

REGULAR MEETING CITY COUNCIL  
July 15, 2013

The City Council of the City of Albemarle met in a regular session on Monday, July 15, 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.

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Mayor Whitley called the meeting to order.

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The Mayor and City Council presented the NC Department of Labor Safety Awards as follows:

**Silver Awards:**

Fire Department- Second Consecutive Year  
Parks and Recreation Department- First Year  
Public Works Department- First Year

**Gold Awards:** Second Consecutive Year

Administration, Community Development, Engineering and Public Housing

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the June 28 adjourned session and July 1 regular session were approved as submitted.

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Ms. Lisa Loftin came before City Council to request a City of Albemarle peddler license. Her first event will be the National Night Out on August 6, 2013 for the Police Department. If this works out, she is planning to participate in other special events throughout the City.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the Council approved a peddler license for Lisa Loftin.

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Mr. Joe Canupp came before City Council to request Slow Children at Play signs on Lowder Street where he lives. He stated he is located between Austin Street and Love Street on Lowder Street and will need two signs.

The City Manager stated that City Council will have to first vote for the approval of the signs. If approved, the costs of the signs without supplying a post would be \$57.86 each and if a post is supplied, they will be \$71.88 each.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the Council approved Children at Play signs on Lowder Street requested by Joe Canupp.

The City Manager asked that Mr. Canupp come by his office with payment for the two signs when he is ready to move forward.

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Mr. Shawn Gould and his daughter came before City Council concerning a charge his daughter received from the Court system in a vehicle accident. His daughter was a passenger in a vehicle that hit a motorcycle when turning. Mr. Gould stated that his daughter has been charged with a Class H Felony with \$5,000 bond. She was photographed and finger printed and they have spent \$250 in lawyer fees. This case was dismissed in court on June 24 and he would like to get this charge off of her record. He further stated his daughter is 18 years old and going to college this fall.

Police Chief William Halliburton came forward and stated that this was a felony hit and run situation. The charges were incurred due to the driver and Mr. Gould's daughter fleeing the scene of the accident. The person on the motorcycle was injured and they ran. The magistrate determines the charges and the police have nothing to do with what happens or if the case is dismissed at that point.

Councilmember Michael stated this is a civil case involving the magistrate and district attorney.

Councilmember Hall stated that she had worked in the court system for 30 years. The magistrate determines the charge based on the police information. Council cannot do anything as Councilmember Michael has stated.

Mayor Whitley stated that he wishes Council could help him and his daughter and he and Council understand his situation.

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Mayor Whitley noted that the monthly administrative reports were in the agenda package.

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The Mayor and City Council received a Monthly Report from City Attorney David Beaver.

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The Mayor and City Council considered a request for a pro-rated refund of internet gaming business license fees. This item was discussed and held over from the July 1 meeting. The City Manager noted that the Mayor and City Council requested that the NCLM and UNC-CH School of Government be contacted once again to determine if their positions on this matter had changed. Revenue Collections Supervisor Lindsay Carter was asked to contact other municipalities to determine how they are handling the issue of refunds for these businesses. Council received the results of her research and contacts are provided in the agenda package.

Councilmember Neel asked that Mr. Larry Huneycutt with Quality Tobacco who requested a pro-rated refund for internet gaming business license fees at the July 1 Council meeting be given the information brought forth this evening.

Upon questioning, City Attorney David Beaver stated that he agrees with the NCLM and UNC-CH School of Government, which both recommend against refunds.

Mr. Larry Huneycutt with Quality Tobacco was present and came forward to ask Council to look further into more cities and towns of North Carolina to see how they are handling refunds on internet gaming business license fees and this not be voted on tonight but left open until more cities could be looked at.

Councilmember Neel asked that Mr. Huneycutt supply the City with information concerning more cities and how they are handling refunds on internet

gaming business license fees. Councilmember Holcomb stated that he can bring back before Council with any new information that he feels relevant.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council denied the request of a pro-rated refund concerning internet gaming business license fees.

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The Mayor and City Council received a status report on the storm recovery efforts. The City met with the Ceres Project Manager, Matt Sharpe and the Debris Monitoring firm owner, Barry Johnson on Tuesday of last week, to begin debris removal and monitoring on Thursday, July 11.

The City Manager noted that we have made a significant effort to get the word out to citizens about the time frame for debris removal and their responsibilities including news releases that have been covered on local radio and in the newspaper; notices on the City's website and Facebook page; an announcement that was disseminated to churches by the Stanly County Ministerial Association and a Blackboard Connect telephone message that went out on Friday evening, July 5.

Interim Public Utilities Director Nina Underwood came before Council and stated that the debris removal has been going on since Thursday, July 11. She handed out a map being used which depicts 10 zones of the City and what zones they are currently working in. She also stated that Matt Sharpe with Ceres Environmental and owner Barry Johnson with Johnson Environmental are here tonight and can answer any questions Council may have. Ms. Underwood stated that the Public Works staff had evaluated the entire area first and requested the hardest hit areas near the hospital be picked up first. They are removing around 50 loads a day using six vehicles and have collected approximately 11,000 cubic yards to date.

Councilmember Neel asked that the staff advertise when the City is ready to start the second cycle of pickup to inform residents.

Upon questioning, Mr. Sharpe with Ceres Environmental stated that the chips made from the debria will not be suitable for homeowner use.

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The Mayor and City Council considered adoption of resolutions of appreciation. The City Manager noted that these resolutions are to thank the organizations and individuals who responded to assist the City with electric system restoration following the microburst on June 13:

City of High Point  
City of Wilson  
Town of Wake Forest  
North Carolina Forestry Service  
Asplundh Tree Expert Company  
Lee Electrical Construction  
Pike Electric

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander and unanimously carried, the City Council approved of resolutions of appreciation.

(Resolution 13-17. (To thank the City of High Point for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-18. To thank the City of Wilson for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-19 To thank the Town of Wake Forest for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-20 To thank the NC Forestry Service for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-21 To thank the Asplundh for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-22 To thank the Lee Electrical for responding and assisting the City with electric system restoration following the microburst on June 13)

(Resolution 13-23. To thank the Pike Electric for responding and assisting the City with electric system restoration following the microburst on June 13)

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The Mayor and City Council considered a recommendation of the ADDC Board of Directors regarding board vacancy to appoint Kent Harkey, 224 North Second Street, Albemarle to the Board of Directors. Mr. Harkey also serves on the City's Planning Board, but there is no regulation that prohibits serving on two boards. Whether to allow this or not is at the sole discretion of City Council.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the City Council approved appointment of Kent Harkey, 224 North Second Street, Albemarle to the ADDC Board of Directors.

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The Mayor and City Council considered approval of tentative dates for the Planning Board dinner meetings for the remaining FY 2013-2014 to be held at 6:30 at the Rosebriar Restaurant. They are currently scheduled for the third Wednesday of the first month in each quarter. If these dates are good for Council, they will be scheduled with the restaurant

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the City Council approved tentative dates for the Planning Board dinner meetings for the remaining FY 2013-2014 to be held at 6:30 at the Rosebriar Restaurant as follows: October 16, 2013, January 15, 2014, and April 16, 2014.

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The Mayor and City Council received information concerning bids being awarded for demolition on three houses in minimum housing code process. It was noted that contracts have been executed to have three of the four structures in the 2012/2013 process demolished. The bid was awarded to Joe Burris. Mr. Burris has experience as he won the bid in the last process and removed the structures last year. The three structures in the current bid are:

- 416 Second Avenue
- 1452 Hickory Avenue
- 1245 Wendover Street

No bid was received on 600 South Second Street due to the complexity of the demolition. The City is working with James Luster to find new bidders and rebid this job. In the meantime, we will be moving forward on the three listed above and asbestos abatement will be completed first and then the demolition process can begin.

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The Mayor and City Council received information which updates the lists of City boards and commissions.

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The Mayor and City Council received information from Lee Boone, Morgan Bunch, and Witt Snuggs, boy scouts with Troop #82 and how they are working on their Citizenship in the Community badge. This is also required in working toward their Eagle.

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Councilmember Michael asked where Council stands concerning Economic Development. The City Manager stated that Chairman Russ Sharples with the City's Economic Development Task Force went before the Stanly County Board of Commissioners and he has not heard anything from him recently or if he has received a County response but will contact him this week.

Councilmember Michael also asked if the City is going to adopt the Stanly County Animal Control ordinance. The City Manager stated that the City is in the process of reviewing the County ordinance and he has spoken with Stanly County Health Director, Dennis Joyner. Mr. Joyner has offered to come before Council on Monday, August 5 to answer any questions or concerns of Council concerning the Stanly County Animal Control ordinance.

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Councilmember Holcomb stated that there is still a basketball goal in the street on Peachtree Street.

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Councilmember Townsend congratulated the Albemarle AAU Men's Basketball Team who played in the state championship games at Myrtle Beach, SC. There were 25 teams and they came in second.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the City Council approved the Albemarle AAU Men's Basketball Team using the EE Waddell Center and waiving the fee this coming Sunday, July 21 for their celebration.

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Councilmember Hall stated that this coming Wednesday, July 17 at 4 pm in the City Community Room, Centralina Council of Governments' CONNECT Our Future are meeting. These are the people that went to the 2050 seminar in June at Charlotte. Ms. Hall asked that Council try to attend if they are interested.

Councilmember Hall thanked Lee Boone, Morgan Bunch, and Witt Snuggs, boy scouts with Troop #82 and stated that behind each Eagle are parents pushing them.

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Councilmember Neel stated to Lee Boone, Morgan Bunch, and Witt Snuggs, boy scouts with Troop #82, "The most important job in a Democracy is the job of a citizen."

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Councilmember Alexander congratulated Lee Boone, Morgan Bunch, and Witt Snuggs, boy scouts with Troop #82.

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The City Manager spoke of the EQ Basin incident this past Sunday morning. He said a temporary tear gave way at the base of the basin and lost



800,000 gallons of water crossing US Hwy. 52 and Knollwood Circle. The contractor will be taking care of the damages.

Upon questioning, the City Manager stated that the contractor over the Niven Center has only a few small items left to finish. The project should be complete by mid August.

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Councilmember Holcomb stated that she was glad to receive the memo from the City Manager that Ryan's Steak House is opening back up.

Mayor Whitley stated that he had called them today and congratulated them on opening the Albemarle restaurant again. Ryan's had went into bankruptcy and is now going to open 20 new restaurants. The Albemarle restaurant will be the first to reopen and be remodeled.

Councilmember Holcomb asked that the City Manager send them a letter of thanks.

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the Mayor and City Council adjourned to a Closed Session pursuant to NCGS 143.318.11(a) 5 to discuss real estate transactions.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Whitley announced that a Closed Session was held pursuant to NCGS 143.318.11(a) 5 to discuss real estate transactions and stated there is nothing to report at this time.

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Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the meeting was adjourned to Wednesday, July 17 at Rosebriar Restaurant at 6:30 pm for a joint meeting with the Planning and Zoning Board and Zoning Board of Adjustment.