

REGULAR MEETING CITY COUNCIL  
May 15, 2017

The City Council of the City of Albemarle met in a regular session on Monday, May 15, 2017 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall, Bill Aldridge, Chris Bramlett, Benton H. Dry II, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none.

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Mayor Michael called the meeting to order.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, and unanimously carried, the minutes of the April 26 adjourned session, May 1 regular session, May 1 closed session, May 4 adjourned session, May 4 closed session, and May 8 adjourned session minutes were approved as submitted.

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Agenda adjustments:

1. New Business Item #17 –Proclamation for National Public Works Week moved before Public Hearings.
2. Announced Delegation – City Benefits Consultants for Health Insurance moved from regular session to adjourned session later this evening.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the agenda adjustments.

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Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved the following proclamation:

(Public Works Week Proclamation)

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The Mayor and City Council considered a text amendment to Chapter 92 of City Code. Staff has made amendments to better define Adult Gaming Establishments and

allow for them as by right uses in certain zoning districts, with conditions. No one spoke for or against this hearing.

Planning and Development Services Director Kevin Robinson came before Council and reviewed proposed changes in the text amendment for Chapter 92.

Mr. Robinson, Senior Planner Nasser Rahimzadeh, and Police Chief Bowen answered any questions that Council had.

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

Upon further discussion, City Council decided to make changes to the proposed text amendment as follows:

1. Adult Gaming establishment has one or more electronic gaming units that serve one or more patrons at any one time at said establishment.
2. Billiard Hall is an establishment that has three (3) or more billiard tables on site available for use by patrons
3. No off street parking required for billiards hall
4. Adult Gaming Establishment are allowed in SCD and MUSD zones only

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, the City Council approved the following ordinance as amended:

(Ordinance 17-15. A text amendment to Chapter 92 of City Code.)

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The Mayor and City Council held a quasi-judicial hearing to consider a conditional use permit for application 17-002. The property located at 245 East Main Street is for the proposed Pfeiffer University Health Sciences Facility. With this being a quasi-judicial hearing, all those wishing to speak from the public must be sworn-in to provide testimony. No one spoke for or against this hearing.

Senior Planner Nasser Rahimzadeh came before Council to review the application and site plan at 245 East Main Street, the proposed Pfeiffer University health sciences facility.

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

Findings of Fact

The City Council considered the following findings of fact:

1. 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 Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the findings of fact # 2.

3. 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 Aldridge, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the finding of fact #3.

4. The location and character of the used, 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 Hughes, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the findings of fact #4.

5. Be in general conformance with adopted plans

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the findings of fact #5.

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The Mayor and City Council consider the proposed FY 2017/2018 City of Albemarle Budget. The City Manager noted that if acceptable, Council would pass the Budget Ordinance 17-13 on first reading. The annual Budget Ordinance is required to pass two readings for adoption. The second reading and adoption can take place at the June 12 regular meeting of the City Council. No one spoke for or against this hearing.

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

Council further discussed and approved the FY 2017-18 City of Albemarle Budget on first reading in the May 15, 2017 Adjourned Session. There you will see the motion and Ordinance.

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Mr. Chuck Nance came before Council as an unannounced delegation concerning his property located downtown at 300 South First Street. He stated that it had been at least 45 days since he was served concerning the nuisance abatement with the City. He stated that he had evicted his tenant and in turn they had evicted their sub-tenants and he is trying to move forward with renovations of the building. He needs approval from City Council to have his permits he had applied for off “hold” under the Planning and Development Services Department.

He stated that the City just recently opened application for Section 8 and had over 300 people apply for housing. There is an extreme need of housing needed in the County and an epidemic of drug abuse that needs to be addressed.

Mayor Michael stated that the abatement process is being conducted by the Alcohol Law Enforcement (ALE) and an attorney hired by the City. The Mayor stated that Mr. Nance would have to contact ALE and/or the City attorney in this case. We cannot speak on this case because it is still an ongoing case.

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The Mayor and City Council received a copy of the April Monthly Departmental Reports and asked if anyone had any questions.

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Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council excused Councilmember Hughes due to a conflict of interest (her working at Uwharrie Bank) concerning the financing bid on the land purchase for the Albemarle Corporate Center.

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The Mayor and City Council considered approval of the low bid for the Corporate Center Financing. The City Manager noted that at the adjourned session meeting on May 8, Council approved the low bid for financing of the Corporate Center and this resolution will make it official.

Councilmember Dry moved to approve the low bid from BB&T for the Corporate Center Financing over a 15 year term at 3.73% interest rate. Councilmember Aldridge seconded the motion. Voting for the motion were Councilmembers Aldridge, Dry, Hall, Townsend and Whitley. Voting against the motion was Councilmember Bramlett. The motion carried.

(Resolution 17-15. To approve the low bid from BB&T for the Corporate Center Financing over a 15 year term at 3.73% interest rate.

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Councilmember Hall moved to authorize the execution of the financing agreement with BB&T for financing of the land purchase for the Albemarle Center. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Aldridge, Dry, Hall, Townsend and Whitley. Voting against the motion was Councilmember Bramlett. The motion carried.

(Resolution 17-16. To authorize the execution of the financing agreement with BB&T for financing of the land purchase for the Albemarle Corporate Center.)

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Councilmember Hughes came back into the meeting at this time.

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Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the following ordinance was approved:

(Ordinance 17-17. To amend the expense and revenue accounts in the 2016-2017 fiscal year budget for Administration, Landfill, Planning and Development Services, Police, Public Housing Section 8, and Public Utilities Water/Sewer.)

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The Mayor and City Council considered calling for a public hearing for a conditional-use permit for an expansion of an existing business at 1920 Hilco Street. The current business is storage space. Per section 92.80(C) (4) of General Highway Business District, dead storage of nonhazardous materials requires a conditional use permit

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved setting public hearing for Monday, June 12 at 6 pm to consider a conditional-use Permit for an expansion of an existing business at 1920 Hilco Street.

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The Mayor and City Council considered calling for a public hearing to consider annexation and approval of a major subdivision for property owner, Gus Schad. This is a major subdivision application on a 10.24 acre lot (aerial attached). Per chapter 91 of City Code a major subdivision is required to be reviewed by City Council. The property owner is also seeking to be annexed by the City. It is requested that the public hearing be conducted on June 12, 2017 or as soon thereafter as possible for an annexation and review of the proposed major subdivision.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved setting a public hearing for Monday, July 12 at 6 pm to consider an annexation and approval of a major subdivision for property owner, Gus Schad.

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The Mayor and City Council considered calling for a public hearing to consider conditional use permit #17-003 located at 636 Highway 24/27 Bypass East Suite 30. Planning and Development Services Staff has received an application for use 92.080(C) (11) unlimited electronic, mechanical, manual and skill games, excluding, billiard tables for property addressed 636 Highway 24/27 Bypass East Suite 30. Such a use may only be authorized by City Council through a quasi-judicial process

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the City Council approved setting a public hearing for Monday, June 12 at 6 pm to consider conditional use Permit #17-003 at 636 Highway 24/27 Bypass East Suite 30.

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Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the following resolution:

(Resolution 17-17. To close capital project in the Public Utilities Water and Sewer Fund.)

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Planning and Development Services Director Kevin Robinson came before Council to give a FY 2016-17 demolitions update under the Minimum Housing Code.

Mr. Robinson stated that from the list, the items in grey have been torn down or burned. The items in red have been authorized by ordinance for demolition and the items in yellow have not yet been authorized by ordinance for demolition.

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| Arey Avenue            | - demolished and cleaned up   |
| 318 Sides Street       | - demolished by owner prior to demo ordinance   |
| 421 Peachtree Street   | - Burned by Fire Dept and scheduled this week for clean up  |
| 806 Summit Ave.        | - Burned by Fire Dept and currently being cleaned up  |
| 1730 Blanche Ave.      | - Scheduled to be burned by Fire Dept/ Clean up following burn  |
| 532 Colston Street     | - Scheduled to be burned by Fire Dept early June/ Clean up following burn   |
| 534 Colston Street     | - Scheduled to be burned by Fire Dept early June/ Clean up following burn   |
| 1606 W. Main Street    | -Scheduled for demolition and clean up this month   |
| 507 Corbin Street      | - scheduled for demolition and clean up this month  |
| 509 Corbin Street      | -Scheduled for demolition and clean up this month   |
| 1404 Pennington Street | -Some work done but has been delayed for a while<br>May need to be brought to Council for demolition Ordinance in FY2017-18   |
| 316 Sides Street       | -Major exterior work done but unsure about the interior condition<br>May need to be brought to Council for demolition Ordinance in FY2017-18 depending on James Luster's findings |

Mr. Robinson also listed other houses on the watch list that Council can review and make comment to him if they are interested in bringing them forth for demolition in the future.

Mr. Robinson answered any questions that Council had.

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The Mayor and City Council considered approval of a street closure request for the Tour De Elvis 5K Run. The event will use the same route as last year with only a slight modification. The streets to be closed are: Second St. from Main St. to North St. and Second St. from Main St. to South St. Alcoholic beverage sales will also be added to the event contingent upon obtainment of proper permits. The date for the Tour De Elvis 5K is Friday, July 28th from 5:00 pm - 10:00 pm

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a street closure for the Tour De Elvis 5K Run, closing Second St. from Main ST. to North St. and Second St. from Main St. to South St. on Friday, July 28th from 5:00 pm - 10:00 pm

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Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the Downtown Christmas for November 17, 2017 from 5:30 p.m.-9:00 p.m.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved having a beer garden at the Downtown Christmas on November 17, 2017 from 5:30 p.m.-9:00 p.m.

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The Mayor and City Council considered attendance at the ElectriCities Annual Meeting which will be held August 10-12.

The Mayor and Councilmembers Aldridge, Bramlett, Hall, Hughes, Townsend and Whitley confirmed their attendance.

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The Mayor and City Council received a flyer of the upcoming 2017 Pool Season. It was noted that the Chuck Morehead Park Pool will have extended hours, Monday - Friday: 10:00 a.m. - 8:00 p.m.; Saturday: 10:00 am - 5:30 pm. Chuck Morehead Park Pool also has a brand new filtration system

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Councilmember Hall stated that at the last Centralina Council of Governments meeting on Wednesday, May 10 they had the Region of Excellence



Awards. She said that Bessemer City's Centennial Park Project was awarded. She passed information and photos around to Council.

Councilmember Hall stated that she had requests from residents about the amphitheater at City Lake Park and asked that Parks and Recreation Director Lisa Kiser touch base with her concerning this.

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Councilmember Whitley stated that he will be attending the Rocky River RPO meeting on Thursday, May 18 and asked if Council had any requests. He asked that if Council does, just send him a request by email. Mayor Michael asked that Councilmember Whitley speak with the City Manager about this.

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Councilmember Bramlett stated that it is the 125<sup>th</sup> anniversary of the 1<sup>st</sup> brick placed in Stanly County. Council reviewed photos showing the first brick buildings in the County/City from 1892 that are located at 117 West South Street where David Beaver, Attorney At Law, offices are now located.

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Councilmember Hall thanked the Assistant City Manager Christina Alphin for the handout they received before the meeting concerning the recycling timeline leading up to the implementation on July 10.

Councilmember Townsend asked if staff would be able to speak at East Albemarle Elementary and Albemarle Middle School on recycling. Public Works Director Nina Underwood stated that there are time frame issues with scheduling time to speak at the schools due to their testing dates and end of school being soon.

Councilmember Hughes requested that staff consider speaking at the schools sometime late August as they go back in session for the new school year.

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Mayor Michael stated that the annual City Employee Cookout on Wednesday May 3 was a great event and he thanked everyone involved.

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Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the meeting was adjourned until Monday, May 15 for an adjourned session meeting concerning health care and budget issues at City Hall in Council Chambers following this meeting.