

REGULAR MEETING CITY COUNCIL

November 6, 2017

The City Council of the City of Albemarle met in a regular session on Monday, November 6, 2017, at 7:00 p.m. in the Council Chambers of City Hall. Mayor G. R. Michael presided, and the following Councilmembers were present, to-wit: Bill Aldridge, Chris Bramlett, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

Ms. Katherine Bennett came before City Council to present the City with an online exchange sign. As part of a community project at West Stanly High School, she provided the Albemarle Police Department with a sign to designate an area for exchanging items. Police Chief Bowen displayed the sign and asked for Council's approval to post in front of the Police Station. He stated he would like to place this sign to designate the area in the first parking space north of North St. on the west side of Second St. as our Online Exchange Zone. This area is under surveillance by the camera on the front of the Police Department. There is currently a pole there that has a 15 minute parking sign.

Ms. Krista McQuire, 5th Grade Teacher at East Albemarle Elementary School came forward and stated that the students have been working on a Community Partnership Project of bringing the community into the school and getting the school out into the community. The students have written essays about "What makes a good leader". She named each of the six students and their grade level that are with her this evening that will read their essay to Council.

K – Chloe Pittman
1st – Levi Pack
2nd – Dylan Kneller
3rd - Briana Martinez

- 4th - Malia Brooks
- 5th - Isaiah Kennedy

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the minutes of the October 16 regular session minutes were approved as amended and October 18 Adjourned Session and October 18 Closed Session minutes were approved as submitted.

Ms. Christine Kendall, 602 Valleyview Dr. came before Council to request Child at Play Sign. One sign needs to be placed near the mid-point of that street near her home if possible for the protection of her 9-year old grandson with autism that lives in her home. Ms. Kendall answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, the City Council approved a Child at Play Sign on Valleyview Drive near Ms. Kendall's physical location with her paying \$57.88 for the sign alone or \$71.88 for the sign with post if needed.

Councilmember Townsend stated that Ms. Kendall could purchase Autistic Child at Play signs online if she would prefer doing so. Ms. Kendall stated that she will look into this first and let staff know if she wants to move forward or not.

City Council amended their motion to approve her sign request if she decides not to purchase a sign on her own. Ms. Kendall will get back with City staff if she wants to pursue the City placing her Child at Play sign.

The Mayor and City Council received a presentation concerning the Niven Community Center Historical Marker for Captain Jesse F. Niven to place back at the Niven Center.

Mr. Ken Ringler, President of the Stanly County Historical Society and several board members were present to present the plaque to the City.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the historical marker for

the Jesse Niven Community Center to the City of Albemarle from the Stanly County Historical Society.

The Mayor and City Council were presented with the City Employee United Way Campaign Results. Lindsay Carter and Anita Almond, the City's Campaign Coordinators and Jennifer McSwain, Director of Stanly County United Way, presented the results of the campaign. All funds come directly through employee donations and this year employees raised \$26,982.00. In the past, the City Council has provided a day of vacation to the Campaign Coordinators for the work in voluntarily taking on this responsibility

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved a day of vacation to the Campaign Coordinators, Lindsay Carter and Anita Almond, for the work in voluntarily taking on this responsibility.

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 considered establishing regulations for the use of golf carts on public roads. The City Council authorized the City Attorney to draft an ordinance and consideration was held over from the last meeting.

Councilmember Townsend moved to establish regulation for the use of golf carts in the City limits. Councilmember Hughes seconded the motion. Voting for the motion were Councilmembers Townsend and Hughes. Voting against the motion were Councilmembers Aldridge, Bramlett, Dry, Hall, and Whitley. The motion failed with a 5-2 vote.

The Mayor and City Council considered additional information and request for Conditional Use Permit 17-001. The City Council previously denied the request of Mr. David Chan for a Conditional Use Permit seeking the continuation of the use specified in CUP #17-001 - Unlimited electronic, mechanical, manual and skill games,

excluding, however excluding billiard tables. The location is 2000 US Hwy 52, #2 and is in the same shopping center as Food Lion.

Planning and Development Services Director Kevin Robinson stated that City ordinance does not allow a denied CUP to be re-heard unless there is a substantial change in the information provided in the application. It is possible for the applicant to re-submit the application which Mr. Chan has, with substantial additional information for Council to hear. It is at Council's discretion to re-hear the matter. Planning Director Kevin Robinson is recommending that if Council wants to move forward with reconsideration, that a new public hearing be set for November 20. This matter is to be considered in a quasi-judicial process. As discussed at the previous meeting, while the matter is under appeal by Mr. Chan and a decision is pending by City Council, we will allow the store to remain in operation.

Councilmember Bramlett moved to set a public hearing for Monday, November 20 to reconsider CUP #17-001, located at 2000 US Hwy. 52 N. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Hall. The motion carried with a 6-1 vote.

The Mayor and City Council considered a change of scope for additional work associated with the Landfill Force Main Project.

Brant Lane with HHNT Engineering, LLC and Public Works Landfill Superintendent, Darren Preslar came before Council and stated that during work on the Leachate Force Main project, issues with the existing leachate containment system was discovered. These items are pre-existing and outside the scope of work of the contractor, but are critical to the effective operation of the leachate containment system on the landfill. The two significant items needing repair are a broken weld on the leachate pond outlet secondary containment pipe and a leaking valve discovered when attempting to control flow for the force main construction. The force main contractor has tentatively agreed to make the necessary improvements.

Mr. Lane stated that having the force main contractor on site now, will hopefully allow the City to have this work completed at a significant savings. After a slow start by the contractor, the project was making significant progress. The repairs discussed and a tragedy in the contractor's staff has once again slowed progress. The substantial completion date on the current contract was October 12, 2017, and the contract includes liquidated damages in the amount of \$1,000 per day. Mr. Lane stated that allowing another 37 days would make the contract late after November 18, 2017.

The job should be complete within 60-90 days. The estimation of costs for the change of scope would be for materials, equipment, labor and possibly a percentage of profit totaling around \$25-30,000.

Councilmember Bramlett moved to approve a change of scope for additional work associated with the Landfill Force Main Project concerning issues with the existing leachate containment system. An estimated total cost of \$25-30,000 with a 37 day extension with new date of November 18, 2017 and completion within 60-90 days. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Hall. The motion carried with a 6-1 vote.

The Mayor and City Council reviewed a policy for prequalification of bidders for construction contracts. Purchasing Coordinator, Linda Lewis, met with Mike Carlisto our Construction Manager at Risk for the Police Department Project and he asked that we pass a policy relating to pre-qualifying contractors. This was part of a recent General Statute dealing with Construction Procurement. Council reviewed a sample staff request that Council adopt this.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved a policy for prequalification of bidders for construction contracts.

The Mayor and City Council were presented with an updated Facilities Use Policy. Revenue Collections Supervisor Lindsay Carter and Parks and Recreation Director Lisa Kiser has coordinated the effort to update this existing policy to include the fees, charges and rules for use for the Central Auditorium.

City Council reviewed page 8 of the policy concerning the Central School Auditorium rental fee schedule. Ms. Carter reviewed with Council the marketing flyer of opportunities on sponsoring a seat for \$100 each with brass plate(s) to be affixed to their sponsored seat.

Mayor Michael asked that this go back to staff for policy adjustments that Council had concerns about including clean up charges, refundable damage deposits and rental fees.

The Mayor and City Council received an update on the US Hwy. 52 Water Treatment Plant freight elevator. The Public Utilities Department provided additional information to supplement the project report for the Hwy 52 Water Treatment Plant Rehabilitation with respect to the potential for a change order associated with repairs and rehabilitation of the freight elevator. The current elevator mechanism is over 50 years old with trouble getting parts and currently is at a point that we are going to have to do significant repairs to keep it functional.

It was noted that the scope of the current repairs will trigger NCDOL requirements that require the elevator to be brought up to current codes. Repairs and rehabilitation of the elevator were not included in the scope of the original plant rehabilitation project. NCDOL recently inspected the elevator and issued a “provisional” permit to operate as long as the City is diligently moving to correct the issues. LKC Engineering is currently getting proposals for the work and checking to see if we can include this work in the NCDENR loan.

Mayor Michael stated that there is no action required tonight because the final cost is not in as of yet. We will discuss this at a later meeting.

The Mayor and City Council discussed parking regulations in the vicinity of South Fourth and East Main Streets. The current restriction on South Fourth Street is from Main Street to Green Street on the east side only. This has been in place for several years, though we have recently added signage to more clearly identify the no parking zone.

Mayor Michael stated that signs had been placed on the west side of Fourth Street by error and have now been removed. Signs are in place on the east side of the street for the no parking zone on Fourth Street between Main Street and Green Street.

It was the consensus of the City Council to continue to monitor parking in this area and consider this matter again at a later date, if necessary.

The Mayor and City Council considered a Special Event Permit Application for the Annual Downtown Christmas Parade on Saturday, December 9, 2017. Management recommends road closures and special events permit be approved. Street Closing of First and Second Streets from Salisbury Avenue to South Street and Main Street from First Street to Second Street from 10-12 noon.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a Special Event Permit Application for the Annual Downtown Christmas Parade on Saturday, December 9, 2017 along with road closures and special events.

The Mayor and City Council considered a Special Event Permit for Will's Place Community Open House on Thursday, November 9, 2017. Street Closings for a portion of Second Street from King to the driveway at the Courthouse from 2-8 pm.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved a Special Event Permit Application for Will's Place Community Open House on Thursday, November 9, 2017 from 2-8 pm.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved waiving the fee of \$50 on the Special Event Permit Application for Will's Place Community Open House on Thursday, November 9, 2017.

The Mayor and City Council considered a Special Event Permit Application for a charity motorcycle ride on Saturday, November 11, 2017 from 8-2 pm. Request the closing of a portion of Moss Springs Road from East Main Street to Freeman Avenue.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council approved a Special Event Permit Application for a charity motorcycle ride on Saturday, November 11, 2017 from 8-2 pm with waiver of \$50 application fee.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, and unanimously carried, the City Council approved a waiver for the \$50 application fee for the charity motorcycle event on Saturday, November 11, 2017 from 8-2 pm.

The Mayor and City Council considered establishing filing fees for the 2018 City Elections. During the most recent election cycle fees were established at \$10.00 for

a City Council candidate and \$20.00 for a Mayoral candidate. Council reviewed the State Statute governing the range in which fees can be established.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved filing fees for the 2018 election as \$10.00 for a City Council candidate and \$20.00 for a Mayoral candidate.

The Mayor and City Council considered participation in Hospice Festival of Trees. City Council and the Mayor have in the past personally contributed the \$300 for a tree. The individual amount is \$37.50 if Council would like to participate again this year.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved personal participation in the Hospice Festival of Trees.

The Mayor and City Council considered attendance at the Stanly County COG Meeting in Locust on Tuesday, November 28. Staff will supply a van for the members to travel in together. The van will leave City Hall at 6 pm.

The Mayor and Councilmembers all confirmed their attendance.

The Mayor and City Council received information concerning the monthly schedule for continuing education workshops.

The Mayor and City Council were reminded of the City holding its Arbor Day Tree Planting Ceremony on Friday, November 17 at Chuck Morehead Park at 12 noon.

Mayor Michael asked Council if they would like to meet with First Tryon, the City's financial advisors in December or include in the strategic planning session in January. Upon discussion, the Mayor will wait and see when the audit has been completed to make a decision.

Councilmember Townsend announced that on Tuesday, November 16 Stanly Community College and he will address the local community that Stanly Community College in collaboration with the City Parks and Recreation Department will bring SCC business classes to the EE Waddell Community Center and the Niven Community Center. Their goal is to have registration in January, 2018 and classes to start February, 2018.

Mayor Michael stated that the NLC annual meeting is November 15-18 in Charlotte this year.

The Mayor asked the City Manager to send an agenda out by email to Council and list of Councilmembers attending.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 143-318.11 (4) and (5) – Economic Development and Real Estate.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held Pursuant to N.C.G.S. 143-318.11 (4) and (5) – Economic Development and Real Estate and there was nothing to report at this time.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the meeting was adjourned.