

REGULAR MEETING CITY COUNCIL

July 1, 2013

The City Council of the City of Albemarle met in a regular session on Monday, July 1, 2013, at 6:00 p.m. in the City Hall. Mayor Elbert L. "Whit" Whitley presided, and the following Councilmembers were present to-wit: Troy E. Alexander, Martha Sue Hall, Judy U. Holcomb, Ronnie Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

-----

Mayor Whitley called the meeting to order.

-----

The Mayor and Police Chief Halliburton participated in the swearing in ceremony for two new Police Officers. The Albemarle Police Department has recently hired Brittany Chanell Gaddy and Everette Laroy Berry as Police Officer I.

-----

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the June 17 regular session and June 17 closed session minutes were approved as submitted.

-----

A public hearing was held to consider Concord Kannapolis Albemarle (CKA) Waterline Financing bid. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council approved financing with BB&T.

The City Manager stated that the resolution for the CKA Water financing bid will come back before Council when the rate has been approved.

Finance Director Colleen Conroy stated that the City of Concord will be paying their portion of the waterline in cash, Kannapolis will be paying with revenue bonds, and the City of Albemarle with private bank financing.

-----

A public hearing was held to consider financing bids and resolution approval for the Old Whitney Project. No one from the public spoke for or against this matter.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved closing the public hearing.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved the following resolution with BB&T has the low bidder with an interest rate of 1.63%.

(Resolution 13-16. To finance a capital project for renovations to the Old Whitney Pump Station with BB&T.)

-----

Ms. Jana Strukova, 241 North Sixth Street came before City Council to request a street closing for a Neighborhood Watch Block Party. This request is for Saturday, July 20th on Brown Avenue between North Sixth and North Seventh Streets from 3 pm to 8 pm.

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a street closing for a Neighborhood Watch Block Party for Saturday, July 20th on Brown Avenue between North Sixth and North Seventh Streets from 3 pm to 8 pm.

-----

Mr. James Cotton, Wolf 359 Productions came before City Council to request a street closure request on Tuesday, July 9<sup>th</sup> for West Main Street between 2nd Street and 1st Street and North 2nd Street between Main Street and

North Street to work on the production of a short film in downtown Albemarle. The filming will take place between the hours of 6:00 pm and midnight. He has already spoken with NCDOT and Assistant Police Chief Danny Bowen.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council approved a street closure request on Tuesday, July 9<sup>th</sup> for West Main Street between 2nd Street and 1st Street and North 2nd Street between Main Street and North Street between 6-Midnight, to work on the production of a short film in downtown Albemarle.

-----

Mr. Larry Huneycutt, Quality Tobacco came before City Council to request the City provide pro-rated refunds for internet gaming business license fees. It was noted that on January 3 of this year, the NC Supreme Court provided a ruling on the internet gaming / sweepstakes issue. This was discussed by the Mayor and City Council at the January 7 meeting, at which time the City Council voted to enforce the law prohibiting these types of activities and giving the existing operators until January 16 to close. It has been almost 7 months since the ban went into effect and we have received this formal request for a refund.

Mr. Huneycutt came before Council and stated that his business was closed down in January and he asked for a prorated refund for the 2<sup>nd</sup> half of the year that his business has been closed.

Upon questioning, the City Manager stated that the City could make an exception to the Code of Ordinances, but would not recommend changing the ordinance, since this might require refunds in other situations.

Councilmember Holcomb asked the amount of money Mr. Huneycutt is requesting back from the City and it was determined that the amount is \$8,000.

Councilmember Townsend inquired what are other cities are doing about refunds to customers.

Upon questioning, Revenue Collections Supervisor Lindsey Carter came forward and stated that based on what she was seeing on the ListServ in February and March 2013, more than a dozen cities responded they would not be giving a refund out of 30 or so polled.

Councilmember Holcomb asked Ms. Carter to look at the ListServ again for any present new information concerning refunds to video gaming

businesses by other cities. Councilmember Hall stated that we should also contact the League of Municipalities and report back. Councilmember Michael asked that the ListServ, League of Municipalities, and the UNC-CH School of Government be contacted about refunds and report back to Council.

Mayor Whitley asked Mr. Huneycutt to allow Council time to check further into this the next few weeks and get back with him on Council's decision.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council requested that the City Manager and Revenue Collections Supervisor Lindsey Carter check with the ListServ, League of Municipalities, and the School of Government and why those cities chose not to give a refund.

-----

Mr. Joe Canupp came before City Council to request that Council consider taxes on residents with swimming pools due to the loss of lives created by pools. He further stated that in some states there is a \$100 tax on private residential swimming pools.

Mayor Whitley stated that the City will take this request under advisement.

-----

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 reviewed RFP's for disaster debris removal and processing. It was noted that a copy of the proposal was sent to 8 contractors. One contractor called and requested to be added to the bidder list. Several were recommended by colleagues in other municipalities and several were found online. These proposals had a requested return date/time of Friday June 28th at 2:00 p.m. and were not available to place into the agenda package. The RFP calls for contractors to be prepared to mobilize within 48 hours of a Notice to Proceed.

Interim Public Works Director Nina Underwood stated that there were eleven proposals with three bids submitted. One of the bids by J.T. Russell

and Sons, Inc. in Albemarle was deemed non-responsive for lack of required certificate of insurance submittal, however, they were not the low bid.

Ceres Environmental Services, Inc was the low bid of \$18.14 per cubic yard and we request that they be awarded the bid.

Council received a letter concerning the use of Wiscasset property as a temporary disaster debris staging site. The site has been conditionally approved based on the information provided during the investigation and the on-site evaluation as stated in the letter.

Upon questioning by Councilmember Michael concerning Wiscasset being conditionally approved only, Ms Underwood stated that she had been given full approval per Teresa Bradford, Environmental Senior Specialist, Solid Waste Section.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the low bidder, Ceres Environmental Services, Inc. with the bid of \$18.14 per cubic yard to start on Thursday, July 11 for the debris removal contract.

-----

The Mayor and City Council reviewed RFP's for debris removal monitoring. It was noted that debris monitoring is a requirement for reimbursement of State or Federal funds and an outside firm, not associated with the debris removal contractor, must be utilized. Also, in order to receive reimbursement for debris removal under a state or federal disaster declaration, the debris contractor has to be monitored by an independent party.

Interim Public Works Director Nina Underwood stated that were two bid responses and Council reviewed both of them. The low bidder was Johnson Environmental & Disaster Consulting Services out of Wilmington, NC. Ms. Underwood recommended awarding the bid to the low bidder, Johnson Environmental from Wilmington, North Carolina. Johnson Environmental is prepared to begin the process of hiring and training local employees to assist with their contract.

Upon a motion by Councilmember Townsend, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the low bidder, Johnson Environmental & Disaster Consulting Services out of Wilmington, NC for the debris monitoring contract to start Thursday, July 11.

Mayor Whitley stated that the general public will need to know that debris materials must be able to be lifted and moved to the right of way for pickup and be reached from equipment at the street. The contractors cannot come onto residents property to cut up or move debris to the curb that is the resident's responsibility.

Councilmember Michael stated that the press releases from City Manager Raymond Allen and Assistant City Manager Michael Ferris were great in making the public aware of the situation.

The City Manager stated that we can create a door hanger for homeowners with excessive cleanup and the resident's responsibility and the timeline involved.

-----

The Mayor and City Council considered setting a public hearing for a zoning map amendment to rezone 202 Northeast Connector (Tax Record 3884) from R-10 to GHBD. On June 25, 2013, the Planning Board recommended approval of a request to rezone 202 Northeast Connector (Tax Record 3884) from R-10/Single-Family Residential and GHBD/General Highway Business District to GHBD. This request is from Joey Calloway, Amy C. Yow, and Tamara C. Tucker. The front portion of the parcel is currently zoned R-10 and the back portion is zoned GHBD.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a public hearing on Monday, August 5 concerning a zoning map amendment to rezone 202 Northeast Connector (Tax Record 3884) ) from R-10/Single-Family Residential and GHBD/General Highway Business District to GHBD.

-----

The Mayor and City Council were informed of a thank you letter from Stanly County Historic Preservation Foundation. The City received a thank you letter regarding the current year appropriation recently sent to the Historic Preservation Foundation.

-----

The Mayor and City Council were reminded that City offices will be closed on Thursday, July 4 in observance of the Independence Day Holiday

-----

Mayor Whitley thanked Parks and Recreation Director Toby Thorpe and his staff for a great job on the 50<sup>th</sup> Anniversary Celebration at City Lake Park this past Saturday, June 29 attracting 700 people throughout the day.

-----

Councilmember Michael echoed thanks to Parks and Recreation Director Toby Thorpe. Also Mr. Michael thanked all City departments helping out during the storm as well as handling their regular jobs. He asked that Council consider doing something extra this year for the City employees for all the extra hard work.

-----

Councilmember Townsend wished everyone a happy 4<sup>th</sup> of July.

-----

Councilmember Hall stated that she has two structures to add to the list of nuisance properties to consider for demolition and gave their location.

- 1) Fish Market on NC Hwy. 73
- 2) Efird Street behind Palermos

Councilmember Hall asked who owns Hearne Park and the building there. She said the scout building was totally demolished due to the microburst on June 13. The City Manager stated that the City owns the Park but not the building at Hearne Park. He also stated that the scouts the building insured.

Councilmember Hall addressed the 19 firefighters killed in the central Arizona wildfire.

Councilmember Hall stated that she had spoken with Annette Starnes, owner of the Good-O. Ms. Starnes is still wanting pennant flags there. Ms. Hall told her she would mention this at the City Council meeting tonight but the request is not in the scope of the City ordinance.

Councilmember Hall also thanked Parks and Recreation Director Toby Thorpe on a great 50<sup>th</sup> Anniversary Celebration.

-----

Councilmember Neel stated that the traffic lights at Second Street and Montgomery Avenue as well as North Street and Depot Street were taken down after the storm. It was further discussed about continuing to leave those down.

-----

Councilmember Underwood mentioned a burned house belonging to Richard Huneycutt on NC Hwy. 73. Planning and Development Director Keith Wolf stated that Mr. Huneycutt was doing repairs on his house on NC Hwy. 73 when the County made him stop due to not having a permit. Mr. Wolf stated that this house can be placed on the list for minimum housing code violations.

-----

Councilmember Alexander stated what a great job the City staff, City crews and other contracted crews did during the microburst storm.

-----

Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb and unanimously carried, the meeting was adjourned.