

REGULAR MEETING CITY COUNCIL

April 1, 2013

The City Council of the City of Albemarle met in a regular session on Monday, April 1, 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.

Police Chief Halliburton came before Council and introduced Chief Linda J. Stump, Director of the University of Florida Police Department and Synthia Nugent retired from the Zion Illinois Police Department that will be here for four days as Assessor's in the Gold Standard Accreditation.

The Mayor and City Council were informed of the City's Public Utilities Department receiving the American Public Power Association Reliable Public Power Provider Award. This award was presented at the APPA Engineering and Operations Conference on March 25.

The City Manager noted that he is pleased to advise Council that the City has once again received the RP3 award at the Platinum Level. Public Utilities Director Ellen Huntley and Assistant Director Judy Redwine attended the APPA conference in Kissimmee, Florida to receive the award. He also stated that he would like to commend Ellen Huntley, Judy Redwine, Charles Burris and the Electric Division for again receiving this prestigious award.

The City Manager presented the plaque to the Mayor and the Mayor passed around for each Councilmember to see.

Upon a motion by Councilmember Underwood, seconded by Councilmember Michael, and unanimously carried, the minutes of March 18 regular session and March 18 closed session minutes were approved as submitted.

Ms. Sharon Davis, President of the Uwharrie Running Club came before Council to request a street closing for the Beach Blast 5K on Saturday May 11, which will take place from 6-10 am downtown Albemarle. They are requesting to close Depot Street between North Street and Main Street for the finish line on race morning 6-10 am and also Depot Street closed from Main Street to the parking lot behind Tae Kwan Doe.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall, and unanimously carried, the City Council approved a street closing for the Beach Blast 5K on Saturday May 11, which will take place on May 11, 2013 from 6-10 am downtown Albemarle. Council also approved the closing of Depot Street between North Street and Main Street for the finish line on race morning 6-10 am and also Depot Street closed from Main Street to the parking lot behind Tae Kwan Doe. Second Street was also approved to be closed from South Street to Main Street from 7:15 am to 8:00 am. The start of the race will be in front of the Stanly County Sheriff's office on Second Street and need the block from North Street to King Street on Second Street to be closed off for a few minutes at the start of the race.

Mr. Joe Canupp came before City Council as an unannounced delegate to request that Council consider the taxing of tanning salons and parlors for each tanning session in their facility in the amount of \$1/per tanning session. He stated that when he lived in Los Angeles County in the City of Hollywood, the County and the municipality charged this amount of tax for this type of service.

Mayor Whitley stated that the City will take this under advisement and he thanked Mr. Canupp for coming.

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 discussed a request of the Stanly County Magistrate's Office for a reserved on street parking space designated in front of the magistrate's office on South Third Street for magistrate use only. Chief Halliburton and Councilmember Underwood have both discussed this matter

with the Sheriff, and he has agreed to permit one of these spaces to be used for the magistrate's office. If it is acceptable to City Council we can just change one of the signs on the existing law enforcement designated parking spaces and not go to the expense of adopting an ordinance to designate a specific magistrate parking space.

Upon discussion, Councilmember Michael stated that if Chief Halliburton and the Sheriff have agreed to this and a parking space is designated for the Magistrate, we can just change one of the signs and not have to adopt an ordinance to designate this space.

The City Manager stated that this will save the expense of an ordinance adoption to designate a specific magistrate parking space.

Councilmember Holcomb stated that the Magistrate's office can pay for this if the ordinance has to be changed.

Upon a motion by Councilmember Underwood, seconded by Councilmember Hall and unanimously carried, the City Council approved an on street parking space designated in front of the magistrate's office on South Third Street for magistrate use only. The City will change one of the signs on the existing law enforcement spaces and designate this parking space to the Magistrate and not incur the expense of adopting an ordinance to designate a specific magistrate parking space.

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

(Ordinance 13-12. To appropriate funds from the sale of Land from the General Fund to the Electric Fund for the Central Avenue Delivery Point and transfer funds from Plants Division to Systems Division of the W/S fund.)

The Mayor and City Council authorized the transfer of funds received from the sale of surplus materials to the Roger F. Snyder Greenway Fund. The City received \$7,407.80 from the sale of rails and other materials from the section of abandoned railroad right of way donated to the City by Atlantic American Properties. We had previously discussed and would like to request City

Council approval to place these funds in the Snyder Greenway Fund for future greenway improvements.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the City Council approved the transfer of funds received from the sale of surplus materials to the Roger F. Snyder Greenway Fund in the amount of \$7,407.80.

The Mayor and City Council considered approval of a change order for the Niven Center renovations. A contingency included in the project budget should cover this additional expenditure and this change order is in the amount of \$15,680.00. Upon examination of existing sewer pipe at the Niven Center, the plumbing contractor and general contractor have determined it to be old and prone to breakage. After consultation with the architect, replacement of that pipe that is under the building itself appears to be our best option.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel and unanimously carried, the City Council approved a change order for the Niven Center renovations. A contingency included in the project budget should cover this additional expenditure and this change order is in the amount of \$15,680.00.

The Mayor and City Council considered a resolution to protect the NC Parks and Recreation Trust Fund. Parks and Recreation Director Toby Thorpe has requested that City Council consider adoption a resolution that Council received. Governor McCrory's proposed budget for the coming year cuts the NC Parks and Recreation Trust Fund by 44% and also does away with the dedicated sources of PARTF for future years. PARTF has accounted for nearly all new parks built in Albemarle and Stanly County since the late 1990's.

It was noted that this resolution, written by Michelle Wells, Executive Director of the NC Recreation and Parks Association, is being considered by City Councils and Boards of County Commissioners statewide to illustrate the importance of and support for PARTF from elected boards throughout North Carolina.

Councilmember Hall asked that the City send letters to our NC Representatives and Senator McLaurin asking them not to support the cut to the NC Parks and Recreation Trust Fund (PARTF).

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved a resolution to protect the NC Parks and Recreation Trust Fund.

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

Councilmember Alexander noted a numerical error on Ordinance 13-13 and a corrected copy will be issued for signature.

The Mayor and City Council discussed state mandated ethics requirements for Rural Planning Organization members. The City's representatives to the Rocky River RPO will be required to submit Statements of Economic Interest and take ethics training. Councilmember Hall asked that this be placed on the agenda for discussion. Council received information regarding these requirements. It was noted that a bill has been filed in the legislature regarding these requirements, but Dana Stoogenke with the RRRPO has advised that the effect of the legislation is unclear.

Councilmember Hall stated that she is opposed to the state requiring ethics training and financial disclosure for RPO/MPO members and she is supported by members of the TAC and TCC. She said that if this continues people will not consider becoming a member or continuing as a present member if this becomes a requirement.

Councilmember Townsend stated that the ethics training as a Council member should suffice for this.

The City Manager stated that members are required to expose up to \$10,000 in stocks or real estate and disclose where but not the amount of each. The State Government Ethics Act requires the disclosure of financial and personal interests by most covered persons no later than April 15. Statement of Economic Interests (SEIs), including attachments to the form and evaluations are public record.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, the City Council approved writing a letter to the local delegation in the House and Senate opposing state mandated ethics and financial disclosure requirements for Rural Planning Organization members.

The Mayor and City Council reviewed information concerning Town Hall Day which was in Raleigh on Wednesday, March 27. Mayor Pro Tem Alexander, Councilmembers Hall, Michael, Neel, and Townsend, and the City Manager represented the City at the event.

Councilmember Hall stated that we spoke with Senator Gene McLaurin at his office and Representative Justin Burr was already at a meeting. Representative Burr saw that our City Council attended.

Councilmember Michael stated that we were unhappy with the representatives and senators attitude toward cities.

Councilmember Alexander stated that the maximum revenue loss from SB 394 with no offset for increased sales tax and property tax needed to recover for Albemarle would be \$1,201,149. Councilmember Neel added that this would be a 23% property tax increase to replace total or .1267 cents per 100.

Councilmember Hall stated that it will take business leaders of our communities to determine what the General Assembly will do and this will drastically affect what we do in our budget locally.

Upon questioning, the City Manager stated that if a new budget for 2013-2014 is not passed by June 30, 2013, we would file a continuing resolution which is a type of appropriations legislation used to fund our local government until a budget is passed by Council.

The City Manager also stated that he made copies for our local media on the activities of Town Hall Day.

The Mayor and City Council discussed recommendations of the Economic Development Task Force. Mayor Whitley asked that this be placed on the agenda for additional discussion about the Task Force recommendations and

City Council's ideas for what to include in the proposed FY 2012-2013 budget. Council received a copy of the Task Force report.

Mayor Whitley stated that he and the City Manager, along with Chairman Russ Sharples and Vice Chairman Tracie Sells of the Economic Development Task Force met with Stanly County Commission Gene McIntyre, Commissioner Tony Dennis and County Manager Andy Lucas on how to move forward together with joint efforts for economic development for Albemarle and Stanly County. The Board of Commissioners later met to discuss this request, and Commissioner McIntyre advised the Mayor that the Board of Commissioners decided to make no decision on this matter at this time.

Mayor Whitley asked Council if they would like to move forward alone and should we involve Crystal Morphis as a facilitator going forward. The County is not willing for the City of Albemarle to get involved with the County EDC whether supporting with money or not.

Councilmember Michael asked that Council consider meeting with our Economic Development Task Force because the City Manager is going to need information for the 2013-2014 budget. There was placed in reserve last year monies for economic development if needed and do we want to use some of this for marketing and maybe have Crystal Morphis with Creative Economic Development Consulting as our facilitator and meet with our Economic Development Task Force. Also, allocate monies again this year to be placed in reserve for economic development.

Upon questioning by Councilmember Hall, Councilmember Holcomb stated that \$50,000 was reserved last year for economic development.

Councilmember Michael stated the top four priority action steps with two of them tied for second place which included, branding, City funding to Stanly County EDC to become a partner and expand the City's Planning and Community Development Department and advocate for a new staff position at the Stanly County EDC targeted to support existing businesses. He further stated that we owe this to our Economic Development Task Force for all their hard work.

The Mayor and City Council discussed tours of City facilities for the Mayor and members of City Council. The City Council had previously expressed interest in setting aside a day to tour various City facilities, some of which have had or are undergoing recent renovations and improvements, and asked that this be placed on the April 1 agenda to select a date.

Mayor Whitley asked Council if they would like to tour before one of the Council meetings.

After further discussion, Councilmember Neel stated that Council can tour the landfill and the WWTP now and wait on the other projects until further along. It was decided that Council would discuss plans for these tours at the May 6 Council meeting.

The Mayor and City Council considered attendance at the ElectriCities of NC Regional meeting to be held in Statesville at 6:00 pm on Thursday, May 2. The City Manager noted that we had initially thought that we would be attending the regional meeting in Concord, but those conflicts with the SAGE call in at City Hall. At the Council meeting on March 18, some members of Council indicated they would like to attend the Statesville meeting, but asked that this be placed back on the agenda so that they could confirm availability of their schedules.

It was determined to carpool leaving City Hall at 4:30 pm on May 2. Councilmmbers Alexander, Neel, Townsend and Holcomb confirmed their attendance.

The Mayor and City Council consider attendance at the ElectriCities of NC Annual meeting which will be in Asheville from August 1 -3. The meeting will be at the Grove Park Inn, and Council received the preliminary information regarding the meeting.

Mayor Whitley and Councilmembers Neel, Townsend, and Underwood confirmed their attendance.

The Mayor and City Council considered attendance at the "ABC 101" educational meeting to be held at 10:00 am on Friday, April 5 at the Lockhart-Taylor Center in Wadesboro. Council received the invitation from ABC Manager Karen Cranford for the Mayor and City Council. The City Manager noted that this is part of a series of regional meetings that are being held to provide education and training for local ABC boards and their appointing authorities.

No one confirmed their attendance at this time.

The Mayor and City Council were reminded of the Household Hazardous Waste Day on Saturday, April 13 which will take place from 9 am to 1 pm at the Stanly County Agri Civic Center.

The Mayor and City Council received information concerning Railroad Street beside Market Station being closed on Friday, May 31 from 6 pm to 9 pm. This will be for the ADDC Fish Fryday Fund Raiser. Council received a copy of this application form in which City Council previously voted to allow the closing of Railroad Street for any Market Station event at the discretion of the City Manager without City Council approval, just notification of any such closing.

Finance Director Colleen Conroy stated that Council could consider attending some of the County Commissioner meetings and ask each time why the Commissioners will not work with the City's Economic Development Task Force in pursuing economic development County wide. Maybe this persistence would make a difference in their decision to work with the City.

Councilmember Michael asked the City Manager if Joe Blake is the only volunteer board member not to receive a resolution. If so, he asked that Council go ahead and do this.

Councilmember Hall stated that the downtown outside lights look great and residents she has spoken with are glad we have decided to leave them on longer during the year.

Councilmember Hall stated that the Sports Hall of Fame is scheduled for Monday, April 29 but the City Manager has not received any information as of yet. She stated that she plans to attend.

Councilmember Hall also said that she received an email from someone pertaining to the ADDC website and there being specific businesses

highlighted there. The City Manager stated that this is on the ADDC Facebook page and if a business wants to be highlighted, they can request this with the ADDC staff. He also stated that this is open to any business downtown that is interested.

Councilmember Hall stated if any business is interested or anyone knows of a business, just contact the ADDC.

Councilmember Hall stated that the Chamber of Commerce Legislative Breakfast will be April 15 and asks that the City Manager get with Tom Ramseur with the Chamber concerning questions to be asked at that meeting concerning tax reform as it is or will be and what effect it will have on people in small cities versus large cities.

Councilmember Neel asked that Councilmembers send the Mayor and City Manager suggestions and he asked that the Mayor be the representative for the City at the Stanly County Chamber of Commerce Legislative breakfast on April 15.

Councilmember Neel asked that the Public Works Department check for holes and cracks on Leonard Avenue.

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) 6 to discuss personnel matters.

Upon a motion by Councilmember Hall, seconded by Councilmember Neel 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) 6 to discuss personnel matters and stated there is nothing to report at this time.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the Mayor and City Council adjourned to a Closed Session pursuant to NCGS 143.318.11(a) 3 to consult with the City attorney Pope v. City of Albemarle.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall 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 to consult with the City attorney Pope v. City of Albemarle and stated there is nothing to report at this time.

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