

REGULAR MEETING CITY COUNCIL

May 7, 2012

The City Council of the City of Albemarle met in a regular session on Monday, May 7, 2012, at 7:00 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 Holcomb, Ronnie Michael, Dexter Townsend, and T. Ed Underwood. Absent, Jack F. Neel.

Mayor Whitley called the meeting to order.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the minutes of the April 16 regular session, April 16 closed session, and April 18, 2012 adjourned session minutes were approved as submitted.

A public hearing was held to consider condemning and authorize demolished the Structure at 412 Colston Street.

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

Upon a motion by Councilmember Underwood, seconded by Councilmember Townsend, and unanimously carried, an Ordinance entitled (Ordinance 12-16) “AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.” passed first reading.

Mr. Lester Burleson came before City Council as an unannounced delegate to request a cash payment for a deposit he made to the City for his utility

billing. He stated that he had to pay a \$150 deposit to the City before power was turned on and after one year with no late payments, he is to receive his deposit back. He said that the City policy states that this return of deposit is to be credited to a customer's account and he is requesting cash payment instead.

Mayor Whitley stated that City policy states that this deposit is to be applied to a customer's bill. City Manager Raymond Allen and Customer Service Coordinator Scott Hopkins do not have the authority to bend the policy rules and only Council can make an exception to the policy.

Councilmember Townsend moved that City Council not approve making an exception to City policy which would allow Mr. Burleson to receive his deposit refund of \$150 in cash instead of having it applied to his account. Councilmember Hall seconded the motion.

Council continued discussion on this matter.

Voting for the motion were Councilmembers Alexander, Hall, Michael, and Townsend. Voting against the motion were Councilmembers Holcomb and Underwood. The motion carried.

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

The Mayor and City Council considered an addition to the 2011/2012 street resurfacing list. Council received a copy of the current 2011/2012 resurfacing list with the completed projects to date. The City Manager noted that the Streets Division of Public Works has completed resurfacing projects under budget and requests direction for additional projects to the current list. It is their recommendation that we adjust the limits of resurfacing on Colonial Dr. to extend east to the intersection of Smith St. This can be accomplished with the current funds saved.

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

the resurfacing of Colonial Dr. from Melchor Road to extend east to the intersection of Smith St.

The City Manager noted that budget work sessions are scheduled for 5:30 pm on Tuesday, May 8 and Tuesday, May 15 to review the proposed budget. Council also received a memo that provides information about questions that came up during the March budget work sessions that staff was unable to provide comprehensive answers for at that time.

The City Manager also stated that the current budget year ends June 30 and will we will close the year in a good financial position and with adequate fund balances in all funds. For FY 2012-13, he stated he is proposing a ninth straight year with no property tax increase and no increase in general fund revenue fees. There is a 5% increase proposed for water and sewer rates, a 4% increase proposed for electric rates, and a \$1 per ton increase for municipal solid waste and construction and demolition waste at the landfill to begin July 1, 2012.

Mr. Allen also stated that City Council and the media are receiving a copy of the proposal tonight and there will be a copy in the City administrative office at City Hall and also the Stanly County Public Library for public review.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall, and unanimously carried, the City Council approved setting a public hearing for Monday, May 21 to consider the proposed budget.

The Mayor and City Council considered renewal of City employee medical insurance for FY 2012-2013. Human Resource Director Robert Whitley is requesting approval to renew employee medical insurance with Blue Cross/Blue Shield. The City Manager noted that Blue Cross/Blue Shield first communicated a 10% increase for our insurance program. After initial negotiation, an increase of 1.9% was presented. CEBA, further negotiated a renewal with no increase for the current plan structure.

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

renewal of employee medical insurance for FY 2012-2013 with Blue Cross/Blue Shield with no increase for the current plan structure.

The Mayor and City Council discussed minimum housing code violations at 804 Austin Street. Assistant City Manager Michael Ferris noted that the property owner was given a second extension to make improvements to the property. The extension expired on April 30. Council reviewed a memorandum from Assistant City Manager Michael Ferris who coordinates Minimum Housing Code issues for the City and letters from Mr. Ferris to Mr. Hinson regarding the extensions and James Luster's case files.

James Luster with Centralina Council of Governments came before Council and stated that the property at 804 Austin Street has been on the list for housing code violations several years and Mr. Hinson has been granted extensions by Council several times. He said that Council can decide whether they would like to grant another extension or adopt an ordinance to move forward with demolition. Mr. Luster answered any questions that Council had.

Mr. Oscar Hinson came before City Council and stated that his understanding from Council was that he was to make the outside of Austin Street presentable and then work on renting his properties on Old Parker Road. He stated that he had painted and replaced windows on Austin Street. He stated that he would now like to work on repairs at his Old Parker road properties and get rental income from them to then use toward repairing his property on Austin Street.

Mr. Luster stated that the property at 804 Austin Street cannot be rented until it meets minimum housing code, and if Mr. Hinson would rent the property without it meeting minimum housing code, the City could be liable if something happens.

Councilmember Michael stated that Council could give Mr. Hinson three months to repair his properties on Old Parker Road, get them ready for rent, then use the money to invest in his property at 804 Austin Road.

Council continued discussions.

Upon a motion by Councilmember Michael, seconded by Councilmember Hall, and unanimously carried, the City Council approved giving Mr. Hinson until January 1, 2013 to complete his two properties on Old Parker Road, bringing them up to minimum housing code standards, and to get permits on

his property at 804 Austin Road to start bringing this property up to City code. The City Council would like a progress report from the City Planning and Zoning Department of Mr. Hinson's progress in three months which would be at the August 6, 2012 Council meeting.

The Mayor and City Council considered a request from Piedmont Natural Gas Extension. The City Manager noted that PNG is requesting a 290 feet extension of 2" gas line to serve 3 customers on the east side of Smith Street. It will be located off of the R/W of Smith Street and PNG is obtaining easements from the property owners. Council received a map to PNG from the Water/Sewer Division with the approximate location of the utilities. The Electric Division has also reviewed this map. Piedmont Natural Gas Extension will contact Public Utilities before beginning construction.

Upon a motion by Councilmember Alexander, seconded by Councilmember Underwood, and unanimously carried, the City Council approved a request of Piedmont Natural Gas for a 290 feet extension of 2" gas line to serve 3 customers on the east side of Smith Street.

The Mayor and City Council considered a request of Central NC Council Boy Scouts of America. The request is for an exemption to the City's ordinances to allow target practice and instruction at City Lake Park.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved an exemption to the City's ordinances to allow target practice and instruction at the Boy Scouts Camp the week of June 18-21 at City Lake Park and that Mr. Burris contact the Police Department about this event.

The Mayor and City Council considered changing the start time for regular meetings of the City Council to 5:30 p.m. At its meeting on April 16, the City Council voted to change the time of City Council meetings to 5:30 p.m. effective with the first meeting in June. Also, Council voted to reevaluate this time

change at the first meeting in August. Council meeting times are required to be set by ordinance

Councilmember Holcomb moved to change the City Council meeting time from 7pm to 5:30 pm. The motion was seconded by Councilmember Michael.

In further discussion, Councilmember Townsend stated that with the meeting time change, the public hearings should be moved near the end of the meeting. Councilmember Hall stated that the public hearings should be moved up to 6-7 pm. She also stated that this will be an issue for her arriving by 5:30 pm, driving from Monroe.

Councilmember Holcomb stated that the public hearings can be moved to 6 pm to make sure anyone interested can attend.

Voting for the motion were Councilmembers Alexander, Holcomb, Michael, Townsend, and Underwood. Voting against the motion was Councilmember Hall. The motion carried.

(Ordinance 12-17) “AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, AMENDING SECTION 22-01 OF CHAPTER 22, TITLE TWO. “GOVERNMENT AND ADMINISTRATION” OF THE CITY OF ALBEMARLE, NORTH CAROLINA, TO ESTABLISH THE HOUR OF 5:30 P.M. OF THE STANDARD OF TIME IN EFFECT AS THE TIME OF REGULAR MEETINGS.” passed first reading.

Upon a motion by Councilmember Townsend, seconded by Councilmember Underwood, and unanimously carried, an Ordinance entitled (Ordinance 12-18) “AN ORDINANCE TO AMEND FY 2011-2012 BUDGET .” passed first reading.

The Mayor and City Council received an update on the National League of Cities (NLC) Service Line Warranty Program. The City Manager noted that City Council authorized participation in this program a few months ago and Public Utilities staff has been working with the NLC on getting ready to launch this program. We anticipate that the letters will go out around the middle of May.

Michael Bunting, Superintendent of the Water/Sewer Systems Division will be the main spokesperson for the City to the public. Council received an email discussing the status of the program along with a draft letter that will go to residents and a draft news release.

The Mayor and City Council considered approval of a Memorandum of Understanding (MOU) with Centralina Council of Governments. This MOU is for membership in the CONNECT Consortium. Council received a copy of this MOU, a letter of explanation from CCOG Chairman Martha Sue Hall, and other supporting documentation. COG has asked members of its board to present this to the various governing boards. The City Manager noted that Council had previously authorized City participation in this process by letter and resolution in 2011 and CCOG has also asked that the City Council appoint someone from senior staff to the Program Forum along with 2-3 alternates. Also, there is a Policy Forum which requires appointment of a member of our governing board, with 2-3 alternates as well.

Councilmember Hall gave a PowerPoint presentation explaining what the CONNECT program is and that it is for communities, businesses, educators, non-profits, organizations, etc. working together across city, county and state lines on shared challenges. She stated that this is an extensive community-based venture to develop a regional framework using best practices to help communities and organizations together on existing plans and strategies.

The local CONNECT region involves two states (NC and SC), 14 counties, and more than 100 municipalities and has received a 2011 HUD Sustainable Communities Grant. Councilmember Hall answered any questions that Council had about the program.

Upon a motion by Councilmember Townsend, seconded by Councilmember Alexander, and unanimously carried, the City Council approved a Memorandum of Understanding (MOU) with Centralina Council of Governments.

Upon a motion by Councilmember Michael, and unanimously carried, the City Council approved City Manager Raymond Allen to serve on the Program Forum and Planning and Community Development Director Keith Wolf, Public Utilities Director Ellen Huntley, and Public Works Director Mike Lambert to serve as alternates.

Upon a motion by Councilmember Michael, seconded by Councilmember Holcomb, and unanimously carried, the City Council approved Councilmember Townsend to serve on the Policy Forum.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood, and unanimously carried, the City Council approved Councilmember Michael to serve as an alternate on the Policy Forum.

The Mayor and City Council discussed fees and charges for Afterschool Programs using the Waddell Center. The City Manager noted that the City's current facility use policy does not call for a fee to be charged to groups using the Waddell Center during regular open hours unless food preparation or other special accommodations are necessary.

Parks and Recreation Director Toby Thorpe stated that two after school programs (LIFT and Just Us Kids) are using the center, and bring in large numbers of participants daily. The high participation is resulting in wear and tear on the facility, particularly the new banquet hall area. Some members of the community have asked that we consider implementing a fee for groups who use the facility on an extended basis like these two, with the income designated to help maintain the high use area.

Mr. Rhonda Vinson, Director of Just Us Kids, also a lead 5th grade teacher, Mr. Brooks spoke on the program and the benefits to the kids of having this center in Albemarle. Ms. Vinson stated that they have kids from Badin, East, and Central Elementary Schools attending this year.

Ms. Vinson stated in her letter to Council the following:

“The monies received through the grant have been budgeted for the children to provide healthy snacks, supplies, and activities that will enhance their cultural and social awareness. We offer access to updated technology and internet availability which is key to academic success. Therefore extreme changes in our rental agreement would jeopardize the continued resources and availability we offer to over 80 children on a daily basis in the Albemarle community. However, we agree to a \$500 per year rental or lease.”

Just Us Kids Program Coordinator for the Stanly County Center, and a parent of one of the students who attends the program came before Council and spoke about the program and answered any questions that Council had.

EE Waddell Center Supervisor Billy McRae came forward and said he has spoken with the directors of these two programs, and both have been receptive to paying a fee for their use of the facility, provided it is within their ability to pay.

Councilmember Holcomb asked that Council hold this item over and continue discussions in the budget work session on Tuesday, May 8 and Council agreed.

The Mayor and City Council received a report that the City of Albemarle received a 2012 Playful City USA Recognition. The City Manager noted that Albemarle is one of six North Carolina cities to be named a Playful City for 2012. He also said that he would like to commend Parks and Recreation Director Toby Thorpe and the other members of the P& R staff for their efforts in achieving this designation for the third consecutive year.

Mr. Thorpe stated that as a Playful City, Albemarle is eligible to apply for matching grants from Kaboom!, Inc. to improve existing playgrounds and to build new ones. A grant application for this purpose has been submitted for review.

Councilmember Townsend asked Mr. Thorpe about the new federal requirements for handicap access at swimming pools.

Mr. Thorpe stated that if there is no zero depth entry/beach entry to the pools, they have to install handicapped-accessible lifts which the City has already purchased. We will also be installing 2nd entry access also.

The Mayor and City Council considered a letter to the Stanly County Board of Commissioners requesting that the Mayor be considered for appointment to the Stanly County EDC in 2013. Council reviewed a letter drafted by the City Manager for their consideration.

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

a letter to the Stanly EDC consideration of Mayor Whitley being appointed in 2013.

The Mayor and City Council considered attendance at the NCLM Town Hall Day to be held in Raleigh on Wednesday, June 6, 2012. The City Manager noted that we have typically had good representation from the Mayor and Council at this event, and would urge anyone who can to attend. He also encouraged Council to consider bringing some local citizens or business leaders to the event as suggested in the Bring 5 campaign.

Mayor Whitley and Councilmembers Alexander, Hall, Holcomb and Michael affirmed their attendance.

Councilmember Michael stated that in getting participation from local citizens and leaders he would suggest contacting the Chamber of Commerce. Mayor Whitley stated maybe asking the Director of the Albemarle Downtown Development Corporation (ADDC) also.

The Mayor and City Council considered attendance at the ElectriCities of North Carolina Annual Meeting. This meeting will take place from August 9-11 at the Marriott Resort and Spa at Grand Dunes in Myrtle Beach, South Carolina. Council received Information regarding the meeting and a request from ElectriCities for any door prizes or silent auction prizes. The City Manager noted that if anyone is planning to attend we can register them for the conference and make reservations at the hotel.

The Mayor and City Council were reminded of the NCMIPA# 1 Regional Meeting. This meeting will be on Thursday, May 10 at 6:00 pm at the Embassy Suites Concord. The persons who indicated they plan to attend are Councilmembers Alexander, Hall, Holcomb, Michael, Neel and Townsend. Public Utilities Director Ellen Huntley and the City Manager will also be attending. The City Manager asked that Council arrive at City Hall at 4:45 pm that afternoon if they want to van pool.

The Mayor and City Council were reminded of the City Employees Picnic. This event will be on Wednesday, May 16 from 11 am to 1 pm at City Lake Park.

Councilmember Holcomb encouraged everyone to go out and vote on Tuesday, May 8.

Councilmember Hall said that she would like to publicly thank the City Manager and his staff, Public Utilities, and IT for all their help with the General Government Legislative Committee meeting last Monday at City Hall. We had 25 people for the morning and around 35 people at lunch.

Also, she mentioned the ALF leadership meeting held on Wednesday at City Hall.

Ms. Hall stated that there was a controlled burn on Third Street this past week and she stated her appreciation to Fire Chief Shawn Oke and his staff and that this was a job well done.

Ms. Hall also thanked Councilmember Michael for backing her up at the the Rocky River RPO meetings. She said that their next meeting is a Stanly Commons next Thursday at 6 pm.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander, and unanimously carried, the City Council adjourned until Tuesday, May 8 at 5:30 pm for a budget work session at City Hall.