

REGULAR MEETING CITY COUNCIL  
December 17, 2012

The City Council of the City of Albemarle met in a regular session on Monday, December 17, 2012, 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 Holcomb, Ronnie Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

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Mayor Whitley called the meeting to order.

Mayor Whitley asked for everyone to take a moment of silence to honor the 26 people killed at Sandy Hook Elementary School last week.

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the minutes of the December 3, 2012 regular session was approved as submitted.

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The Mayor and City Council considered a request for approval of a resolution of Kilah's Law. It was noted that similar requests are being made to municipalities across the region, and to date over 20 municipal councils have adopted resolutions.

Mr. Jeff Gerber, founder of the Justice for All Foundation and Mr. Russ Freeze, a volunteer with the foundation, came before City Council and stated that Kilah's Law will raise the sentencing guidelines for anyone who causes the permanent debilitating physical injury to a child from a Class C felony to a Class B felony with the intent to give the judicial system the tools needed to implement a more severe punishment to fit this horrific crime. They displayed a 4-5 minute video of Kilah's Coming Home to the Mayor and Council and to be televised to everyone.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved a resolution of Kilah's Law.

(Resolution 12-44)

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Mayor Whitley noted that the monthly administrative reports were in the agenda package.

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The Mayor and City Council considered approval of proposed FY 2013-2014 Budget Preparation Schedule. Consideration of this proposed schedule was laid over from the December 3 meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the FY 2013-2014 Budget Preparation Schedule.

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The Mayor and City Council considered a resolution in support of the Clean Water Management Trust Fund. The CWMTF provides important funding to local government for water and sewer improvements, and their state funding has been reduced over the past few years. Council received a letter from their Chairman regarding this issue and a sample resolution if City Council would like to consider this. The League of Municipalities supports restoration of funding for this organization.

Upon a motion by Councilmember Hall, seconded by Councilmember Michael, and unanimously carried, the City Council approved a resolution in support of Clean Water Management Trust Fund.

(Resolution 12-45)

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The Mayor and City Council considered declaring three (3) acres of trees at 690 Central Avenue surplus on property for a new electric delivery point. This timber will need to be cleared for the construction of the new electric delivery point. The City will take bids from loggers for the timber.

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

declaring three (3) acres of trees at 690 Central Avenue surplus on property for new electric delivery point.

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The Mayor and City Council considered a resolution to self finance improvements to the Jesse F. Niven Center. The City Manager noted that City Council had previously approved a bid from BB&T to finance this project. A provision was found in one of the two deeds of conveyance that we could not mortgage the property without the prior approval of the Department of the Army. BB&T will not provide the loan without this property being provided as collateral.

The City Manager stated that due to the length of time we believe it would take to get approval from the Army, we recommend that we self finance using funds from the Electric Fund. This would be about \$900,000 and would be for a term of 15 years at 2% interest. The construction bid that was awarded expired on December 11. We have asked the contractor to honor the bid until next week until Council can approve the self financing alternative.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Neel, and unanimously carried, the City Council approved a resolution to self finance improvements to the Jesse F. Niven Center.

(Resolution 12-46)

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Upon a motion by Councilmember Hall, seconded by Councilmember Neel, and unanimously carried, an Ordinance entitled (Ordinance 12-41) "AN ORDINANCE TO AMEND FY 2012-13 BUDGET." passed first reading.

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The Mayor and City Council considered a request of Mr. John Lilly to prohibit tractor trailer trucks on Leonard Avenue. Councilmember Townsend received this request from Mr. Lilly and asked that this be placed on the meeting agenda for discussion.

Upon a motion by Councilmember Neel, seconded by Councilmember Michael, and unanimously carried, the City Council approved prohibiting thru truck traffic on Leonard Avenue.

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The Mayor and City Council considered approval for Albemarle Police Department to apply for the 2013 Governor's Crime Commission Gang Grant Initiative award. Albemarle Police received this award with a 25% match requirement in the 2012 grant cycle.

Chief Halliburton came before Council and stated that this grant was used to hire a Community Coordinator, Shanta Watkins, who began her duties in September of 2012. The Police Chief has advised that she has been a huge asset to the department in developing community relations throughout the City of Albemarle and Stanly County. If authorized we will be seeking a similar grant award of approximately \$50,000.00 with an approximate \$12,500.00 match to continue the funding of her position.

Upon a motion by Councilmember Hall, seconded by Councilmember Underwood, and unanimously carried, the City Council approved the Albemarle Police Department applying for the 2013 Governor's Crime Commission Gang Grant Initiative award.

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The Mayor and City Council reviewed a draft of the Stanly County Animal Control Ordinance. The City Manager noted that at the December 3 Council meeting Councilmember Michael requested we obtain a draft of the revised animal control ordinance that was recently considered but not adopted by Stanly County. City Council received a copy of the draft revised animal control ordinance. It was noted that newly elected County Commissioner, Peter Ascitutto is a liaison to the Stanly County Health Department.

Councilmember Hall asked that no decision be made tonight and table until the January 7 Council meeting.

Councilmember Townsend asked that this item be tabled until Stanly County makes a decision. It was determined to place a 3 month time limit on this item and to bring back before Council by the 1<sup>st</sup> meeting in April 2013 if no decision has been made by that point.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved tabling any decision on the animal control ordinance until Stanly County makes a

decision. It was determined to give a 3 month time limit and to revisit this item by the 1<sup>st</sup> meeting in April 2013 if no decision has been made by that point.

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The Mayor and City Council reviewed information on the NC Hwy 24-27 update and received a copy of an email from RRRPO Director Dana Stoogenke regarding the NC 24-27 improvement project between Albemarle and Troy. Councilmember Hall asked that this item be included on the agenda for City Council's information.

Councilmember Hall stated that Council has reviewed the email from RRRPO Director Dana Stoogenke regarding the NC 24-27 improvement project between Albemarle and Troy and she just wanted Council to be made aware of this and receive this copy.

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The Mayor and City Council considered attending the Dr. Martin Luther King, Jr. Unity Breakfast. This event will be on Saturday, January 20 from 8 am to 10 am. Councilmember Townsend requested that this be placed on the agenda for City Council's consideration. We can purchase tickets for anyone interested in attending.

The Mayor and all City Council members affirmed their attendance.

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The Mayor and City Council reviewed information regarding emergency responses. Councilmember Townsend raised a concern at the last Council meeting about the potential abuse of emergency response resources at a residence in his district. The City Manager noted that Chief Oke has investigated this concern and Council received a copy of Chief Oke's memo regarding this.

Fire Chief Oke stated that in an effort to be sure the patient at this address is receiving all of the help possible, agencies outside of fire or EMS have been contacted by Mr. Brian Simpson, Director of Emergency Services for Stanly County. These outside agencies are working to intervene with the patient and provide additional services to be sure the patient is getting the care they need. This extra level of service is helping the excessive use problem, although it is not eliminating it.

Fire Chief Oke answered any questions that Council had.

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The Mayor and City Council reviewed the City 2012-2013 Holiday Schedule.

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The Mayor and City Council received information regarding property tax percentages collected. At the last City Council meeting, Mr. Neel asked what the Property Tax percentage collected were by year. The City Manager noted that this information was provided in the FY 2011-2012 audit, but the percentages were not calculated. The Finance Department has provided the information as of October 31, 2012. As we move past the five year period and continue to collect on unpaid taxes we exceed 99% in each year.

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The Mayor and City Council were reminded that City Offices will be closed December 24, 25, and 26 for the Christmas Holiday.

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Councilmember Michael wished everyone a Merry Christmas.

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Councilmember Holcomb thanked the Fire Chief for the ride on the fire truck during the Christmas parade. Everyone fully enjoyed the ride.

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Councilmember Townsend wished everyone a Merry Christmas.

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Councilmember Hall thanked the Parks and Recreation Director Toby Thorpe on the Lighting Up the Greenway program on Friday, December 14.

Councilmember Hall stated that she had received so many comments from residents of how festive our downtown looks this year.

Councilmember Hall asked Chief of Police Halliburton if she could attend a meeting in Statesville before we have a call in here about the High Point model. She was unable to attend when Council previously went to Statesville. It was confirmed that she would be able to.

Councilmember Hall also said that any Council member that attended the NLC in Boston and would like to go to the 2013 Congressional City Conference in Washington, DC in March, will receive discounts if they register by December 31. Ms. Hall stated that their badge numbers from the Boston conference will be needed when registering for Washington. Councilmember Holcomb stated that she will attend the conference in Washington.

Councilmember Hall also wished everyone a Merry Christmas.

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Councilmember Neel wished everyone a Merry Christmas.

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Councilmember Underwood wished everyone a Merry Christmas.

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Councilmember Alexander wished everyone a Merry Christmas.

Councilmember Alexander also asked if Council could receive an amortization schedule from Public Utilities Director Ellen Huntley on current and future projects in her department. Ms Huntley stated that she can provide a debt service schedule for all of the water and sewer capital project.

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Upon a motion by Councilmember Underwood, 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 to consult with the City Attorney.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb 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 and stated there is nothing to report at this time.

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council adjourned until Monday, January 7, 2013 for a regular session meeting at 6 pm.