

REGULAR MEETING CITY COUNCIL
April 7, 2014

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

Retirement Certificate- Captain Robbie Lefler, Police Department- 28.67 years of service.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge and unanimously carried, the minutes of the March 17 regular session, March 17 closed session, and March 27 adjourned session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider a text amendment to allow greater density in the R-8A Zoning District for redevelopment and/or revitalization projects. No one spoke for or against.

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

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

(Ordinance 14-12. To allow greater density in the R-8A Zoning District for redevelopment and/or revitalization projects.)

Mr. Andy Fusco and Mr. Matt Schull, ElectriCities of North Carolina came before Council to do a presentation on Solar Photovoltaic. Mr. Fusco is the Vice President of Member Services and Corporate Planning with ElectriCities and Matt Schull is the NCMIPA#1 Vice President of Operations.

Mr. Fusco came forward and stated that he is aware of the City having resident/business interest in placing solar panels at their residents or business location to offset their power bill.

Mr. Fusco gave a PowerPoint presentation on Solar Photovoltaic Interconnection standards and rates. He further stated that any customer in the City can currently do Buy All/Sell All compensation concerning solar for energy credits which deals with avoided costs to their retail customers. Net metering compensation would have to be approved by City Council. There is no federal or state law that would require Albemarle to offer net metering to its customers that generate electricity. NCMIPA#1 recommends "BuyAll/Sell All" compensation between participants and their retail customers and does not recommend net metering because it would result in the City paying more for this power than what it costs to produce electricity itself.

Mr. Fusco answered any questions that Council had.

Mr. Matt Schull came forward and stated that he would request Albemarle to stay with Buy All/Sell All until there is more clarity, then City Council can choose what they prefer with NCMIPA#1 helping in any way the City needs.

Mr. Tom Hearne a resident of Albemarle interested in net metering of his solar for energy credits handed out a summary of his January 22 presentation to Council.

Mr. Hearne would like to install a solar PV system at the home he is renovating, and does not feel that the current kilowatt per hour payment and Renewable Energy Credit payment he would receive from the City are adequate. He would like for the City to adopt a net metering policy such as is provided by the investor owned utilities.

Councilmember Hall came into the meeting at this time.

Mr. Hearne stated that Albemarle residents pay 11 cents and are reimbursed 4 cents in the buy all/pay all compensation. Therefore, Albemarle residents are unable to get very generous tax credits and do something that would be good for both the environment and the utility.

Mr. Hearne stated that residents of New London, Badin, Richfield, Norwood, Oakboro, Aquadale, and Locust can install a system and break even during the 25-year service life. In Albemarle, we cannot come close to doing that which makes it bad for Albemarle residents and bad for Albemarle business.

The Mayor and City Council will take all of this information under consideration.

The City Manager spoke with Mr. Schull concerning Council taking a tour of the Catawba Nuclear Plant and it was confirmed that it would be okay.

Police Chief William Halliburton came before City Council to present the 2013 Police Department Community survey results which was conducted this past autumn.

Chief Halliburton stated that one of the requirements of CALEA Accreditation is that the Albemarle Police conduct a survey of the citizens every three years which covers citizens' opinions of our police officers, the attitude of the officers, and the competence of our officers and how safe the citizens feel in their surroundings and other areas. He handed out to Council a copy of the survey which had been compiled by Criminal Justice students at Stanly Community College. Chief Halliburton thanked Stanly Community College Criminal Justice students and faculty for all their assistance and hard work for putting together the final report.

This survey provided the Police Department with feedback on how the community perceives our department's performance and any areas of recommendations for improvement.

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 concerns about parking issues on Commerce Street.

According to Mr. Almond at the March 17 Council meeting, when the State law changed requiring vehicle taxes be paid at the same time as vehicle registrations, this created a great deal more traffic going to the license plate agency on Commerce Street. Mr. Almond reported that the existing parking lot for this business is no longer sufficient to handle the volume of cars, resulting in people parking on Commerce Street. Mr. Almond says this has created a problem for surrounding businesses as well as a safety issue.

Mr. Almond discussed with Assistant City Manager Michael Ferris about prohibiting parking on both sides of the entire length of Commerce Street, or at least on both sides where the curb and gutter is present. Mr. Ferris took photos at 1:45 on Tuesday, March 11 and it shows that the license plate agency lot is full and cars are parked on Commerce Street, just occurring recently.

Chief Halliburton came forward and stated that he met with his traffic officers and surveyed the Commerce Street area and would recommend no parking 210 feet back from the west side of Commerce Street and NC Hwy 24-27 intersection and no parking 420 feet back from the east side of Commerce Street and NC Hwy 24-27 intersections. This will free up spaces in front of the three businesses being affected by this traffic pattern.

Councilmember Townsend said he is concerned because the taxpaying citizens are the ones that would be most affected by parking prohibitions on Commerce Street.

The City Manager stated if Council wishes to proceed with any parking or other traffic changes, the City Attorney can be authorized to draft an Ordinance.

Councilmember Alexander moved that City Council authorize the City Attorney to draft an Ordinance using Chief Halliburton's recommendations. Councilmember Dry seconded the motion. Voting for the motion were Councilmembers Aldridge, Alexander, Dry, Hall, Hughes, and Whitley. Voting against the motion was Councilmember Townsend. The motion carried.

The Mayor and City Council discussed a request for lowering the speed limit on a portion of North First Street. This issue was laid over from the March 17 meeting. Councilmember Aldridge brought up this issue at a previous Council meeting. Currently the portion of First Street from North Street to Old Charlotte Road (the downtown area) has a speed limit of 20 miles per hour. The balance of First Street north of North Street and south of Old Charlotte Road is the standard City wide speed limit of 35 miles per hour. It was noted that currently, we do not have an adopted policy regarding setting local speed limits. In the past City Council has considered requests for speed limit changes on a case by case basis. If lowering the speed limit on any additional portions of North First Street, this will require the concurrence of NCDOT.

Also, North Second Street has the same 20 mph speed limits as North First, but also has a 25 mph speed limit from Glenn Street southwardly to North Street. Councilmember Hall had suggested that the City Council may want to make both streets have the same limits. The Police Department has looked at the amount of children who cross North Second Street pursuant to Council's request, and have also looked at the actual speeds on North First Street.

Chief Halliburton came forward and stated that during the last two weeks our traffic officers and patrol shifts have monitored the crossing at North Second Street and Montgomery Avenue. Officers did not report seeing any groups of children headed to the YMCA after Central Elementary School lets out in the afternoon. Major Bowen did track this information and did get only one report of one child with a parent using the crosswalk.

Chief Halliburton stated that he asked Captain Huneycutt to utilize our speed trailer in getting a vehicle count and average speed of vehicles on the road in front of the YMCA on First Street. The vehicle count over a six day period was 12,431 and the average speed was 28.2 mph. He said that with there being a stop light at this intersection, in his opinion, there would be no need to change the speed limit near the YMCA on 1st Street.

The Mayor and City Council considered an appointment of alternate to the Rocky River RPO Transportation Advisory Committee.

Councilmember Alexander moved that Councilmember Hall be appointed as the alternate to the Rocky River RPO Transportation Advisory Committee. The motion was seconded by Councilmember Townsend. Voting for

the motion were Councilmembers Aldridge, Alexander, Dry, Hughes, Townsend and Whitley. Voting against the motion was Councilmember Hall. The motion carried.

The Mayor and City Council reviewed a Right-of-Way Encroachment Agreement with Piedmont Natural Gas on McLaughlin Street. Piedmont Natural Gas is requesting Council's action to authorize the City Manager to execute this encroachment agreement with Piedmont Natural Gas for the installation of 90 lineal feet of 2-inch plastic gas main along McLaughlin Street. The proposed route begins at the existing facilities on the south side of McLaughlin and continuing 90 LF westerly along McLaughlin.

Public Works has reviewed the proposed work and has no objections

Public Utilities has reviewed the proposed work and due to the proximity of some COA utilities and services along the route has requested that a representative of the Department be present during the work in these areas.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council authorized the City Manager to execute the Right-of-Way Encroachment Agreement with Piedmont Natural Gas for the installation of 90 LF of 2-inch plastic gas main along McLaughlin St.

The Mayor and City Council reviewed a Right-of-Way Encroachment Agreement with Piedmont Natural Gas on North Second Street / Penny Street to authorize the City Manager to execute a Right-of-Way Encroachment Agreement with Piedmont Natural Gas for the installation of 335 lineal feet of 2-inch plastic gas main from N. Second St. along Penny Street. The proposed route starts from the existing facilities on the east side of N. Second St., crossing N. Second by boring (without casing) for 49 LF, and continuing along the south side of Penny St. to the end of the proposed project.

Public Works has reviewed the proposed work and has no objections.

Public Utilities have reviewed the proposed work and due to the

proximity of some COA utilities and services along the route, have requested that a representative of the Department be present during the work in these areas.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the City Council authorizes the City Manager to execute the Right-of-Way Encroachment Agreement with Piedmont Natural Gas for the installation of 335 lineal feet of 2-inch plastic gas main from N. Second St. along Penny Street.

The Mayor and City Council considered a request of the Central NC Council BSA for an exemption to the City's ordinances to allow instruction and the use of BB rifles, bows and arrows, and sling shots at City Lake Park. Camp dates for exemption will be June 16-20, 2014. Council received a copy of the written request from Byron Jones, District Director and Chris Ratliff, Stanly District Executive with the Central NC Council BSA. City Council has approved similar requests in previous years.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved a request of the Central NC Council BSA for an exemption to the City's ordinances to allow instruction and the use of BB rifles, bows and arrows, and sling shots at City Lake Park.. Camp dates for exemption will be June 16-20, 2014 with the receipt of their Certificate of Insurance.

The Mayor and City Council received an update on the joint Albemarle-Stanly County Branding Initiative. It was noted that we have provided North Star with available studies and marketing materials so they can learn about the community including studies such as the City's land use plan, economic development plan update, and county wide comprehensive recreation plan as examples. Questionnaires have been completed by various groups including the arts, cultural resources, the Chamber of Commerce, and downtown development. North Star is going to be conducting a survey of approximately 400 Albemarle and Stanly County business owners and other leaders which will take place in April.

The City Manager stated that he and the County Manager are putting together a diverse list of local leaders who will participate in individual interviews and focus groups. He said that we are trying to include all age groups including younger individuals who may not always be invited or who may not typically

participate in civic processes such as this. North Star will have a team in Albemarle and Stanly County the week of April 14 to tour the City and County and conduct these interviews and focus groups.

The City Manager asked that City Council take a look at the list of focus group and interview choices and recommend approval to move forward or make changes they would like to see.

Councilmember Hall stated that she would like to see participants from the downtown Albemarle Ministerial Association.

Councilmember Hughes stated that she would like to see a participant added from the Uwharrie Bank.

Councilmember Dry stated that she would like to see a participant added in the construction trade such as a builder.

Upon a motion by Councilmember Dry, seconded by Councilmember Alexander and unanimously carried, the City Council approved the City Manager to move forward with the focus groups and interview schedule as amended.

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

(Ordinance 14-14. To allow concealed weapons in certain areas of City parks and playgrounds as mandated by the NC General Assembly.

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

(Ordinance 14-13. To correct and amend 13-43 to allocate funds received for Information Systems

Servers & Software, Maintenance Contracts, and
Network Study)

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

(Ordinance 14-15. To amend the US Hwy 52 WTP EQ
Basin Project Budget)

The Mayor and City Council considered solicitation of silent auction and door prize items for ElectriCities Annual Meeting. ElectriCities annually solicit donations for conference door prizes as well as for a silent auction for the NC Fallen Lineman's Foundation.

The Mayor and City Council considered attendance at the North Carolina Municipal Power Agency #1 Regional meeting. The options for this meeting are April 29 in Statesville, May 8 in Gastonia, and May 13 in Concord at 6:00 p.m.

Mayor Michael stated that he will speak with the Business Development Task Force at their meeting on Tuesday evening to see if we can move their May 13 meeting to another day and then we can consider the NCMPPA#1 May 13 meeting in Concord.

The Mayor and City Council received information concerning the Community Blood Bank Blood Drive which will take place at City Hall on Monday, April 14.

City Council was reminded of the Community Clean Up event the week of April 7-12 sponsored by the Community Appearance Commission. It was noted that there will be a hotdog lunch on Saturday, April 12 at the Jesse Niven Center. Councilmembers Dry, Hall, and Whitley stated that they will be there to participate.

The Mayor and City Council were reminded that the Business Development Task Force meeting will take place in the Community Room at City Hall on Tuesday, April 8 at 6:00 p.m.

The Mayor and City Council were reminded of the Household Hazardous Waste/Electronics Recycling Event which will take place at the Agri Civic Center on Saturday, April 12 from 9 am to 1 pm.

The Mayor and City Council were reminded of the Stanly Albemarle Gang Eradication Call In which will take place in the Council Chambers at City Hall at 6:00 p.m. on Thursday, April 17.

The Mayor and City Council were reminded of the Tree Planting Ceremony in observance of Arbor Day which will take place at Don Montgomery Park on Thursday, April 17 at Noon.

The Mayor and City Council were reminded that the City Offices will be closed in observance of Good Friday on April 18.

Councilmember Hall stated that she had received a text stating that Charlotte had chosen Senator Dan Clodfelter as their new Mayor.

The City Manager stated that he had passed around a thank-you note from former Councilmember Holcomb in appreciation of the reception in their honor on March 17 and the plaque and key to the City they had received.

The City Manager stated that the 1st Presbyterian Church sent a thank-you note pertaining to the presentation given by Jeff Dick in the Public Utilities Department.

Councilmember Townsend inquired if Ryan's Restaurant is still going to open sometime in the future. It was noted that per Fire Marshal Brian Taylor, their contact is saying they are still coming as of a month ago.

Councilmember Townsend asked Planning and Community Development Director Keith Wolf if he had received any comments from the general public concerning the appearance of the Lion Inn. Mr. Wolf gave a few comments concerning this issue regarding the comments he had received.

Councilmember Hall asked Police Chief Halliburton about the cost to clean up the meth lab explosion at the Lion Inn. Chief Halliburton reported these costs and the responsibility for the clean up are to be assumed by the SBI.

Upon a motion by Councilmember Alexander, seconded by Councilmember Dry and unanimously carried, the Mayor and City Council adjourned to a Closed Session pursuant to NCGS 143.318.11 a) 3, 6 to consult with the City Attorney regarding Pope v. City and Tony Wray Stewart v. Luna et al; and to discuss personnel matters.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held pursuant to NCGS 143.318.11(a) a) 3, to consult with the City Attorney regarding Pope v. City and Tony Wray Stewart v. Luna et al; and to discuss personnel matters and there is nothing to report at this time.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hughes and unanimously carried, the meeting was adjourned until Wednesday, April 16 for a joint meeting with the Planning Board and Zoning Board of Adjustment at Rosebriar Restaurant at 6:30 pm.