

REGULAR MEETING CITY COUNCIL  
December 3, 2012

The City Council of the City of Albemarle met in a regular session on Monday, December 3, 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, G.R. Michael, Jack F. Neel, Dexter Townsend, and T. Ed Underwood. Absent, none.

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Mayor Whitley called the meeting to order.

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Upon a motion by Councilmember Hall, seconded by Councilmember Underwood and unanimously carried, the minutes of November 19, 2012 regular session and November 19 2012 closed session were approved as submitted.

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A public hearing was held to consider a request of Mr. Patrick Howard for a certificate of convenience and necessity to operate a taxi franchise. No one from the public spoke for or against this matter.

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

Councilmember Holcomb moved to approve a request of Mr. Patrick Howard for a certificate of convenience and necessity to operate a taxi franchise. Councilmember Underwood seconded the motion. Voting for the motion were Councilmembers Alexander, Holcomb, Michael, Neel, Townsend, and Underwood. Voting against the motion was Councilmember Hall. The motion carried.

(Resolution 12-42)

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The Mayor and City Council were presented with the fiscal year 2011/2012 City of Albemarle audit by Ken Anderson of Anderson Smith & Wike for fiscal year ending June 30, 2012. Mr. Anderson handed out a sheet and summarized available fund balances, tax collection percentages and other audit information.

Councilmember Neel asked what the current tax collection percentage would be on any of the back taxes since 2008. Mr. Anderson stated that he does not have that information with him but can supply that information. Finance Director Colleen Conroy affirmed this.

Mr. Anderson answered any questions that Council had.

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Mr. Dexter Cosby was scheduled to come before City Council to request an exception to the City's Facilities Use Policy but was not present. He was requesting that an exception be made to the E.E. Waddell Community Center rental policy to allow a New Year's Eve party to continue until 1:00 a.m. It was noted that the current policy requires that all rental activities cease and to vacate the premises no later than 12:00 midnight.

Councilmember Townsend stated that when the policies were designed for the EE Waddell Center, it was determined that situations as this may come up and we would have to make a decision on those questions when they arise. New Year's Eve would be an exception as was the youth camping out and the Kingville alumni gathering and would be hard not to allow an exception. This should come before Council as decided but should be approved.

Parks and Recreation Director Toby Thorpe stated that Mr. Cosby was requesting that the New Year's Eve party be allowed to continue until 1:00 a.m. The current policy requires that all rental activities cease and vacate the premises no later than 12:00 midnight. The Parks and Recreation Department is concerned about the precedent that this will set.

Councilmember Michael moved that the City Council oppose an exception to the City's Facilities Use Policy allowing a New Year's Eve party to continue until 1:00 a.m. Councilmember Hall seconded the motion. Voting for the motion were Councilmembers Alexander, Hall, Holcomb, Michael, Neel, and Underwood. Voting against the motion was Councilmember Townsend. The motion carried.

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

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Upon a motion by Councilmember Holcomb, seconded by Councilmember Underwood and unanimously carried, the following Ordinances passed second reading and were duly adopted:

(Ordinance 12-39 - To amend City Holiday Policy.)

(Ordinance 12-40 - To amend classification pay schedules.)

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The Mayor and City Council discussed designation of NC 24-27 in Red Cross and Locust. Councilmember Hall asked that this item be placed on the agenda for additional discussion to provide guidance for casting the City's vote on this issue on the RRRPO Transportation Advisory Committee. In Albemarle, NC 24-27 is proposed to be designated as a major thoroughfare with a couple of sections designated as a boulevard. These designations are less restrictive than the current designation of NC 24-27 through Locust and Red Cross. However, NC 24-27 has a speed limit of 45 mph on the entire length through Albemarle. Most of the concerns that we hear are about the 35 mph designation through Locust. One other major factor is that the ABNL CTP calls for a southern bypass around the City which is an expressway. Locust and Red Cross did not want a bypass around their towns so this is not in their CTP.

Councilmember Hall stated that Lewis Mitchell pointed out that with new administration and new funding, local communities will have a lot of input into the designation for their towns. Assistant City Manager Michael Ferris attended the TCC meeting and had stated that the City Council had not yet discussed this. Ms. Hall also stated that she does not feel good about discussing this until the City Council has had a discussion on this issue. Ms. Hall said that we do not have to come to a decision tonight, but she would like for Council to discuss our concerns and if whether we will support Locust and Red Cross. Red Cross is wanting a change from expressway to boulevard.

Councilmember Neel stated that there are no more restraints at Red Cross then would be through Frog Pond, with no businesses there at this time.

Councilmember Michael asked that Council delay a decision on this until Locust and Red Cross come before us and ask for our support.

Councilmember Hall stated that Locust and Red Cross made this request to the Rural Planning Organization (RPO). This was on the RPO agenda for November and was tabled until the January meeting.

Assistant City Manager Michael Ferris stated that the TCC makes recommendations to the TAC and the biggest concern as Ms. Hall had stated is an economic development issue for Albemarle. For Red Cross and Locust, the speed limit and ease of getting through their towns. If speed is set for 45 mph as in Albemarle, this could be accomplished.

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The Mayor and City Council considered an appointment to fill an unexpired term on the Albemarle Tree Commission. The City Manager noted that this vacancy was created by the resignation of Ms. Sue Massey who has moved out of town into a retirement center. Consideration of this appointment was laid over from the October 15 meeting to December at the request of Councilmember Hall. Council received a list of current members and citizens who have volunteered to serve on this board.

Councilmember Hall stated that she is not ready to make a decision presently and could this item be held over.

Councilmember Townsend asked if each candidate on the list could be sent an application to see if they are still interested in serving on this board. The City Manager stated that there will not be a problem in doing this.

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The Mayor and City Council considered setting a public hearing for a conditional use permit to operate a vehicle towing and storage business by a recommendation of the Planning Board on Nov. 27, 2012 for a request of Keith M. Carpenter on the corner of Anderson Road and Post Road (Tax Record 7328), which is zoned LID/Light Industrial District. It was noted that the storage area will be enclosed by an 8 foot high opaque fence and shall not contain over 50 vehicles. No part or parts from these vehicles will be sold or offered for sale. Also, Mr. Carpenter must relocate his existing towing and storage business as soon as possible. He plans to meet all requirements for the conditional use. He will request a reasonable time period to complete the required fence. A public hearing can be set for January 7 to consider this request if City Council so ordains

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved setting a public hearing on Monday, January 7 for a conditional use permit to operate a vehicle towing and storage business on the corner of Anderson Road and Post Road for Keith Carpenter, which is zoned LID/Light Industrial District.

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The Mayor and City Council considered setting a public hearing for a text amendment for proposed changes to Section 92.026 and/or Section 92.033 of the Zoning Ordinance per a recommendation by the Planning Board on Nov. 27, 2012.

It was noted that the Planning staff is asking the City Council to consider some changes to the sign regulations to address recent concerns about the maximum size of signs in the Institutional-Office District and the definition of electronic changeable face signs. A public hearing can be set for January 7 if City Council wishes.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend and unanimously carried, the City Council approved setting a public hearing on Monday, January 7 for a text amendment for proposed changes to Section 92.026 and/or Section 92.033 of the Zoning Ordinance per a recommendation by the Planning Board on Nov. 27, 2012.

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The Mayor and City Council considered engineering agreements with LKC Engineering, PLLC and Fleming and Associates, PA (structural) for design of the rehabilitation of the Hwy 52 Water Treatment Plant. It was noted that this project is one of our key efforts in maintaining and upgrading the City's critical utility infrastructure. This will address structural issues for this 60 year old building and provide for the replacement of major components of the treatment process. The estimated cost is \$6.3 million and the City anticipates receiving a low interest loan from NCDENR for the cost of the project.

Upon a motion by Councilmember Hall, seconded by Councilmember Holcomb and unanimously carried, the City Council approved engineering agreements with LKC Engineering, PLLC and Fleming and Associates, PA (structural) for design of the rehabilitation of the Hwy 52 Water Treatment Plant.

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The Mayor and City Council considered a resolution to approve Equalization Basin financing at US 52 Water Treatment Plant. The City Council previously approved the low bid of PNC Bank for financing this project. This resolution provides for approval of the contract for financing and for the deed of trust associated with the loan.

Upon a motion by Councilmember Michael, seconded by Councilmember Underwood and unanimously carried, the City Council approved Equalization Basin financing at US 52 Water Treatment Plant along with the Installment Financing Contract and the Deed of Trust.

(Resolution 12-43)

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The Mayor and City Council consider approval of provider change for voluntary employee dental coverage. Council received a memo from HR Director Robert Whitley regarding this recommended change. This benefit is paid for entirely by employees. The reason for the change is a 12.5% increase from the current provider.

Upon a motion by Councilmember Alexander, seconded by Councilmember Hall and unanimously carried, the City Council approved Humana at an increase of 3.7% over current rates for employee new dental coverage.

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The Mayor and City Council considered a recommendation regarding NCDOT Right-of-Way Mowing. It was noted that many complaints are received each spring, summer and fall about the appearance of grass on NCDOT rights of way within the City. This past fall the grass on sections of NC 24-27 and US 52 was approximately three feet high for several weeks. Public Works Director Mike Lambert stated that we can provide this service using existing personnel, and with the purchase of a mower to be shared by Public Works and Public Utilities.

Highlights of the agreement will be:

- 5 cycles per year
- \$3,176.40 per cycle
- Total: \$15,882 per year

Public Works staff has evaluated the efforts and needs to perform this program and have determined that to add an additional 90 miles of mowing to our current program will require an additional mowing tractor equipped with a telescoping side arm bushhog.

- Mowing Tractor: \$77,000

It was the consensus of City Council to move forward with this recommendation regarding NCDOT right-of-way mowing beginning with the 2013 mowing season and purchasing a mowing tractor to be shared by Public Works and Public Utilities.

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The Mayor and City Council considered write offs for the period of January 1, 2012 to June 30, 2012 in the Public Housing department. Council received a memo from Public Housing Officer Manager Connie Haithcock along with accompanying information regarding this write off.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the City Council approved write offs for the period of January 1, 2012 to June 30, 2012 in the Public Housing department in the amount of \$680.74.

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The Mayor and City Council considered a Parks and Recreation Trust Fund application for the 2013 Cycle. It was noted that the Albemarle Parks and Recreation is eligible to apply for grant funds from the NC Parks and Recreation Trust Fund with a deadline of January 30, 2013. A number of projects were identified in the 2010 Stanly County Comprehensive Parks, Recreation, and Trails Master Plan for the Albemarle area, and the Parks and Recreation Advisory Board has been polled to determine priority of projects. City Council received a memo with these results. The Advisory Committee has recommended applying for funds for improvements at Chuck Morehead Park.

Upon a motion by Councilmember Neel, seconded by Councilmember Hall and unanimously carried, the City Council approved a Parks and Recreation Trust Fund application for the 2013 Cycle for funds for improvements at Chuck Morehead Park in the amount of \$80,000 with the City's commitment of a 50% match of funds in the amount of \$40,000 if the application is approved by PARTF.

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The Mayor and City Council considered an appointment to the Parks and Recreation Advisory Board. Council reviewed a memo from Parks and Recreation Director Toby Thorpe that Star Cagle, Council District 3 representative on the Parks and Recreation Advisory Board, has moved out of the City Limits.

Upon questioning by Councilmember Holcomb, Mr. Thorpe stated that he does not have anyone in mind that lives in District 3 but will ask the members of the Parks and Recreation Advisory Board if they have any suggestions.

Upon a motion by Councilmember Michael, seconded by Councilmember Townsend and unanimously carried, the City Council approved tabling this appointment until May 2013 when considering next year's appointments.

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The Mayor and City Council discussed concerns over violations of Dog Restraint Ordinance. Section 81.18 of the City's Code says that "A dog owner shall keep his dog under restraint at all times." Restraint is defined as "A dog is under restraint if it is secured by a leash or lead; if it is on the property of its owner; or if it is under the immediate and effective control of a responsible person." Councilmember Neel requested that discussion of this item be placed on the agenda as a result of a complaint he received regarding a dog that has threatened residents on Hemlock Drive. Councilmember Hall received a complaint as well. The City Manager noted that he has been contacted by two residents on this street.

Also noted, a dog on the street has gotten loose at least three times and has threatened three residents. Animal Control has responded to the home two or three times, but the residents did not feel the response was adequate. Chief Halliburton stated that he has met with Animal Control and he has gone out to the house and spoken with the resident. The owner has assured him that this would not occur again. Animal Control advised the Chief that they have not seen an increase in loose dog complaints in the City. It was noted that since the fence was repaired there have been no more incidents.

Councilmember Michael stated that if no decision is made by the County on their dog ordinance, we may have to address this ourselves. We were waiting in hope to create a similar ordinance to that of the County to make it easier on Stanly County Animal Control.

Councilmember Michael asked that the City Manager bring a copy of the latest version of the County's dog ordinance before Council for review.

Mayor Whitley stated that this item will be placed on hold until Council has time to review the County's dog ordinance.

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The Mayor and City Council reviewed a copy of the proposed budget preparation schedule.

Councilmember Hall asked that she be allowed time to review her calendar for any potential conflicts with the proposed budget preparation schedule. It was the



consensus of Council to hold item over until the next Council meeting on Monday, December 17.

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The Mayor and City Council considered attendance at the NC League of Municipalities Advocacy Goals Conference. This meeting will take place on Thursday, January 24 from 9:30 am to 5:00 pm at the Raleigh Convention Center. The City Manager noted that he plans to attend this meeting and would encourage at least a couple of members of City Council to attend and participate in this process, which is to approve the League's legislative priorities for the upcoming year. Council received a copy of an email about the status of this process and the goals that have been forwarded to the NCLM Board of Directors. These goals will be narrowed down to 50 legislative goals and 7 regulatory goals. The goal submitted by the City of Albemarle regarding local purchasing preferences was one of those recommended by the LACs.

Councilmembers Alexander, Hall, and Neel confirmed their attendance.

The Mayor asked that if any other member plans to attend, to please let the City Manager know.

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The Mayor and City Council received information concerning the NC League of Municipalities Transportation Forum. Public Works Director Mike Lambert and the City Manager attended this meeting on November 14 in Raleigh, and Council received copies of the presentations that were made that day. The City Manager noted that Council is aware the state and municipalities have not been able to keep up with demand for road construction and maintenance, and this situation is projected to worsen in the future, unless additional or increased funding sources can be found.

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The Mayor and City Council received information on the 2012-2013 ElectriCities Legislative Agenda regarding their state and federal legislative agendas.

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The Mayor and City Council were reminded of the Mayor/City Council/City Employees Christmas Luncheon on Thursday, December 13 from 11:30 am to 1:30 pm at

the EE Waddell Community Center. If any board members would like to help serve the meal, please feel free to do so either before or after you eat.

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The Mayor and City Council were reminded of the Christmas Parade on Monday, December 10, 2012 at 5:30 pm.

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Councilmember Townsend stated that a resident in his district has called the ambulance to their location probably 40-50 times in the last short while. He asked Fire Chief Oke and Police Chief Halliburton to investigate and let him know about this.

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Councilmember Hall stated that she and Councilmember Townsend attended the National League of Cities conference in Boston, Ma this past week. One of the sessions they attended was on the role of local elected officials on economic development.

The City Manager noted that Crystal Morphis with Sanford Holshouser stated that the our survey received the most responses that she has ever had.

Councilmember Hall thanked Councilmembers Alexander and Michael for attending the CONNECT Our Future meeting at the Agri-Civic Center held today. She also thanked Leon Warren with 1010WSPC radio and the Stanly News and Press for their coverage of this event. She stated that the CONNECT meeting will also be held at the Stanly Community College Crutchfield Campus on Thursday, December 9 in Locust from 4-7 pm.

Councilmember Hall also asked about the time of the Christmas Parade on December 10 and which Council members were riding in the parade.

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Councilmember Neel mentioned Melchor Branch is becoming over grown due to trees around and near the bridge.

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Upon a motion by Councilmember Neel, seconded by Councilmember Hall 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 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) (a)6 to discuss personnel matters and there is something to report at this time.

Mayor Whitley stated that Council needs to vote in open session on a 2.5% raise increase for City Manager Raymond Allen which is the same increase as given to the employees.

Upon a motion by Councilmember Neel, seconded by Councilmember Underwood and unanimously carried, the Mayor and City Council approved a 2.5% raise increase for City Manager Raymond Allen which is the same increase as given to the employees.

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Upon a motion by Councilmember Alexander, seconded by Councilmember Townsend, being no further business, the meeting was adjourned.