

REGULAR MEETING CITY COUNCIL
January 4, 2016

The City Council of the City of Albemarle met in a regular session on Monday, January 4 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor G. R. Michael presided, and the following Councilmembers were present, to-wit: Bill Aldridge, Chris Bramlett, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

The Mayor and City Council presented the following City of Albemarle retirement certificates:

Susan Bailey - Retired as Assistant Finance Director with 17 years and 5 months of service

Connie S. Haithcock - Retired as Senior Administrative Support Specialist in the Department of Public Housing with 17 years and 9 months of service

Melvin Biles - Retired as Warehouse Clerk II in the Public Works Department with 28 years and 1 month of service.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the minutes of the December 21 regular session was approved as submitted.

The Mayor and City Council held a public hearing to consider a request to rezone 503 Old Charlotte Road from LID/Light Industrial District to HID/Heavy Industrial District and no one spoke for or against this item.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council closed the public hearing.

Councilmember Hall moved to deny the request to rezone 503 Old Charlotte Road from LID/Light Industrial District to HID/Heavy Industrial District. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, Hall, Hughes, Townsend and Whitley. No one voted against the motion. The motion carried.

(Ordinance 16-01. DENIED.)

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council requested that Yett Millwork Corp., who is renting the building at 503 Old Charlotte Road, move the vehicles from the lot within the next 90-days or it will become a zoning violation and will be persued with a nuisance violation under the City code.

Councilmember Townsend requested that Council be made aware of instances as this earlier. Mayor Michael stated that the Planning and Community Development Department reports or list the number of nuisances addressed each month but not their location on the monthly departmental report.

Upon further discussion, Council decided to discuss this further at a future joint meeting with the Planning Board and Board of Adjustment.

The Mayor and City Council held a public hearing to consider a text amendment related to duties and responsibilities of the Board of Adjustment and no one spoke for or against this item.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the following Ordinance was duly adopted:

(Ordinance 16-02. Text Amendment related to duties and responsibilities of the Board of Adjustment.)

Adjustments to be added to the end of meeting during the comment section:

1. Voluntary Annexation for GHA
2. Strategic Planning Session information on January 12 at 5 pm
3. Summer meeting schedule proposal by Mayor Michael

Mr. Ken Anderson, CPA, Anderson, Smith, & Wike came before City Council to present the 2014-2015 Audit with updated changes made. He stated that the City received an unmodified opinion on their June 30, 2015 financial statements. He noted an unmodified opinion is the highest opinion that can be provided.

Mr. Anderson reviewed with Council available fund balances for the Enterprise Funds over the past 5 years and property tax collection percentages. Also, he reviewed by page number the operating change in General Fund Fund Balance, the operating change in Enterprise Fund Fund balance for the Water and Sewer Fund, Electric Fund, Landfill Fund, and the Public Housing Fund. He reviewed the changes in the long-term liabilities-debt which decreased by \$290,318 and business activities debt which increased by \$1,542,257.

Mr. Anderson stated that the City was subject to three single audits for Low Housing income within the Public Housing Fund, Powell Bill within the General Fund, and the NC Clean Water Revolving Loan Program. All audits received unmodified opinions. The City's audit report will be submitted with the changes made to the Local Government Commission.

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 considered the approval of a Parks & Recreation Trust Fund Grant Contract Agreement, NC DENR contract number 16-789, for the Chuck Morehead Park Renovations Project. This is a 50-50 Grant and the City's contribution will be \$130,492 and our match will be provided for in the FY 16/17 Budget. In-kind contributions toward the match are not permitted in PARTF construction projects, so our match must be monetary.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the Parks & Recreation Trust Fund Grant Contract Agreement to compete tennis court renovations, swimming pool renovations, shade structure, a dog park, sidewalk, trail, walking, basketball court renovations, picnic shelter, and corn hole courts.

The Mayor and City Council considered recommendation to engage Poyner & Spruill for pole attachment negotiations.

The City Manager stated that this process would be to establish new attachment protocol and procedures, as well as establish a new pole attachment fee. Our current fee is \$5.00 per pole and has been in place since the 1980's and the City previously engaged a firm to assist us with this process when State law changed several years ago, that removed the then existing \$5.00 per pole fee maximum. We were successful in negotiating a new fee with Windstream, which has provided increased annual revenue. The firm we were using was only paid for agreements that were put into place and felt they were no longer able to handle the issue with Time Warner Cable (TWC). They were paid for their work on the Windstream matter since a new agreement was successfully negotiated.

The City Manager also stated that he would like to now recommend utilizing Mike Colo on the Poyner and Spruill staff to help negotiate a new agreement and fee with TWC. Mr. Colo has noted new rates have been established in the \$8.00 - \$9.00 range. Mr. Colo estimates the cost of this work to be between \$5,000 and \$7,500. With 5,968 pole connections by TWC on our system, we will still come out ahead even at this estimated attachment fee. We would pursue a 5-year agreement with TWC, after which time we could negotiate a new rate once again.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council authorized the Mayor and City Manager to execute an agreement with Poyners & Spruill for

their services with estimated cost of work between \$5,000 - \$7,500 to help negotiate a new agreement and fee with TWC for pole attachments.

The Mayor and City Council reviewed a request to declare surplus 150 pole mount transformers that must be sold to a qualified transformer company. The City will advertise in the local newspaper but all bidders must meet the Federal Regulation for PCB disposal, 40 CFR Part 761 and provide a certificate of disposal. They must also have a certified NELAP lab for testing.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council declared approximately 150 pole mount transformers surplus that must be sold to a qualified transformer company who meet federal regulation for PCB disposal, 40 CFR Part 761, provide a certificate of disposal and have a certified NELAP lab for testing.

The Mayor and City Council discussed a Fire Department Relief Fund Appointment to an expiring term. The seat under consideration is currently held by Councilmember Townsend, expiring January, 2016 and he is eligible for re-appointment.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved reappointing Councilmember Townsend to the Fire Department Relief Fund to fill the expired term ending January, 2018.

Mr. Peter Ascitto, Owner of Vac and Dash came before City Council to request 2-Hour Parking on South First Street between West Main Street and South Street. The City Manager noted that at one time the City had a two-hour restriction on this block. After a parking study was completed by ADDC in 2009, it was recommended the City eliminate the timed parking restriction in this block and others in the downtown because parking in these areas was not at a level to warrant the restrictions.

Mr. Ascitto asked that the parking in this block of South First Street having a timed or limited parking as other downtown streets already do. He stated

that some of the store owners are parking all day in spots that could be used by customers.

Mayor Michael asked if all the surrounding business owners on South First Street have been contacted. Mr. Ascitutto stated that he had approached all of the business owners in this block on South First Street including the owner of the Sugar Shack Bakery soon to come. Mr. Ascitutto answered any questions that Council had.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council authorized the City Attorney to draft an Ordinance allowing 2-hour parking on South First Street between West Main Street and South Street for Council consideration.

Mr. Peter Ascitutto, Stanly County Commissioner, came before Council to promote the upcoming 1/4-cent Sales and Use Tax on the March 15, 2016 Special Advisory Referendum.

Mr. Ascitutto reviewed the County resolution and frequently asked questions he supplied with City Council. He stated that the resolution with the County Commissioners passed 5-2.

Mr. Ascitutto answered any questions that Council had.

Upon further discussion, Mayor Michael stated that no matter the timing of this issue, the County and the School Board need all the financial support they can gather for educational initiatives.

Councilmember Hall moved to support the Stanly County Commissioners on a 1/4-cent Sales and Use Tax on the March 15, 2016 Special Advisory Referendum to help promote education within the City and funds to be used for educational initiatives. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, Hall, Hughes, and Whitley. Voting against the motion was Councilmember Townsend. The motion carried 6-1.

(Resolution 16-02 – To support the Stanly County Commissioners placing a quarter-cent sales and tax referendum on March 15, 2016.)

The Mayor and City Council reviewed the updated FY 2016/17 Budget Preparation Schedule. The new schedule reflects the addition of the Strategic Planning Session on January 12 and that the times have been set for Council's various budget sessions.

The Mayor and City Council were reminded of the joint meeting with the ADDC Board of Directors and the NC Main Street Program staff and that the meeting has been moved to 7:00 p.m. on January 21 due to scheduling conflicts.

The Mayor stated that City Council photos were taken tonight before the meeting at 6:15 p.m.

The Mayor and City Council were reminded of the Stanly Cabinet Facility Tour on Tuesday, January 12 at 3:30 p.m. Councilmembers are to meet at City Hall at 3:20 pm to carpool.

The Mayor and City Council were reminded that City Offices will be closed on January 18 for the MLK Holiday. Also, Council was reminded that the next regular session meeting will be held on Tuesday, January 19 at 7 pm.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Townsend, and unanimously carried, the City Council excused Mayor Michael from voting on the following item due to a conflict of interest.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the following resolution was duly adopted:

(Resolution 16-01. To consider a voluntary annexation for GHA Autism Supports on Morrow Mountain Road by setting a public hearing for Monday February 1 at 7 pm)

Mayor Michael came back into the meeting at this time.

Mayor Michael stated that Council will have a Strategic Planning Session on Tuesday, January 12 at 5 pm to cover plans for this fiscal year with priorities:

1. Review Updated list of Debts/Funds
2. Review Draft of new Capital Improvement Program (CIP)
3. Council requests for 2016-17

Mayor Michael handed out a proposed summer regular meeting schedule for Council to review and to discuss at a later date. This includes the possibility of meeting only once in July, 2016.

Upon questioning, Parks and Recreation Director Toby Thorpe came forward and gave an update on the flooding issues within the City Parks and Greenways and stated there was only minor damage at Don Montgomery Park and the Optimist Park.

City Council briefly discussed the 1997 flooding of Delco Plaza and the flooding of that area again last Wednesday. The Mayor spoke with the owner of Delco Plaza and the flooding was in the parking lot only stemming mainly from the creek water.

Councilmember Townsend stated that he had the opportunity to speak with the new owner of Coaches Sports Bar and they were very complimentary about the City's process and working with Fire Chief Oke and Fire Marshal Brian Taylor.

Councilmember Townsend stated that the past few months he has been hearing complaints from residents concerning the driveway on the north side

of the EE Waddell Community Center and he asked that we find a way to improve the parking on that side of the building.

Parks and Recreation Director Toby Thorpe stated that he will look into this issue and get back with Council at a later meeting.

Councilmember Hall reminded everyone of the Dr. Martin Luther King, Jr. Breakfast at the EE Waddell Community Center on Saturday, January 16 at 8 am. Councilmember Townsend stated that he will have tickets for Council at the January 12 meeting.

Councilmember Hall asked for clarification concerning Council's earlier denial of an ordinance to rezone 503 Old Charlotte Road from Light Industrial District/LID to a Heavy Industrial District/HID. The Mayor stated that the business there, Yett Millwork Corp., will have 90 days to comply to the current LID zoning by cleaning up and removing the vehicles or it will be handled by the Planning and Community Development Department as a zoning violation.

Councilmember Dry stated that it was noted in the Stanly News and Press on Sunday, January 3 that Chris Bennett is the recipient of the Elite Care Services Award.

Councilmember Dry thanked the Public Works Department and the Public Utilities Water and Sewer Division for all their hard work last Monday with the heavy rain and flooding issues and for correcting the clogged drainage issues on Graham Street.

Councilmember Bramlett stated that Stanly County will be celebrating there 175th Anniversary this year. The first date to remember will be Monday, January 11 at Central United Methodist Church at 6:30 pm sponsored by the Stanly County Historical Society. Everyone will get to meet John Stanly. Stanly County was formed in 1841, and named in his honor. Mr. Bramlett stated that he will be playing John Stanly.

The next date to remember will be Monday, February 29 at Central United Methodist Church at 6:30 pm sponsored by Albemarle involving "Memories of our Beginning". The County and her municipalities will be

sponsoring events throughout the year up until November 2016. You can see all of these events with date and time at the Stanly County Museum Facebook page.

Planning and Community Development Director Keith Wolf came before Council and stated that he drove around last Wednesday evening looking at possible damage from the flooding at Wiscasset Park and there was not a lot of water backed up from the creek on that property. He also looked at the Albemarle Wood Preserving business located on Snuggs Park Road and the creek water had not come near the road.

Information Services Director Owen Squires came before Council to let them know that Time Warner has started adding Wi-Fi hotspots to some locations (some poles) in the City. Mr. Squires wanted to inform Council that this is happening and to let them know that Time Warner Cable (TWC) is adding a function to the pole attachments they are using. Mr. Squires emailed Council after the meeting with a map depicting the TWC Wi-Fi hotspots that are now active in Albemarle. The locations and information about the services are provided by TWC.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the meeting was adjourned to Tuesday, January 12 at 5:00 pm for a Strategic Planning Session in the Executive Conference Room at City Hall.