

REGULAR MEETING CITY COUNCIL
January 7, 2013

The City Council of the City of Albemarle met in a regular session on Monday, January 7, 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, Ronnie Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood
Absent, Judy Holcomb.

The Mayor delivered the invocation.

The Mayor and City Council presented an NC League of Municipalities Retirement resolution to Roger V. Ridenhour.

The Mayor and City Council presented retirement certificates to the following:

Richard L. Morris, Public Works Department- 5.75 years of service
James L. Blalock, Police Department-11 years of service
Garry M. Lewis, Department of Public Housing-34.83 years of service

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the minutes of December 17 regular session and December 17 closed session minutes were approved as submitted.

A public hearing was held to consider a text amendment for proposed changes to Section 92.026 and/or Section 92.033 of the Zoning Ordinance. No one 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 Hall, seconded by Councilmember Townsend and unanimously carried, Council approved the following resolution:

(Resolution 13-01. To make text amendments to sections 92026 and 92.033 of the Zoning Ordinance regarding signs.)

Upon a motion by Councilmember Hall, seconded by Councilmember , Townsend and unanimously carried, an Ordinance entitled (Ordinance 13-01) “ORDINANCE 13-01, AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY MAKING TEXT AMENDMENTS TO SECTIONS 92.026 AND 92.033 OF THE CITY OF ALBEMARLE’S, NORTH CAROLINA ZONING REGULATIONS REGARDING SIGNS ” passed first reading.

A public hearing was held to consider a conditional use permit to operate a vehicle towing and storage business on Anderson Road (Tax Record 7328) between Main and Post Streets. No one spoke for or against this matter.

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

The City Council considered the findings of fact as read by Mayor Whitley:

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the use meets all required conditions and specifications.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, Council approved the following resolution as amended as follows: To allow Mr. Keith Carpenter six months from the date of resolution adoption, to place a solid fence on the property where vehicles are stored which will meet zoning ordinance specifications.

(Resolution 13-02. A conditional use permit to establish an automobile towing and temporary storage services facility on Anderson Road.)

Upon a motion by Councilmember Hall, seconded by Councilmember Michael and unanimously carried, Council approved an amendment to the agenda for a report from the Assistant City Manager and the Chief of Police.

Assistant City Manager Michael Ferris and Chief of Police William Halliburton came before City Council concerning the recent ruling as given by the North Carolina Supreme Court concerning sweepstakes. Mr. Ferris summarized the ruling and stated that City has the right as of last Thursday, January 3 to close down these operations. He also stated that the City has held off until we received all of the facts and want to do what is best for the City, business owners, and residents of Albemarle. Council viewed a video clip on this situation and the different points of view that are throughout the state.

Chief Halliburton requested that Council consider allowing a time period for the owners of the sweepstakes establishments to be notified of the City's decision and that machines are to be discontinued and removed from the business establishment. He stated that his office will send out a letter to these business owners by Thursday, January 10 and give them a deadline of Wednesday, January 16 to have the machines down and out of the stores. The Chief also stated that owners will look at morphing software to be able to comply with the law. Chief Halliburton stated that he is sending an officer to the Rockingham Police Department later this week for training of the different types of games that are out there. He recommended moving forward with this request of cease and desist as of Wednesday, January 16.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, Council approved that Chief Halliburton and/or his

designees send letters to sweepstakes establishments by Thursday, January 10, informing them to shut down and remove these machines as of Wednesday, January 16 at 12 noon.

Mr. Chuck Nance came before City Council as an unannounced delegation concerning the sweepstakes ruling. He stated that New Hanover County plans on sending out letters telling sweepstakes halls they have until March 18 to shut down, and this grace period will give time for the legal process to run its course. Mr. Nance stated that after that date, law enforcement is expected to begin bringing criminal charges against sweepstakes halls that are still open. As a supporter of sweepstakes establishments, he also pointed out the tax revenues that parlors generate and the jobs they create as reasons to keep them open. Mr. Nance asked that City Council give until March 18 when the appeal may be taken up by the US Supreme Court.

Mayor Whitley stated that he understands Mr. Nance's concerns as a business owner but the City will probably follow suit with what Stanly Government is doing and the advice of Chief Halliburton on shutting down these establishments by Wednesday, January 16. Councilmember Michael pointed out that the internet sweepstakes industry had requested a stay in the enforcement of the law but this was denied by the NC Supreme Court. He felt this addressed the issue of an extension in operating and the city had to enforce the law.

Upon a motion by Councilmember Michael, seconded by Councilmember Alexander and unanimously carried, Council approved tabling making any decisions on business licenses or fees concerning the sweepstakes parlors until a later.

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

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

(Ordinance 13-02. To amend the FY 2012-2013 budget to appropriate funds for an interfund loan from the Electric Fund to the General Fund for Niven Center renovations.)

The Mayor and City Council considered an award of bids on materials for the new electric delivery station. City Council received the bids and recommendation letter from Southeastern Consulting Engineers for materials for the New Delivery Point on Central Avenue. The City Manager noted that in each case they have recommended award to the low bidder.

Upon a motion by Councilmember Neel, seconded by Councilmember Alexander and unanimously carried, the City Council awarded bids for electrical substation materials for the new Central Avenue Substation to the lowest bidders as follows:

(Bid Tabulation)

The Mayor and City Council considered a recommendation of the ADDC Board of Directors regarding recommending the appointment of Tim McAuley to fill a vacant unexpired term. Michelle Cumming has had to resign from the Board since she has taken a new job that does not afford her the opportunity to attend board meetings. Mr. McAuley previously served on the ADDC Board but had to resign when his job required that he work out of town. He is now the SunTrust downtown branch manager and can attend meetings once again.

Upon a motion by Councilmember Townsend, seconded by Councilmember Alexander and unanimously carried, the City Council appointed Tim McAuley to fill a vacant unexpired term on the ADDDC Board of Directors expiring July, 2015.

The Mayor and City Council considered a resolution opposing forced takeover of municipal water systems. Council received a model resolution provided by the League of Municipalities along with a letter that the League sent to the General Assembly committee considering this matter and a white paper that provides background on this issue. The City Manager noted that this is a serious threat to locally owned utilities, and similar action threatening the City of Asheville and its assets could spread to other municipalities.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved a resolution opposing forced takeover of municipal water systems.

(Resolution 13-03. To opposed legislation that provides for force taking of municipal water system.)

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, an Ordinance entitled (Ordinance 13-04) “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 an appointment of an alternate to the Stanly County Convention and Visitors Bureau. The City received a letter from the CVB on Monday advising that the CVB bylaws have been amended to allow the appointments of alternates who would represent jurisdictions in the absence of the primary member or members. The City's current appointments to the CVB are Councilmember Jack Neel and Wade McSwain.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council appointed Ronnie Michael as the alternate to the Stanly County Convention and Visitors Bureau

The Mayor and City Council designated a voting delegate and alternate to the NCLM Advocacy Goals Conference. The City Manager noted that the League has requested that participating municipalities designate one delegate and one alternate for this meeting. To date, Mayor Pro Tem Alexander and Councilmembers Hall and Neel are the governing board members registered to attend.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council designated Mayor Pro Tem Alexander as the delegate and Jack Neel as the alternate to the NCLM Advocacy Goals Conference.

The Mayor and City Council considered designation of the TCC and TAC committee member participants to the Rocky River RPO. The current TCC committee members for the City are Representative - Raymond Allen, Alternate - Michael J. Ferris. The current TAC committee members for the City are Representative - Martha Sue Hall, Alternate - Ronnie Michael.

Upon a motion by Councilmember Neel, seconded by Councilmember Townsend and unanimously carried, the City Council appointed TCC committee members for the City are Representative - Raymond Allen, Alternate - Michael J. Ferris and TAC committee members for the City are Representative - Martha Sue Hall, Alternate - Ronnie Michael.

The Mayor and City Council considered a request of Ms. June Mabry for use of the Council Chambers, Community Room and Executive Conference Room for a Democratic Party meeting in the City Hall on Saturday, May 18, 2013.

The City Manager noted that we would normally handle this at a staff level, but the City's policy states that the Council Chambers is only available for local, state or federal government use. Ms. Mabry has also made us aware of NC General Statute 163-99 which does not allow for facility charges for annual or biennial precinct meetings and county and district convention. Typically, our policy would charge for this use since it will occur on a weekend when the City Hall is closed.

Upon a motion by Councilmember Michael, seconded by Councilmember Underwood and unanimously carried, the City Council appointed a request of Ms. June Mabry for use of the Council Chambers, Community Room and Executive Conference Room for a Democratic Party meeting in the City Hall on Saturday, May 18, 2013.

The Mayor and City Council received a thank you letter from the Stanly County Chamber of Commerce acknowledging the City's appropriation this year to the Chamber for economic development.

The Mayor and City Council were reminded about the Economic Development Task Force Meeting which will take place at 6:00 pm on Thursday, January 10 in the Community Room at City Hall.

Upon questioning by Councilmember Hall, the City Manager was asked to speak with Director Paul Stratos with the Stanly County Economic Development Commission concerning a data centers.

The Mayor and City Council were reminded of the Dr. Martin Luther King, Jr. Unity Breakfast which will be on Saturday, January 19 at 8:00 am at the EE Waddell Community Center.

The Mayor and City Council were reminded that City Offices will be closed on Monday, January 21 in observance of the Dr. Martin Luther King, Jr. Holiday.

Councilmember Michael asked if Planning and Community Development Director Keith Wolf provide a report a the January 16 Planning Board Dinnner meeting on properties scheduled to be condemned and torn down.

Councilmember Michael asked the City Manager if we can start this month through May advertising in the bill stuffer for interested candidates to go to the City website and apply if wanting to serve on City boards and commissions.

Councilmember Hall stated that she and eight other people attended the swearing in of former Rockingham Mayor Gene McLaurin to the State Senate at a ceremony this past Friday at Rockingham City Hall. Ms. Hall stated that he will do a great job in replacing Senator Purcell. She asked that the City Manager send a signed copy of the resolution opposing legislation that provides for the forced taking of municipal water systems to Senator McLaurin and Representative Burr.

Councilmember Hall stated that Larry and Barbara Bowers will be recognized at the Main Street Awards Program on January 31, 2013 at the Annual Conference in Salisbury, NC. She feels the City should have at least one Councilmember there representing the City of Albemarle.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall and unanimously carried, the City Council adjourned to Wednesday, January 16, 2013 at 6:30 pm at the Rosebriar Restaurant for a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment.