the law).

The AG's advice to law enforcement about how to enforce the law since the Supreme Court decision became final is that they investigate video sweepstakes operations in their area to determine what games are being played and all other relevant evidence, consult with their local District Attorney, and then take any enforcement action they think necessary against violators. Law enforcement agencies and District Attorneys set their own enforcement priorities within their jurisdictions and have powers, duties and prosecutorial discretion, and they are always welcome to consult with our office as needed.

Law enforcement agencies in several parts of the state have taken action against video sweepstakes in their communities, and there have now been some convictions under the law in cases prosecuted by local DAs. It's likely that some of those criminal convictions will be appealed, and attorneys with our office may eventually handle the cases on appeal (we handle state criminal cases in appellate courts).

DAVID J. ADINOLFI II
SPECIAL DEPUTY ATTORNEY GENERAL
North Carolina DEPARTMENT OF JUSTICE

City Council received court rulings provided by Chief Halliburton in several cases around the state related to this issue.

Chief Halliburton answered any questions that Council had.

Mr. Chuck Nance and Mr. Larry Huneycutt, business owners in the City were present and came forward with questions to City Council and Chief Halliburton. Chief Halliburton stated that a business with these machines cannot give a reward to the customer greater than \$10 and it cannot be a cash reward.

Mayor Michael stated that the district attorney will prosecute anyone not following the state guidelines. We cannot approve anyone to operate a video gaming operation. Mayor Michael also stated that state law governs what we as a City allow.

Mayor Michael asked that Mr. Nance and Mr. Huneycutt contact our district attorney and ask him these questions.

Councilmember Townsend stated that the City should make recommendations or guidelines for business owners to follow. He asked that a meeting with the DA be set up for these business owners. The Mayor stated that we can request a meeting with the DA but it is his decision to do so.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the Council approved requesting the district attorney to consider holding an information session for these type businesses.

The Mayor and City Council considered setting a public hearing for a map amendment to rezone 1816 Badin Road (southwest corner of Badin Road and the Northeast Connector), Tax Record 3866, from R-10/Single-Family Residential to GHBD/General Highway Business District.

On May 27,2014, the Planning Board heard a request of Robert C. Saville to rezone 1816 Badin Road (southwest corner of Badin Road and the Northeast Connector), Tax Record 3866, from R-10/Single-Family Residential to GHBD/General Highway Business District. Mr. Saville plans to relocate the

corporate office for his business to this location and would also like to sell farm/construction implements on the lot at a later time. The public hearing can be set for July 7, 2014.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved setting a public hearing for a map amendment to to rezone 1816 Badin Road (southwest corner of Badin Road and the Northeast Connector), Tax Record 3866, from R-10/Single-Family Residential to GHBD/General Highway Business District for Monday, July 7, 2014.

The Mayor and City Council considered setting a public hearing for a text amendment to Allow Adult Day Care Center in the Residential-Office District, Section 92.078.

On May 27, 2014 the Planning Board voted unanimously to recommend a request of Dr. Nalin Mehta for a zoning text amendment to add "Adult Day Care Center" as a permitted use in Section 92.078, the R-O/Residential-Office District. The public hearing can be set for July 7, 2014.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, the City Council approved setting a public hearing for a text amendment to Allow Adult Day Care Center in the Residential-Office District, Section 92.078 for Monday, July 7, 2014.

The Mayor and City Council considered setting a public hearing for June 16, 2014 pursuant to N.C.G.S. 158-7.1 for an Economic Development Incentive Agreement. This agreement will be between the City of Albemarle, the County of Stanly, and Triton Glass, LLC.

It was noted that this will be budgeted in the year where the expense will be made. If a payment becomes due in FY 14-15 a budget amendment will be processed. For the five year grant period, it is estimated that the location of this company will add \$22,800 to the tax revenues of the City of Albemarle. The total grant is estimated to be \$14,820. This is a net new addition to City revenues of \$7,980. After the grant period ends, the benefits of the investment and jobs

continue to accrue to the City. There are additional benefits such as the payroll from the companies employees being spent locally.

The purpose of the Public Hearing on June 16th is to invite public comment on a proposed economic incentive agreement that will result in a five (5) year business development grant between the City of Albemarle and Triton Glass, LLC. The Grant will aid the purchase and installation of a new taxable investment within the City of Albemarle. The company will invest an estimated \$2,200,000 and create approximately 23 new jobs. The incentive agreement will be funded with general fund revenues. The City of Albemarle will recover the cost from new tax revenue, and the public will benefit from the additional property, business, and sales tax revenues; stimulation of the overall economy, and expanded employment opportunities in the City of Albemarle. The City's Economic Development Director, Mark Donham, recommends this project.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved setting a public hearing for Monday, June 16, 2014, pursuant to N.C.G.S. 158-7.1 for an Economic Development Incentive Agreement.

The Mayor and City Council considered approval of delivery order 4130 continuation of HVAC replacement. This is a request approval for A/E services of Capital Fund Program 2013 and 2014 with Stogner Architecture, PA.

Council received a copy of the delivery order in the amount of \$36,000.00 to provide A/E services for the implementation of the 2013 & 2014 CFP project from Stogner Architecture to provide the scope of work for the replacement of HVAC systems to include air handler and condensing units in 52 two story units (each with two systems) at the Amhurst Gardens site. Mr. Stogner also provided a cost estimate for the work project. This delivery order will need to be approved by City Council with the Mayor's signature. The HUD FY 2013 & 2014 Capital Fund Program Grant will provide the funds for this service.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend and unanimously carried, the City Council approved delivery order 4130 continuation of HVAC replacement.

The Mayor and City Council considered a contract award for West Oakwood Water Storage Tank Mixing System. The Public Utilities Department recommends that Council award the contract for construction of the West Oakbrook Water Storage Tank Mixing System to K-M Machine Company in the amount of \$80,900 and authorizes the City Manager to execute the contract on behalf of the City.

It was noted that due to the piping configuration of the tank, the top zone of water in the tank does not receive adequate circulation creating "stagnant" zones in this upper layer. Increased retention times of the water in these zones increases the chances for the formulation of disinfection by-products which are undesirable.

Bids were received on April 10, 2014 with the lowest responsive bidder being K-M Machine Company. Their bid was \$95,400 which exceeded the available funding for the project. The consultant, LKC Engineering, initiated negotiations to evaluate the bid for minor scope reductions to bring the project costs within the available funding. This resulted in a revised construction cost of \$80,900. LKC Engineering recommends award of the contract in that amount and has prepared a Memorandum of Negotiation documenting the changes made to the scope of the project and the original bid amount

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved the lowest responsive bidder, K-M Machine Company in the amount of \$80,000 for the West Oakwood Water Storage Tank Mixing System.

(Bid Tabulation)

The Mayor and City Council considered a contract award to furnish and deliver liquid alum for the Water & Wastewater Treatment Facilities.

The Public Utilities Department recommends that Council award the contract to Chem Trade in the amount of \$220 per dry ton and authorizes the City Manger to execute the contract for the City.

Liquid alum is used in the treatment process as a primary additive to coagulate and assist in the settling of suspended solids to improve the clarity and turbidity of the drinking water and wastewater discharge. These improvements in

the final quality help the facilities maintain compliance with their respective permits. The projected quantity needed is 340 dry tons for the combined needs of the plants for FY14.

Formal bids were received by the City on May 16, 2014. A total of five (5) bidders responded with pricing. Bids ranged from \$435 to \$220 per dry ton. The low bidder was Chem Trade at \$220 per dry ton. Public Utilities have had experience with Chem Trade in supplying chemicals for the treatment plants. The experience has been positive and successful. The Finance Department has reviewed the bids and finds them acceptable.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, the City Council approved the lowest bidder, Chem Trade in the amount of \$220 per dry ton to furnish and deliver liquid alum for the Water & Wastewater Treatment Facilities.

(Bid Tabulation)

The Mayor and City Council considered the adoption of a resolution regarding Strategic Transportation Corridors. The State has proposed dropping NC 24-27 and US 52 from the list of Strategic Transportation Corridors. The RRRPO TAC has adopted a resolution asking reconsideration of this as well as for Hwy. 601, which Council received a copy. They have asked member governments to also consider a resolution. If Council wants to do so we can have this ready for your consideration at the June 16 meeting of City Council.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry and unanimously carried, the City Council approved having a resolution ready for consideration on Monday, June 16, 2014 regarding Strategic Transportation Corridors.

The Mayor and City Council considered an encroachment agreement with ELM Site Solutions, Inc. for monitoring wells on Kingsley Drive. It was noted that NCDENR is requiring the owners of the former Hydrolabs facility on Kingsley Drive to install two monitoring wells near the site due to groundwater contamination. The best site for the wells is in the street right of way near Long Creek. This will require an encroachment from the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved an encroachment agreement with ELM Site Solutions, Inc. for monitoring wells at the Hydrolabs facility on Kingsley Drive with ELM Site Solutions, Inc.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved Ordinance 14-19, to amend the FY 2013-2014 budget.

(Ordinance 14-19. TO AMEND FY 2013-14 BUDGET)

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley and unanimously carried, the City Council approved Ordinance 14-20, to amend the FY 2013-2014 budget.

(Ordinance 14-20. TO AMEND FY 2013-14 BUDGET)

The Mayor and City Council reviewed a request for permission to spend approximately \$10,000 to purchase building supplies for construction of a large picnic shelter, using unexpended Niven Center funds at the Rock Creek Park office site. The Niven project was completed under budget, and there are approximately \$71,400 remaining. This project budget will be closed out at the end of the current fiscal year. The remaining unexpended funds will go into General Fund fund balance. The shelter will be constructed by Parks and Recreation Department personnel.

Upon a motion by Councilmember Alexander, seconded by Councilmember Aldridge and unanimously carried, the City Council approved spending approximately \$10,000 to purchase building supplies for construction of a large picnic shelter, using unexpended Niven Center funds at the Rock Creek Park office site.

The Mayor and City Council considered a street closing request for the Forest Hills Independence Day Parade. The request is to close the streets around Azalea Park from 9:30 am to 1:30 pm on July 4. The group is also inviting the Mayor and members of City Council to participate if their schedules permit

Upon a motion by Councilmember Alexander, seconded by Councilmember Hughes and unanimously carried, the City Council approved a street closing request for the Forest Hills Independence Day Parade on July 4 and closing streets around Azalea Park from 9:30 am to 1:30 pm.

The Mayor and City Council discussed appointments for expiring terms on City Boards and Commissions.

Councilmember Hall requested that Council receive attendance records for each board appointment for the June 16 meeting and make decisions at that time.

The Mayor and City Council reviewed a letter from Stanly County CVB Director Chris Lambert concerning an appointment to the Stanly County Convention and Visitors Bureau. Wade McSwain's appointment expires in June. The City has two appointments, and the second appointment, that of Jack Neel, expires in June of 2015.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander, the City Council approved reappointing Wade McSwain to the Stanly County Convention and Visitors Bureau.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, the City Council approved letters of condolence to Ms. Todd and Landmark following the death of Rex Todd.

The Mayor and City Council were informed of a public input meeting to be held in conjunction with the youth baseball awards night at Optimist Park on Thursday, June 5th from 5:30 to 7:00 pm. for Wiscassett Site Master Plan.

It was noted that this meeting will be a 'drop-in' at which the public can view the proposed site design and provide comments, suggestions, and feedback in an informal atmosphere. Site Solutions of Charlotte, which handled design and engineering for City Lake Park, will be conducting the meeting with assistance from AP&R staff. In the event of rain, both the awards night and the public input session will be moved to the Niven Center. This is part of the process for development of the site plan for this facility, and is being held at this venue to maximize input from citizens interested in baseball.

The Mayor and City Council were informed of the drop in reception from 5:30 pm to 7:30 pm on Tuesday, June 3 at Market Station for the Albemarle Downtown Development Corporation 25th Anniversary reception. This event will take the place of the annual volunteer appreciation dinner.

The Mayor and City Council were reminded of NCLM Town Hall Day in Raleigh on Wednesday, June 4. Mayor Michael; Councilmembers Alexander, Hall, Hughes and Townsend; Michael Ferris; and the City Manager are registered for this meeting.

Mayor Michael invited everyone to fill out the branding survey on either the City or Stanly County website.

Mayor Michael stated that there has been a decision made by the Supreme Court on prayers during meetings. This information will be brought before Council at the next meeting.

The City Manager stated that Council reviewed a letter at the May 19 Council meeting drafted by ADDC Director Shannon Johnson concerning historic preservation tax credits and due to typos that have been corrected, we need Council signatures again tonight.

Councilmember Hughes thanked David Morgan for coming before Council this evening concerning the budget with his thoughts and ideas.

Councilmember Hall spoke of Town Hall Day and the four major concerns Council will see is concerning privilege taxes, property tax caps, tree ordinances, and building design control.

Councilmember Hall stated that at Market Station on Saturday, June 7 there will be an event called Farm to Table.

Councilmember Hall stated that the Esther House will be having a fundraiser at Rosebriar on Friday, June 6.

Councilmember Hall asked if we have a list of houses for demolition for the FY 2014-15. The City Manager confirmed and said that title searches have been started on some of the properties. Planning and Community Development Director Keith Wolf came forward and answered any questions Council had. Mayor Michael asked that staff go ahead and design a list of houses in need of demolition and bring recommendation before Council.

Councilmember Hall stated that anyone should be able to donate an unlimited amount of hours to an employee who is out on sick leave and has no more hours and have posted a need. The provisions need to be clear. Mayor Michael stated that we need to have Human Resource Director Robert Whitley come back to Council with a report concerning this. The existing policy requires the donator to be here at least 6 months to donate hours and they cannot go below 240 hours in donating time.

Councilmember Hall mentioned the controlled burn that Council participated in at Rock Creek Park with the COA Fire Department. She stated that probably no other Council has had that opportunity and she would like for the NC League of Municipalities to know about this.

Councilmember Dry stated he is proud and pleased for Denico Autry past AHS graduate and graduate of Mississippi State University who signed as a free agent with the NFL's Oakland Raiders. He also stated that young men of this caliber need to be involved with any community outreach such as Public Housing Director Cedric Baldwin was talking about earlier this evening.

Councilmember Alexander commented on Destrik Burns who aided a lady who fell on the sidewalk downtown and broke her arm and hip by calling 911 in an incident that occurred a year ago and that was just in the newspaper recently. He asked that Council consider writing a letter to Mr. Burns thanking him for being a good citizen and invite him to a Council meeting to thank him in person.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, the City Council approved writing a letter to Mr. Burns thanking him for being a good citizen and invite him to a Council meeting to thank him in person

Planning and Community Development Director Keith Wolf came forward and asked Council questions concerning their request for attendance records on boards/commissions member list.

Council is requesting attendance records on all expiring terms over the last year of service.

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