

REGULAR MEETING CITY COUNCIL

May 6, 2013

The City Council of the City of Albemarle met in a regular session on Monday, May 6, 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.

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The Mayor delivered the invocation.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the minutes of April 15 regular session, April 17 adjourned session, and April 22 adjourned session minutes were approved as submitted.

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The Mayor and City Council were presented with properties proposed for condemnation and demolition for FY 2012/2013. The City Manager noted that Mr. James Luster with Centralina COG was scheduled to be here tonight but his mother passed away suddenly on Sunday.

Planning and Community Development Director Keith Wolf came before Council and stated that these properties were previously presented to and approved by Council as the focus for the current FY. James Luster has advertised and held hearings concerning each property. The timeline for corrective action has expired. If Council wishes to proceed with condemnation and demolition, we will have Ordinances prepared for each property at the May 20 meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the condemnation and demolition of the following proposed properties with an ordinance for each brought back before City Council on Monday, May 20, 2013:

600 S. 2<sup>nd</sup> Street  
416 Second Ave  
1245 Wendover Ave.  
1452 Hickory Ave.

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The Mayor and City Council discussed a request to close Moss Springs Road from the intersection at East Main Street to Freeman Avenue from 8 am until 1 pm on Saturday, May 18 for a Revival/Health Fair for the Spirit and Truth United Church of Worship located at 100 Moss Springs Road. An email with application and map attachment has been sent to Interim Public Works Director Nina Underwood, Police Chief Halliburton and Fire Chief Shawn Oke.

After Ms. Acey Allen-Little did not appear before Council for this request, they decided by consensus to hold this item over until later in the meeting to see if Ms. Allen-Little appears at a later time.

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

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

(Ordinance 13-14. To amend 2011 Grant Ordinance 11-30 Public Housing Capital Fund.)

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The Mayor and City Council were presented with the FY 2013-2014 Budget.

City Manager Raymond Allen stated that he had handed out a copy of the proposed budget to City Council and the media. He thanked Council for their participation and input into the budget process and to the members of the City Management Team. He stated that he would also like to thank Assistant City Manager Michael Ferris for coordinating the review of Finance, Planning and Community Development, Public Housing, Information Systems and Human Resources Departments budgets and Finance Director Colleen Conroy for her assistance in forecasting revenues and formulation of the budget document and for providing data entry and review of the proposed budget.

Mr. Allen said with the valuation just completed by Stanly County, we have seen a slight reduction in the City's total property valuation. He stated that for the 10<sup>th</sup> year, he is proposing that there be no property tax rate increase. The ad valorem tax rate will remain at \$.56 per \$100 of valuation even though a revenue neutral tax rate would result in a 1-cent increase. The budget proposes no new positions and no expansion of programs or services but no essential services are impacted by the proposed budget. Also, the budget proposes no increases in the household solid waste collection fee, household solid waste fee, planning and zoning fees fire inspection and plans review fees, or business license fees.

Also, Mr. Allen mentioned some of the accomplishments in the General Fund that were made in spite of fiscal constraints such as a replacement of three Police vehicles, implementation of the Stanly Albemarle Gang Eradication initiative, hiring of two previously frozen positions in the Police Department, hiring of three previously frozen firefighter positions through a federal grant, renovation of the former Niven Army Reserve, condemnation and demolition of four abandoned structures, appointment of an Economic Development Task Force, street paving of all or portions of several local streets, etc.

Mr. Allen further stated that the proposed budget includes funding to cover a new state legislative mandate to provide an escrow fund for unemployment insurance; an increase in the City's contribution for the Local Government Employees Retirement System; an estimated 10% increase in employee health insurance premiums; and an approximate 2.5% pay across the board pay increase for City employees effective for the first pay period in October, 2013. It does not include any funds for merit pay or to provide a contribution to the State 401k program.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council set a public hearing for May 20 to consider the proposed FY 2013/2014 City of Albemarle Budget.

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The Mayor and City Council were to discuss a proposal to provide elected officials payment in lieu of health insurance coverage. At the Council meeting on April 15 the Council requested that staff obtain a second opinion as to the legality of allowing board members 65 years of age or older to receive a stipend in lieu of staying on the City's health insurance. It was determined by the City's Benefits Consultant that this is not permitted under federal law.

Councilmember Neel stated that he would like to withdraw his request to provide elected officials payment in lieu of health insurance coverage.

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The Mayor and City Council considered setting a public hearing to rezone the back portion of 805 West Main Street to Residential-Office District. On April 25, 2013 the Planning Board recommended approval of a request of Jeff P. Hartsell to rezone 805 West Main Street (Tax Record 9965) from R-0/Residential-Office and R-10/ Single-Family Residential to R-O/Residential-Office. The front portion of the parcel is currently zoned R-O and the back portion is zoned R-10.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council set a public hearing to consider rezoning the back portion of 805 West Main Street to Residential-Office District on Monday, June 3.

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The Mayor and City Council considered setting a public hearing for a text amendment to allow crematories as a permitted use in the GHBD/General Highway Business District. On April 25, 2013 the Planning Board recommended approval of a request of Stephen Aldridge III for a text amendment to allow a crematory as a permitted use in the GHBD/General Highway Business District. Crematories are not allowed in any zoning district now and this text amendment would allow them in any General Highway Zoning District.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council set a public hearing to consider a text amendment to allow crematories as a permitted use in the GHBD/General Highway Business District on Monday, June 3.

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The Mayor and City Council considered setting a public hearing for a Conditional Use Permit to allow a bed and breakfast at 719 West Main Street. On April 25, 2013 the Planning Board recommended approval of a request of Carol Gulias for a Conditional Use Permit to establish a Bed and Breakfast at 719

West Main Street (Tax Record 7251). The property is zoned R-O/Residential-Office.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the City Council set a public hearing to consider a Conditional Use Permit to allow a bed and breakfast at 719 West Main Street which is required on Monday, June 3.

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The Mayor and City Council considered setting a public hearing to rezone 1919 West Main Street from R-10 and R-8A to GHBD. On April 25, 2013 the Planning Board voted to recommend a request of Brooke Saunders Harris to rezone the property at 1919 West Main Street (Tax Record 31126) from R-10/Single-Family Residential and R-8A/Multi-Family Residential to GHBD/General Highway Business District. The existing building on the property was built for commercial use.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council set a public hearing to consider rezoning 1919 West Main Street from R-10 and R-8A to GHBD on Monday, June 3.

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The Mayor and City Council considered a request of Piedmont Natural Gas to replace a two inch gas main at Melchor Branch with an underground line. It was noted that PNG is planning to replace the exposed gas main that is attached to the bridge with a line that goes under the creek.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved Piedmont Natural Gas replacing a two inch gas main at Melchor Branch with an underground line.

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The Mayor and City Council considered the Request of Piedmont Natural Gas to construct a 4" intermediate pressure natural gas main on Badin Road for approximately 1300-feet. City Council reviewed a letter from PNG along with site maps.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Townsend and unanimously carried, the City Council approved PNG constructing a 4” intermediate pressure natural gas main on Badin Road for approximately 1300-feet.

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The Mayor and City Council discussed House Bill 1005 which would establish District representatives for the Stanly County Board of Education and Stanly County Commissioners. Councilmember Hall requested this item be placed on the agenda for discussion. She is interested in how the proposed district lines would impact the City and its residents.

Mayor Whitley stated that County Commissioner Chairman Lindsey Dunevant had said that the County Commissioners are not for adding two more members to their board with district representation and of two year terms for district members and four year terms for at large members.

Council continued discussion as they reviewed the bill and the map that they received showing the districts.

Councilmember Townsend stated that he has a problem with the district lines that have been determined by viewing the map.

Councilmember Michael stated that he supports having districts as the City does and likes the fact that the County Commissioners and School district would be the same districts.

Mayor Whitley stated that we will see how the County responds to this tonight at their Commissioner meeting and Council can talk with Representative Justin Burr further if they would like.

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The Mayor and City Council reviewed a bid for a surplus sludge dryer. It was noted that there was only one bid for this piece of equipment, in the amount of \$36,750, which is less than former Public Utilities Director Ellen Huntley had estimated. It was noted that she had thought the dryer may bring as much as \$50,000 based on discussions with potential buyers. The City Manager noted that City Council can accept this bid, or reject it and advertise it on Public Surplus. The City may get a higher bid that way, but there is no guarantee of a higher bid, or even as much if we do so.

Councilmember Holcomb moved that a bid for a surplus sludge dryer be sold to World Resources Company, Pottsville, PA in the amount of \$36,750, the only bidder. Councilmember Neel seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Neel, Townsend, and Underwood. Voting against the motion were Councilmembers Hall and Michael. The motion carried.

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The Mayor and City Council were requested to execute an audit contract with Anderson Smith Wike LLP for 2012-13 Fiscal Year. The contract prior fiscal year was not to exceed \$29,000 and this year is not to exceed \$30,500.

Upon a motion by Councilmember Townsend, seconded by Councilmember Alexander and unanimously carried, the City Council approved the execution of an audit contract with Anderson Smith Wike LLP for 2012-13 Fiscal Year.

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The Mayor and City Council considered a request of Purchasing Coordinator Linda Lewis. Council received a memo from Ms. Lewis requesting declaration of surplus property and to place items on Public Surplus for sale to the highest bidder.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the declaration of surplus property and to place items on Public Surplus for sale to the highest bidder.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, an Ordinance entitled (Ordinance 13-15) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A PROJECT BUDGET ORDINANCE RELATING TO THE WASTEWATER TREATMENT PLANT HEADWORKS PROJECT." passed first reading.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Michael and unanimously carried, an Ordinance entitled (Ordinance 13-16) "AN ORDINANCE TO AMEND FY 2012-13 BUDGET" passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, an Ordinance entitled (Ordinance 13-17) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, ADOPTING A PROJECT BUDGET ORDINANCE RELATING TO THE CURL TAIL CREEK NC DOT B4643 WATERLILNE RELOCATION PROJECT" passed first reading.

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Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council approved a Proclamation for "Stamp Out Hunger Food Drive Day".

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The Mayor and City Council discussed applications for participation in the Reality Check 2050. This event is part of the Centralina Council of Governments CONNECT initiative and will be held at the Charlotte Convention Center on Tuesday, June 4 from 7:30 am to 3:00 pm. The UNCC Urban Institute is seeking applications from elected officials and others in the CONNECT study area to participate in this exercise.

Councilmember Hall encouraged Council to look at attending this initiative which is a hands-on opportunity. If anyone wants to ride with Ms. Hall, she will be leaving that morning around 6:15 am.

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The Mayor and City Council considered attendance at the Chamber of Commerce Small Business of the Year Awards which will be on Monday, May 13 at Noon at Stanly Regional Medical Center.

The City Manager stated that we can RSVP for any Councilmember wanting to attend.

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The Mayor and City Council were reminded of the City Employee Picnic which will take place on Thursday, May 16 from 11:00 am to 1:00 pm at City Lake Park.

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The Mayor and City Council were reminded of the budget work session on Thursday, May 9 at 9:00 am in the executive conference room at City Hall.

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Upon a motion by Councilmember Underwood, seconded by Councilmember Holcomb 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 Holcomb, 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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Councilmember Michael stated that Councilmember Townsend represented the City Council very well at the funeral of Ms. Carrie Lyerly who served on the Planning Board for 18 years.

Councilmember Michael stated that local bid preference was voted down at the State level.

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Councilmember Townsend stated that during our break before Closed Session, he spoke with Ms. Acey Allen-Little concerning her request to close a portion of Moss Spring Road Road from the intersection at East Main Street to Freeman Avenue from 8 am until 1 pm on Saturday, May 18 for a Revival/Health Fair for the Spirit and Truth United Church of Worship located at 100 Moss Springs Road. Mr. Townsend stated that the Spirit and Truth United

Church of Worship has made other arrangements and will no longer need the street closing request.

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Councilmember Hall stated that the downtown lights are now turned off until November and will be turned back on November 2013 until May of 2014.

Councilmember Hall stated that the Adam Little Foundation bike event brought a lot of people into the City of Albemarle but not many citizens attended this event. This event was held on Friday, May 3 and the foundation was on to Asheboro on Saturday and then on to Denton on Sunday.

Councilmember Hall asked the City Manager if there was any way that Council can tour some of the City sites previously talked about on Thursday after the budget work session at 9 am. The City Manager stated that the session can include some tours if Council would like. It was determined what sites the Councilmembers wanted to tour on Thursday morning.

Councilmember Hall asked if the Fire Department would be competing in the Lift Master's Competition again this year.

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Mayor Whitley stated that he and Mayor Pro Tem Alexander went up and talked with Jim Goins in reference to concerns of clean up at Wiscasett and Jim's Custom Windows. It could cost the City \$5,000-10,000 to do this cleanup if the owner fails to do so with possibly only a lien against their property.

Councilmember Michael stated that he had noticed some cleanup at Jim's Custom Windows so evidently the meeting did help.

Councilmember Hall stated that we could get with Steve Megson of Green Pieces or another firm about maybe recycling this glass. She asked that the City Manager look into this.

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The City Manager stated that the National League of Cities (NLC) Congress of Cities and Exposition will be November 13-16, 2013 at Seattle, Washington this year. There is an early bird registration that ends May 15, 2013. Congressional City Conference attendee can use their conference registration to receive a discount also.

Councilmembers Hall and Townsend confirmed their attendance.

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Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the meeting was adjourned until Tuesday, May 7 at 5:30 in the Executive Conference Room for a budget work session.