

REGULAR MEETING CITY COUNCIL
August 5, 2013

The City Council of the City of Albemarle met in a regular session on Monday, August 5, 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.

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

A public hearing was held to consider a zoning map amendment to rezone 202 Northeast Connector (Tax Record 3884) from R-10 to GHBD. 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 City Council approved closing the public hearing.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 13-33) “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 GHBD/GENERAL HIGHWAY BUSINESS DISTRICT THAT REAL PROPERTY AT 202 NORTHEAST CONNECTOR, ALBEMARLE, NC 28001”, passed first reading.

Mr. Dennis Joyner, Stanly County Health Director to present the recently adopted Stanly County Animal Control Ordinance. The City Council received a copy of the ordinance along with a resolution for municipalities to consider that was provided by the County. The City Manager noted that the Council may want to consider this as an ordinance rather than a resolution. Stanly County Animal Control will enforce everything in the ordinance, but it will be the responsibility of the City to continue to enforce any nuisance related or animal ordinance that we have outside the scope of the County's ordinance, as we have in the past.

Mr. Joyner came before City Council and covered highlights of changes in the updated Stanly County Animal Control Ordinance. The County adopted the new ordinance on June 3, 2013 and will go in effect after 30 days (July 3, 2013).

- Requires active restraint of dogs on property under 3 acres
- Provides better guidance on how and where animals can be kept and type of care required
- Local licensure of Dogs (County tax tag) clarified
- Creates an “inherently dangerous exotic animals” section that prohibits residential ownership of non-human primates (wolves, tigers, lions, bears, non-native poisonous reptiles, insects and arachnids.
- Establishes a civil penalty system for violations of various articles of the ordinance which are listed in ordinance.
- Establishes more stringent “dangerous & potentially” dog requirements such as micro-chipping for identification, liability insurance, signage on property, etc.
- Provides better enforcement interventions for cats being on others property and causing damage.
- Keeping of stray animals with conditions such as notifying Animal Control to help assist reuniting lost pets with their owners.
- The “hold time” for dogs and cats coming into the shelter has been increased from 72 hours to 120 hours under most circumstances.

Mr. Joyner answered any questions that Council had.

Councilmember Michael asked that Planning and Community Development Director Keith Wolf and Police Chief Halliburton get back with Council on City ordinance recommendations needed. Also, feed back of concerns on being able to now have non-poisonous reptiles as pets.

The City Manager stated that Council may want to adopt this County ordinance in its entirety and adopt a separate ordinance for animal control concerns within the City.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the City Council approved the following resolution accepting the Stanly County Animal Control Ordinance.

(Resolution 13-25. The acceptance of the Stanly County Animal Control Ordinance.

Mr. Tom Ramseur, Stanly Chamber of Commerce and Board Chairman Bill Lawhon came before City Council to thank them for the support the Chamber has received from the City Council, in particular, for the \$2,000 grant that Council approves each year for the purpose of business and community development. Mr. Ramseur also thanked Council for their long support of him and the Chamber in economic development and Leadership Stanly.

Mr. Lawhon stated that he would like to recognize Tom Ramseur for his leadership with the Chamber over the last 7 years. He has directed over 700 business and individual members of the Chamber, working with around 200 volunteers for all the events that the Chamber sponsors with a staff of only him and two others. He asked for a round of applause for Tom Ramseur and his service and he also thanked City Council for their support for the Chamber.

Bishop James Richardson, Saint's Delight Church came before Council on behalf of concerned citizens of South Albemarle to make City Council aware of a few things.

Bishop Richardson stated that he would like to first thank the new Police Chief Halliburton for programs in place dealing with gangs and drugs. He stated that things are better now and thanked previous Police Chief Ronnie Michael and current Police Chief William Halliburton.

Also, he stated that on Wednesday, July 7 around 4:35 pm, there was an ambulance near the intersection of Main and Second Street and the ambulance had to wait at the intersection because the traffic would not yield. He asked what can be done to maybe help avoid situations as this.

Mayor Whitley stated that Chief Halliburton is in the audience and has heard his concerns and will analyze the situation to see if anything can be done.

Dr. Brenda Kays, Stanly Community College came before City Council to present the Advanced Manufacturing and Industrial Technology Campaign with a PowerPoint presentation requesting a City contribution.

Source: Centralina Economic Development Commission Strategic Plan

Stanly County Specific:

-Emerging Cluster-Manufacturing

-2012-2017 Growth Forecasting

Trade Contractors-39.4%

Metalworking Machine Manufacturing-43.5%

Fabricated Metal Product Manufacturing

Automotive Repair & Maintenance-30%

Manufacturing-20%

Michelin, Chicago Tube and Iron, and Carnes Miller Gear's concerns are lack of trained workforce in Stanly County. Dr. Kays spoke of plans to meet the current and future needs by discussing Phase I and Phase II of the project. The comprehensive goal is \$3 million from a variety of sources such as grants, foundation, City/County/State, industry stakeholders and private donations. The estimated cost of Phase I is \$1.5 million which includes the cost for architectural estimates on the structure, increased electrical capacity and equipment needed. The estimated cost of Phase II is also \$1.5 million. She requested a \$500,000 commitment for the AMIT Project from the City.

She stated that she has visited Stanly County Government and they will be committing a \$500,000 donation to the project. She is visiting every municipality in the County to ask for support. Upon questioning, Dr. Kays stated that she is aware of enterprise funds for sewer and electric. In closing, she thanked City Council for allowing her to speak about this project.

Councilmember Hall discussed with Dr. Kays in-kind donations or contributions. Councilmember Michael asked the City Manager to look into any possibilities through ElectriCities and bring back before Council at its September 3 meeting.

Mayor Whitley stated that the City will be back in touch with her based on information gained by the City Manager.

Mr. Gene Starnes, Parade Committee Chairman, American Legion Post 520 came before City Council to request street closings for the Veteran's Day Parade on Saturday, November 9 at 11:00 am.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the City Council approved street closings for the Veteran's Day Parade on Saturday, November 9 at 11:00 am, closing streets from the corner of Franklin Street and 1st Street all the way down 1st Street to a left on South Street and left back up Second Street to the YMCA.

Mr. Carl J. Lowder, A.L. Lowder, Inc. was scheduled to appear as an announced delegate to request the City consider abandonment of an unused sewer line on his property on Old Charlotte Road. Council received a handwritten request from Mr. Lowder along with a memo and map from PCD Director Keith Wolf. He is requesting that the City abandon the sewer line that serves the old ice house building, which he now owns. This line has not been in use in several decades. Mr. Lowder was not present at the meeting to discuss his request.

Mr. Lowder previously indicated to City staff that he does not need sewer service to this building and plans to apply for a permit to fill in this area. WS Systems Superintendent Bryan Hinson has looked at this and confirmed that this is the only property served by this line, which comes off our main trunk line a couple hundred feet or so before it crosses under US 52.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the City Council approved abandonment of an unused sewer line on Carl J. Lowder's property on Old Charlotte Road with the stipulation that any future sewer line needed to serve this facility will be the responsibility of the property owner to construct.

Mayor Whitley asked the City Manager to give Mr. Carl Lowder a copy of the August 5 regular session minutes once approved.

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 the purchase of radios compliant with proposed Stanly County 800 MHz radio system. Fire Chief Shawn Oke came before Council and stated that Stanly County is planning a long anticipated replacement of the radio system infrastructure system in the County, upgrading to a 800 MHz system. This will require the replacement of our public safety radios when the system comes on line, and our other radios a few years down the line. Motorola is offering a special arrangement including trade in of old radios for jurisdictions that move ahead with purchase of the radios, which the County is doing. Both Fire Chief Oke and Police Chief Halliburton recommend that the City take advantage of this as well

Chief Oke stated that Motorola is offering a two-year deferrment on payments to allow staff in applying for grant funding. Upon questioning, Police Chief Halliburton agreed that this is a great opportunity.

Mr. Jack Samet with Motorola came before Council and answered any questions that Council had.

Councilmember Michael stated that this is the best offer from Motorola that is probably possible. The radios that we will turn in allowing a \$450 trade in value did not cost that much when they were bought new.

Upon questioning, Finance Director Colleen Conroy stated that she is looking into two proposals involving either a bank qualified or non bank qualified loan and a 59 month versus a 7 year term. She stated that she will need to know the final amount to determine which route of financing to take.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved moving forward with the purchase of radios compliant with proposed Stanly County 800 MHz radio system and develop a recommendation on financing.

The Mayor and City Council received a storm debris collection update from Interim Public Works Director Nina Underwood. She stated that the debris removal was officially over on Friday, August 2. She stated that she feels that we had a great cleanup and we continue to get extremely positive feedback from the community about the City's response to this storm, including restoration of electric service and debris removal. She further stated that the grinding of the debris started Saturday, August 3 and we should finish by mid week next week. The Wiscassett site should be back to normal next week.

The City Manager stated that there was around 48,000 cubic yards collected counting the stumps. The debris removal and monitoring cost close to \$1 million. The total cost for debris removal and electric service repair was around \$2.5 million. We are optimistic that 75% of the debris removal and monitoring will be reimbursed from the State. He stated that he would like to once again commend all of the City's staff and outside agencies who have been involved in these efforts, and the Mayor and City Council for their effective leadership during this time.

The Mayor and City Council considered the acceptance of the North Carolina Governor's Highway Safety Program Grant. The Albemarle Police Department has been awarded a Traffic Safety Project Contract in the amount of \$92,264.00. The match requirement for this award is \$16,282.00. The City Manager noted that matching funds required will have to come from General Fund fund balance. This grant will allow the Police Department to hire one additional officer fully equipped and uniformed as well as a new police vehicle fully equipped. The department will train an existing officer to become a full time traffic officer. This is a three year grant. The second year is a 70-30 match. We will receive 38,723 and match 15,913. The third year is a 50-50 match of 26,523. The three year total award is 157,510.00 with a 58, 718 match.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved the acceptance of the North Carolina Governor's Highway Safety Program Grant for the Police Department in the amount of \$92,264.00. The match requirement for this award is \$16,282.00.

The Mayor and City Council considered a budget amendment in the Police Department for Axon Flex Body Camera System. Police Chief Halliburton

came before Council to request moving \$6,259.17 from the Drug Tax Distribution Revenue Account 10-3430-433001 into the Small Equipment Account 10-4310-529500 for the purchase of the Axon Flex Body Camera System. Chief Halliburton had one of his officers demonstrate the camera and that it can be worn on the shoulder, on glasses, on lapels, on caps, etc. According to Chief Halliburton, these cameras will be worn by officers in the field and it has been proven to increase officer safety, reduce citizen complaints and reduce use of force complaints. There have been several departments across the country that have utilized this new technology and all have seen significant reductions in the citizen complaints and use of force complaints.

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb and unanimously carried, the City Council approved moving \$6,259.17 from the Drug Tax Distribution Revenue Account 10-3430-433001 into the Small Equipment Account 10-4310-529500 for the purchase of seven cameras and one docking station from Axon Flex Body Camera System for the Police Department.

The Mayor and City Council considered a resolution to authorize the City's application to the Local Government Commission for financing the CKA waterline project. The City Manager noted that this is the standard resolution that the LGC requires for all proposed financing and we anticipate that bids will go to the Concord City Council this month, and we will go to the LGC for approval in September.

Upon a motion by Councilmember Hall, seconded by Councilmember Alexander and unanimously carried, the City Council approved a resolution to authorize the City's application to the Local Government Commission for financing the CKA waterline project.

(Resolution 13-26. The financing of a capital project for the CKA waterline project.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander, and unanimously carried, an Ordinance entitled (Ordinance 13-32) "AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE, NORTH CAROLINA, BE AMENDED BY REVISING THE

APPENDIX A: SALARY TABLES, TABLE I, ENTITLED “CLASS GROUPED BY SALARY RANGES” AND TABLE II ENTITLED “SCHEDULE OF SALARY RANGES” OF CHAPTER 24”, passed first reading.

The Mayor and City Council considered customer service enhancement recommendations. The City Manager noted that the City staff has identified policies that if changed, would provide better and more responsive services to the public.

The first recommendation is to eliminate the City requirement that all Ordinances pass two readings. This delays Ordinances from being approved by two extra weeks, the second recommendation is to amend the City's current policy that all matters to the Planning and Zoning Board be submitted 30 days in advance of the meeting. It also requires 21 days advance notice of adjoining property owners.

There is no requirement in the General Statutes for notification of adjoining property owners at the Planning Board level. We recommend that we continue to go above and beyond the Statutes by notifying adjoining property owners of Planning Board matters, but recommend shortening the notice deadline to 10 days, with a submission deadline of 7 days prior to this.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the City Council approved a City requirement that all Ordinances pass one reading and approved of amending the City's current policy that all matters to the Planning and Zoning Board be submitted 30 days in advance of the meeting and to only require 10 days advance notice of adjoining property owners, with a submission deadline of 7 days prior to this.

The Mayor and City Council considered rescheduling the September 2 City Council Meeting due to a conflict with the Labor Day holiday. The City Manager noted that City Council has typically moved any conflict such as this to meet on the next business day, which would be Tuesday, September 3.

Upon a motion by Councilmember Underwood, seconded by Councilmember Neel and unanimously carried, the City Council approved the

rescheduling of the September 2 City Council Meeting due to a conflict with the Labor Day holiday to Tuesday, September 3.

The Mayor and City Council considered approval of an excavator purchase which was approved in the budget as an installment purchase. Public Works has recommended to purchase this on state contract from Carolina CAT in Charlotte for \$259,806. This purchase is pursuant to GS 143-129(e)(9), formal bidding requirements are not required. Colleen Conroy, Finance Director, has obtained competitive bids for financing this equipment for 59 months.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved a Caterpillar excavator purchase from Carolina CAT in Charlotte in the amount of \$259,806 which was approved in the budget as an installment purchase.

The Mayor and City Council discussed the financing of a caterpillar excavator for the Landfill Division which was approved in the current year budget.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved the excavator purchase as an installment purchase with SunTrust at 1.61% interest for 59 months.

(Resolution 13-28. To authorize a contract for bid with SunTrust at 1.61% to finance a caterpillar excavator for the landfill division.)

The Mayor and City Council reviewed the Public Housing Assessment System Report FYE 6-30-2013 with the understanding that based on the PHAS score from the previous fiscal year the Dept. of Public Housing is not being assessed under PHAS this fiscal year.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved the PHAS Certification resolution for Public Housing.

(Resolution 13-29. To authorize approval of the PHAS Certification in Public Housing.)

Councilmember Neel stated that Public Housing previously had excellent management with Director Garry Lewis who is retired and now the new Director Cedric Baldwin has jumped right in and is doing a wonderful job with all of his staff behind him. He is doing a lot of community service out in the community that maybe most people are not aware of and he wanted to bring it to Council's attention. He thanked Mr. Baldwin for all his hard work.

The Mayor and City Council considered a resolution to approve the Biosolids Handling Study Completion. The City Manager noted that this project is complete, and Municipal Engineering has submitted to the Rural Center the final pay request and final report.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a resolution to approve the Biosolids Handling Study Completion.

(Resolution 13-27. To approve the project of Biosolids Handling Study completion.

The Mayor and City Council reviewed a draft letter of appreciation to Ryan's Restaurant. The City Manager noted that pursuant to Council's request at the July 15 meeting, he drafted a letter to Ryan's Restaurant for Council consideration.

Upon a motion by Councilmember Alexander, seconded by Councilmember Holcomb and unanimously carried, the City Council approved the drafted letter of appreciation by the City Manager to Ryan's Restaurant.

The Mayor and City Council considered attendance at the NC League of Municipalities annual meeting which will take place from October 13-15 in Hickory, NC.

Councilmembers Hall, Michael, Neel, and Townsend confirmed their attendance.

The City Manager asked that anyone else wanting to attend to just let him know.

The Mayor and City Council were reminded of the National Night Out event sponsored by the Albemarle Police Department which will take place on Tuesday, August 6 beginning at 6:00 pm in the Belk's parking lot.

Councilmember Hall stated that the NCDOT has decided to accelerate several sidewalk projects in Albemarle. On US Hwy. Business 52 between South Street and Rock Creek Park, sidewalks on both sides will move up from 2016 to 2015 and on Leonard Avenue from East Main Street to NC Hwy. 24-27 will move up from 2018 to 2015.

The City Manager stated that Engineering Technician David Bowers has been working with Allen T. Hodges with NCDOT, Division of Bicycle and Pedestrian Transportation and helped aid these projects being moved forward.

Councilmember Hall stated that on September 10 at City Hall there will be three sessions of CONNECT Our Future. Starting times for each will be 9am, 1pm and 6:30 pm. She asked that the press or anyone in the audience interested to please attend. The previous meetings were held at the Agri-Civic Center and Locust. These meetings are being held in 14 different places in our region.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Alexander 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 consult with the City Attorney, discuss economic development and personnel matters.

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) 3, 4 and 6 to consult with the City Attorney, discuss economic development and personnel matters and stated there is nothing to report at this time.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood and unanimously carried, the Mayor and City Council approved a 2.5% salary increase for the City Manager as given to staff.

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