

REGULAR MEETING CITY COUNCIL
May 20, 2013

The City Council of the City of Albemarle met in a regular session on Monday, May 20, 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.

Mayor Whitley stated that he will not be running for re-election this year in November. He said that, “Having served 4 years on the City Council and 16 years as Mayor, I am announcing that I will not seek re-election in the November 2013 election.”

“I love Albemarle and Stanly County. It has been a sincere honor to have served. I thank the people of Albemarle for giving me this opportunity.”

“The City is in good shape. Albemarle has been fortunate in having a great group of employees and an administration and Council that have used good judgment in making decisions for the City and its future.”

“In closing, I thank you for your trust in me. I will surely miss being here!”

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of the May 6 regular session, May 6 closed session, May 7 adjourned session, and May 9 adjourned session minutes were approved as submitted.

A public hearing was held to consider approval of the proposed FY 2013/2014 budget. No one from the public spoke for or against this matter.

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

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 13-18) "2013-2014 BUDGET ORDINANCE FOR THE CITY OF ALBEMARLE, NORTH CAROLINA" passed first reading.

Mayor Whitley stated that item #21 of the agenda recognizing Officer Josh Laws, Stanly County Officer of the Year will now be presented. He asked that Police Chief Halliburton and Officer Josh Laws come forward.

Chief Halliburton stated that Officer Laws had previously been presented with this award at the ceremony dinner on May 16. The nominations had previously been reviewed by an outside group (10-13 Club from Charlotte who are retired NYPD officers) and one person is chosen as the award recipient. The award is called the Forever-Blue Forever True Award. Chief Halliburton stated that he would also like to present him with the Chief's Certificate of Excellence tonight in front of the Mayor and City Council.

Mr. Joe Canupp came before City Council as an unannounced delegation to request that Council consider something he had observed by local government in Santa Monica, Ca dealing with fines for smoking at sidewalk cafes.

Mayor Whitley stated that Council will take this under advisement.

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

Councilmember Townsend asked Finance Director Colleen Conroy how on the monthly departmental reports that the total number of employees is 311 and the number of direct deposits is 358.

Ms. Conroy came forward and stated that this report is produced and supplied by the Human Resource Department and she will ask and let Council know.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the following Ordinance passed second reading and was duly adopted:

(Ordinance 13-15. To authorize the Waste Water Treatment Plant Phase 2 renovations known as the Headworks.)

(Ordinance 13-16. The Water/Sewer Operations Budget Amendment to transfer funds to the Curl Tail Creek Project Budget.)

(Ordinance 13-17. To authorize the Capital Project Budget for Curl Tail Creek Waterline Relocation.)

The Mayor and City Council discussed the Department of Public Housing Agency Plan, where Council had requested information from other Housing agencies as to how they are addressing HUD suggestions concerning occupancy standards for Section 8 Voucher holders and income updates. Section 8 Housing Specialist Rachel Hough contacted other agencies, and Council received a summary of what she found.

Assistant City Manager Michael Ferris stated that at the April 15 City Council meeting, the City Council requested staff research other housing agencies to see how they are addressing these issues on the following occupancy standards for Section 8 voucher holders from HUD:

- 1) Clarification in the language concerning resident grievance proceedings.
- 2) HUD suggesting that we begin requiring two people per bedroom, regardless of age or gender for Section 8 Voucher holders.
- 3) HUD suggesting we require income re-examinations every 60-days for those on Section 8 who pay the minimum rent

Mr. Ferris made the following recommendations:

1) City request to having a panel for mediating grievances versus having one person mediate for this procedure. This language will be changed to accommodate a panel instead of an individual for grievance procedures.

2) It does not appear that any agency we have found requires two people per bedroom for all circumstances. They all seem to have a policy identical to what we currently have in place which is 2 people per bedroom of the same gender under 18 years old, opposite gender sharing bedroom only up to the age of 5. Any adult 18 years or older would have a separate bedroom unless there is a spouse in the household.

3) We also have not found any agency that requires income verification every 60-days. Quarterly updates were the most frequent we encountered. We do feel like 60-day updates would be burdensome to the residents and an additional workload on Section 8 staff that would take away from time that could be spent on other issues more important to the Voucher holders. I think it is important to point out that we do require Voucher holders to notify us as soon as they have a change in income status. This self-reporting requirement, along with the annual financial re-exams should keep income information up to date.

Mr. Ferris answered any questions that Council had.

Upon a motion by Councilmember Michael, seconded by Councilmember Neel and unanimously carried, the City Council approved the entire Agency Plan including the use of a Hearing Panel for residents grievance, keeping the room allocation policy the same for Section 8, and performing income verification updates every six months for those on Section 8 paying the minimum rent.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 13-19) “AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED”, passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, an Ordinance entitled (Ordinance 13-20) “AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED,” passed first reading.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, an Ordinance entitled (Ordinance 13-21) “AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED,” passed first reading.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, an Ordinance entitled (Ordinance 13-22) “AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED,” passed first reading.

The Mayor and City Council considered a proclamation declaring June Small Cities Month. Councilmember Hall requested this be placed on the agenda for Council's consideration. Council received a copy of the proclamation and a news release regarding this.

Upon a motion by Councilmember Michael, seconded by Councilmember Alexander and unanimously carried, the City Council approved a proclamation declaring June Small Cities Month.

(Proclamation)

The Mayor and City Council considered approval of five change orders concerning the Niven Center renovation in the amount of \$7,587.98. Council received explanations of the requests in the summary information they received from Toby Thorpe. Mr. Thorpe stated that all of these can be covered within the contingency built into the project budget.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved five change orders concerning the Niven Center renovation in the amount of \$7,587.98 and covered within the contingency built into the project budget.

The Mayor and City Council considered a request of the Central NC Council Boy Scouts of America (BSA), for an exemption to the City's ordinances to allow instruction at City Lake Park. Council received a copy of the written request from Mr. Burris with the Central NC Council. The City Manager noted that City Council has approved similar requests in previous years. They will be doing BB rifles, bows and arrows, and sling shot art.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved Central NC Council Boy Scouts of America (BSA), for an exemption to the City's ordinances to allow target practice and instruction at the Boy Scouts Camp the week of June 17-21, 2013 at City Lake Park.

The Mayor and City Council considered setting a public hearing to consider a conditional use permit to allow an electric delivery station at 690 Central Avenue. It was noted that at a called meeting of the Planning Board on April 7, 2013, the Board approved a motion unanimously to recommend approval of a conditional use permit to allow an electric delivery station in an R-8A zoning District and located at 690 Central Avenue in Albemarle (Taxrec 31411).

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council set a

public hearing to consider a conditional use permit to allow an electric delivery station at 690 Central Avenue on Monday, June 17.

The Mayor and City Council considered a proclamation for Motorcycle Safety and Awareness Month. Councilmember Hall received a request for the City Council to consider this proclamation, and requested it be placed on the agenda for Council's consideration.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved a proclamation for Motorcycle Safety and Awareness Month.

Councilmember Hall asked that a copy of this proclamation be mailed to Kevin Furr.

(Proclamation)

The Mayor and City Council discussed having a status report on legal matters from the City Attorney. The City Council is requesting this report be provided on the second meeting of each month.

City Attorney David Beaver came before Council and handed out a copy of his monthly report for May, 2013. He briefly covered the items including public hearing notices submitted to the newspaper, telephone conference with Mark Lowder, and he stated that all waterline easements for the Concord Kannapolis Albemarle waterline have been recorded.

Mr. Beaver also provided an update on the work to acquire and demolition the Ponds house n Alfred Street. He reviewed where the matter stood and the inssues he is trying to get resolved concerning the bankruptcy filing.

The Mayor and City Council were to discuss appointments for expiring terms on boards and commissions.

Councilmember Michael asked that staff make a list of all terms expiring, if they are eligible to serve another term, to call each member with an

expiring term that is eligible to continue serving to see if they would like to serve another term and bring those names back before Council at the next meeting.

The City Manager named two members with expiring terms that are not eligible to serve another term as follows:

Curtis Ragsdale on the Planning and Zoning Board
Kent Harkey on the Zoning Board of Adjustment

These appointments will be considered at the June 3, 2013 Council meeting.

The Mayor and City Council considered attendance at the Stanly County Council of Governments. This is scheduled for Tuesday, May 28 in Oakboro.

The Mayor and all City Councilmembers affirmed their attendance.

The City Manager will have a van ready to leave at 6 pm for the May 28 meeting.

Councilmember Michael stated that Mayor Whitley's announcement earlier this evening not to run for re-election caught him by surprise. Councilmember Michael further stated that he had always intended to run for Mayor when Mayor Whitley stepped down. He announced that he will be running for Mayor in November, 2013.

Councilmember Holcomb thanked Parks and Recreation Director Toby Thorpe for the Greenway and bridge tour on Thursday, May 9.

Councilmember Hall stated that the Niven Center looked great on the day of the tour.

Councilmember Hall congratulated the Parks and Recreation Department on the 2013 Playful City USA Community by non-profit KaBOOM!

Councilmember Hall congratulated the Parks and Recreation Department on their 50th anniversary, to be celebrated on June 29th this year.

Councilmember Alexander stated that the Niven Center looked great during the tour on May 9. This center is great for the City of Albemarle.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the Mayor and City Council adjourned to a Closed Session pursuant to NCGS 143.318.11(a) 3, 4 and 6 to discuss Pope v City of Albemarle, Personnel Matters, and Economic Development.

Upon a motion by Councilmember Hall, 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) 3, 4 and 6 to discuss Pope v City of Albemarle, Personnel Matters, Personnel Matters, and Economic Development. and stated there is nothing to report at this time.

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