

REGULAR MEETING CITY COUNCIL

June 3, 2013

The City Council of the City of Albemarle met in a regular session on Monday, June 3, 2013 at 6:00 p.m. in the City Hall. Mayor Elbert L. “Whit” Whitley, Jr. 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.

The Mayor delivered the invocation.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the minutes of May 20 regular session and May 20 closed session minutes were approved as submitted.

A public hearing was held to consider a conditional use permit to allow a bed and breakfast at 719 West Main Street. No one from the public spoke for or against this matter.

Mayor Whitley swore in Planning and Community Development Director Keith Wolf to answer any questions from the City Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the public hearing was closed.

The City Council considered the following finding of facts as read aloud by Mayor Whitley:

1) Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2) Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the use meets all required conditions and specifications.

3) Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

4) Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

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

(Resolution 13-08 – To grant a Conditional Use Permit to allow a bed and breakfast at 719 West Main Street)

A public hearing was held to consider allowing crematories as a permitted use in the GHBD/General Highway Business District. No one from the public spoke for or against this matter.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 13-23) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT IT’S CODE OF ORDINANCES BE AMENDED BY MAKING A TEXT AMENDMENT TO ITS ZONING ORDINANCE BY ADDING “CREMATORIES” AS A PERMITTED USE TO THE GHBD/GENERAL HIGHWAY BUSINESS DISTRICT AND BY DEFINING WITH PARTICULARITY IN SUCH CLASSIFICATION THE PERMITTED USE OF A “CREMATORY”, passed first reading.

A public hearing was held to consider to consider rezoning 805 West Main Street from R-O/Residential-Office and R-10/Single Family to R-O/Residential Office. No one from the public spoke for or against this matter.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Alexander, seconded by Councilmember Michael, and unanimously carried, an Ordinance entitled (Ordinance 13-24) “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 R-O/ RESIDENTIAL OFFICE DISTRICT THAT REAL PROPERTY AT 805 WEST MAIN STREET, ALBEMARLE, NC 28001”, passed first reading.

A public hearing was held to consider to consider rezoning the property at 1919 West Main Street from R-10/Single Family Residential and R-8A Multi-Family Residential to GHBD. 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 public hearing was closed.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 13-25) “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 AND R-8A/MULTI-FAMILY RESIDENTIAL DISTRICT TO GHBD/GENERAL HIGHWAY BUSINESS DISTRICT THAT REAL PROPERTY AT 1919 WEST MAIN STREET, ALBEMARLE, NC 28001”, passed first reading.

The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 13-19. To enforce minimum housing code violations at 416 Second Avenue.)

(Ordinance 13-20. To enforce minimum housing code violations at 600 S Second Street.)

(Ordinance 13-21. To enforce minimum housing code violations at 1245 Wendover Avenue.)

(Ordinance 13-22. To enforce minimum housing code violations at 1452 Hickory Avenue.)

The Mayor and City Council considered Ordinance 13-18, to approve the City of Albemarle Fiscal year 2013/214 Budget on second Reading.

The City Manager noted that this budget ordinance was adopted on first reading at the May 20 meeting and there has been some discussion of delaying adoption of the budget until the legislature passes the state budget since some proposals would affect state collected local revenues. He also stated that once the budget is adopted on second reading, Council will no longer be able to change the tax rate for FY 2013-2014, so if the Council thinks it might want to raise the tax rate to make up for any loss of revenues, they may want to delay adoption until the June 17 meeting of Council to see if we know more about the budget at that time.

It was determined by consensus to layover the 2nd reading of the budget ordinance until the June 17 City Council meeting.

The Mayor and City Council discussed appointments to City Boards and Commissions. The City Manager noted that only the Planning Board and the Board of Adjustment have term limits.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Michael and unanimously carried, the following reappointments were made to the Planning and Zoning Board:

New appointment
Kent Harkey (3 yr. expiring term, July 2016)

Reappointment
Curtis Ragsdale (3 yr. expiring term, July 2016)

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb, the following appointments were made to the Zoning Board of Adjustment:

Reappointment
Rev. Harold McDonald - Term Expiring 2016
Bill Aldridge (regular board) - Term Expiring 2016

Alternate Reappointment
Terry Blue (1st alternate) - Term Expiring 2016
Dean Speight (2nd alternate) - Term Expiring 2015

Alternate Appointment
Perry Moser (3rd alternate) - Term Expiring 2015

Voting in favor of the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Neel and Underwood. Voting against the motion was Councilmember Townsend.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Albemarle Downtown Development Corporation:

Reappointment
Tamara Singletary - Term Expiring 2016
Betty Crook - Term Expiring 2016

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the following reappointments were made to the Community Appearance Commission:

Reappointments:

Dr. J. C. Boone (term expiring July 2016)

Donna Gaither (term expiring July 2016)

New Appointments

Lee Snuggs (term expiring July 2016)

James R. Policastro (term expiring July 2016)

Brandi Gutierrez (term expiring July 2014)

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the following appointments were made to the Tree Commission.

Reappointment

Dr R.V. Liles, Jr. - (term expiring July 2016)

New Appointment

Sandra Rushing - (term expiring July 2014)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the following appointments were made to the Albemarle Greenway Commission.

Reappointment

Julie Snyder Curtis (term expiring July 2016)

Lawrence Durrett (term expiring July 2016)

New Appointment

David Dulin (term expiring July 2016)

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the following appointments were made to the Albemarle Historic Resource Commission.

Reappointments;
Christy Stoner (term expiring July 2016)
Zelma Eudy (term expiring July 2016)
John Williams (term expiring July 2016)

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood and unanimously carried, the following appointments were made to the Electoral District members of the Parks and Recreation Advisory Board:

Reappointments
Shawn Baldwin Electoral District (2 yr - term expiring July 2015)
Steve Megson School Districts (2 yr - term expiring July 2015)
Diane Billings At-Large (1 yr - term expiring July 2014)
Rick Johnson At-Large (1 yr - term expiring July 2014)

New Appointment
Katie Peckham Electoral District (2 yr expiring July 2015)

The Mayor and City Council decided by consensus to make appointments to the Housing Board of Appeals at the next City Council meeting on Monday, June 17.

The Mayor and City Council considered an electric rate adjustment resolution. This will implement the 4.5% rate adjustment needed to make the City whole from the wholesale rate increase we are receiving. The minimum and demand charges will not increase.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the following Resolution was duly adopted:

(Resolution 13-09, To increase electric rates 4.5% effective July 1, 2013.)

The Mayor and City Council considered a water and sewer rate adjustment resolution. This is for the 5% rate adjustment proposed in the budget to cover increased debt service for the City's capital improvement projects and for increased operating costs. The minimum charges and special sewer charges will not increase.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the following Resolution was duly adopted:

(Resolution 13-10, To increase water and sewer rates 5% effective July 1, 2013)

The Mayor and City Council considered approval of write-offs in the Department of Public Housing. The write-offs are for the period of July 1, 2012 through December 31, 2012. Council received a spreadsheet and memo from Office Manager Connie Haithcock to Assistant City Manager Michael Ferris. The amount of the write-offs is \$1,326.41.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved write-offs in the Department of Public Housing in the amount of \$1,326.41.

The Mayor and City Council considered a close out in the Department of Public Housing Capital Fund Project with Matt Construction. It was noted that this project was for interior renovations at Amhurst Gardens two story units and is now complete. City Council can approve the final contract as adjusted to reflect one change order (made within budgeted contingency) and the net decrease in the final contract amount as it came in under budget.

Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend and unanimously carried, the City Council approved a close out in the Department of Public Housing Capital Fund Project with Matt Construction.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 13-26) "AN ORDINANCE TO AMEND FY 2012-13 BUDGET" passed first reading.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 13-27) "AN ORDINANCE TO AMEND FY 2012-13 BUDGET" passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael, and unanimously carried, an Ordinance entitled (Ordinance 13-28) "AN ORDINANCE TO AMEND GRANT ORDINANCE 09-39 FOR A GRANT PROJECT ORDINANCE RELATING TO IMPROVEMENTS AT THE LONG CREEK WASTEWATER TREATMENT PLANT " passed first reading.

The Mayor and City Council considered a resolution to accept a NC Clean Water Revolving Fund Loan in the amount of \$4,113,000 for the Sewer Rehabilitation Project. The City Manager noted that this is for the low interest State Loan to replace the large sewer line which is the location of a large amount of inflow and infiltration into our wastewater system.

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

(Resolution 13-11, To accept a State Revolving Fund Loan for sewer line rehabilitation.)

The Mayor and City Council considered a request of Piedmont Natural Gas for a gas main extension for North Sixth Street and Park Ridge Road. The City Manager noted that this line will be for a total distance of 535 feet beginning at the intersection of McCurdy Avenue and North Sixth Street and continuing onto Park Ridge Road.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council approved a request of Piedmont Natural Gas for a gas main extension for North Sixth Street and Park Ridge Road.

The Mayor and City Council considered a resolution in support of tax exempt municipal financing. The City Manager noted that Electricities of North Carolina has asked its member cities to consider adopting this resolution recognizing the critical importance of tax exempt financing to local governments.

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

(Resolution 13-12, To support the preservation of tax-exempt municipal financing.)

The Mayor and City Council considered a letter of congratulations to Kellie Pickler. The City Manager noted that Councilmember Holcomb requested a letter be drafted for City Council's consideration.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the City Council approved a letter of congratulations to Kellie Pickler for becoming the champion of this season's competition of Dancing with the Stars and winning the Mirror Ball Trophy.

Councilmember Holcomb stated that she will be getting an address for Kellie this coming week. She also stated that the ADDC is meeting to determine other ways to congratulate Kellie, and she will be back before Council with this information.

The Mayor and City Council considered approval of a proclamation for National Night Out. It was noted that on Tuesday, August 6th, the Albemarle Police Department in partnership with law enforcement and other emergency operation departments across Stanly County will host its first National Night Out event.

Police Chief Halliburton stated that National Night Out is sponsored by the National Association of Town Watch and will involve over 15,704 communities representing over 37.5 million people. The event will be held in the Belk's parking lot from 6 pm to 10 pm on this date.

National Night Out is designed to (1) heighten crime and drug prevention awareness, (2) Generate support for and participation in, local anticrime efforts and (3) Strengthen community spirit and police community relationships. This event will have several vendors including safe kids of Stanly County. There will be live entertainment, games, police educational demonstrations, and local food vendors

Upon a motion by Councilmember Michael, seconded by Councilmember Hall, and unanimously carried, the City Council approved a proclamation for National Night Out.

The Mayor and City Council discussed a proposal to modify the Kellie Pickler sign at Courthouse Square Park. Councilmember Holcomb requested that this item be placed on the agenda for consideration by City Council. It was noted that Ms. Holcomb proposes that the City attach an informational strip at the bottom of the Kellie Pickler sign in recognition of winning the Dancing With The Stars competition.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved attaching an informational strip at the bottom of the Kellie Pickler sign at Courthouse Square Park in recognition of her winning the Dancing With The Stars competition.

The Mayor and City Council considered a proclamation making June 2013 Lyme Disease Awareness Month. Mr. Dave Tierney of Cary sent in the attached email requesting the City approve this proclamation of making Lyme Disease Awareness Month for 2013.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved a proclamation for Lyme Disease Awareness for the month of June 2013.

The Mayor and City Council received a copy of the proposed FY 2013-2014 Albemarle ABC System Budget. The ABC Board will be holding a public hearing for this budget on June 12 in the Community Room at City Hall.

The Mayor and City Council received clarification concerning the Human Resources April monthly activity report. Council also received a copy of the memo from HR Director Robert Whitley, which is a follow up to the question from the last City Council meeting from Councilmember Townsend regarding the number of direct deposits shown on the HR monthly report.

Councilmember Hall congratulated Fire Chief Shawn Oke and his department competing in the Liftmaster Event at Pole Day at the Charlotte Motor Speedway on May 26.

Councilmember Hall wanted Council to congratulate South Stanly on winning the State 1-A Baseball Championship for 2013 and West Stanly on winning the State 2-A Softball Championship for 2013.

Ms. Hall stated that she will be attending the CONNECT 2050 event tomorrow. If anyone is interested in attending with her, she will be leaving at 6 am.

Councilmember Neel stated that one of the City's water plant operators' wife has left for Afghanistan for one year.

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