

REGULAR MEETING CITY COUNCIL

September 5, 2017

The City Council of the City of Albemarle met in a regular session on Tuesday, September 5, 2017, 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.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the minutes of the August 7 regular session and August 7 closed session were approved as submitted.

The Mayor and City Council held a quasi-judicial hearing to consider Conditional Use Permit #17-004 for property addressed as 1920 Hilco Street. For use 92.080(C)(4) - a building or group of buildings that contain varying sizes of individual, compartmentalized, controlled, and exterior-accessed stalls or lockers for the dead storage of nonhazardous materials, but the storage units shall be enclosed by a fence not less than six feet in height. No business activities other than the rental of storage units shall be conducted on the premises. This being a quasi-judicial hearing, all those wishing to speak from the public must be sworn-in to provide testimony.

Senior Planner Nasser Rahimzadeh came before Council to review the application and site plan at 1920 Hilco Street.

Mr. Sam Estridge, owner of 1920 Hilco Street property described the use is for individual exterior stalls for storage enclosed by a fence. This will be a 20X50 feet building and is consistent with what is already located there.

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

3. The use will not substantially injury the value of adjoining or abutting property, or that the use is a public necessity.

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

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

(Order for Conditional Use Permit #17-004 for property addressed as 1920 Hilco Street)

Mr. Dan Burris, Marine Corps League came before City Council to discuss designated parking for the Combat Wounded. Mr. Burris asked that Council consider the possibility of purchasing and installing signage to designate parking at some City facilities for combat wounded veterans. He indicated he thought this might be something the City would like to do to build on its Purple Heart City designation.

Mr. Burris brought a sign to show Council and he said that the signs can be purchased for \$25.00. The signs would apply to those in all branches of the military

Mayor Michael stated that City Council will further discuss this and where the City would place the signs and get back with Mr. Burris.

Mr. Wayne Sasser came before City Council to inform them he is running for the NC House, District 67 seat in next year's election. He stated that he would like to sit down with each Councilmember and listen to what they are looking for in their house representative.

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

Councilmember Whitley stated that the RPO meeting had been changed from September 21 to September 15.

The Mayor and City Council discussed the possibility of a golf cart ordinance. City Council had held over this matter from the previous meeting. Chief Bowen was asked to investigate the rules and regulations established by other jurisdictions. If City Council decides they would like to enact an ordinance and settles on the rules and regulations, City Attorney David Beaver will draft an ordinance for Council consideration at a future meeting

Mayor asked each Councilmember their opinion and responses are as follows:

Councilmember Hall – will support a golf cart ordinance

Councilmember Aldridge – will support a golf cart ordinance requiring valid license, lights, and turn signals

Councilmember Bramlett – will not support a golf cart ordinance

Councilmember Hughes – will support having or not having a golf cart ordinance. Bicycle would be better than golf cart.

Councilmember Townsend – will support a golf cart ordinance. Supports starting with having golf carts in subdivisions first as a trial

Councilmember Dry – will support a golf cart ordinance for 16 yr. olds if adult is with them

Councilmember Whitley – will support having or not having a golf cart ordinance. At least 16 yr. old with license and in 35 mph zones only.

Police Chief answered any questions that Council had.

Mayor Michael reviewed the chart supplied by Police Chief Bowen showing a variety of cities that have an ordinance and the criteria they require by ordinance.

Councilmember Hall moved to approve the City Attorney drafting a golf cart ordinance with restrictions. Councilmember Hughes seconded the motion. Voting for the motion were Councilmembers Aldridge, Dry, Hall, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Bramlett. The motion carried. Council approved the drafting of a golf cart ordinance by the City Attorney with the following restrictions:

Valid Driver License, 18 years old or older, Rear View Mirror/Horn, Valid insurance, driven in daylight only, Safety Inspection by City Police Department yearly, and in 35 mph zones or less. Permit fees will be determined at a later date.

Councilmember Hall inquired about charges for a permit for a golf cart. Mayor Michael asked that Police Chief Bowen look at each of the cities in the study that have a golf cart ordinance and their permit costs and bring back before Council.

The Mayor and City Council considered change orders for the Solid Waste and Recycling Employee Facility. Mr. Mark Boland with Shields Engineering came forward to review the proposed changes. The general contractor for the Solid Waste Employee Facility currently requests five changes orders totaling \$59,695. These have been reviewed by both the engineer and Public Works staff. The total project

contingency is \$80,000 leaving \$20,305 in contingency should all five requested change orders be approved.

Council reviewed a summary memo from Shields Engineering and the changes are a result of engineering and building elevation changes, difficulties with excavation caused by unforeseen bedrock, upgraded building materials selections and essential network and security components excluded from the original scope of work

Mr. Boland, Public Works Director Nina Underwood, Landfill Superintendent Darren Preslar and IT Director Owen Squires answered any questions that Council had.

Council voted on each of the change orders as follows:

Councilmember Hall voted to approve Change Order #1. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Bramlett, Hall, Hughes, and Whitley. Voting against the motion were Councilmembers Aldridge, Dry, and Townsend. The motion carried.

Councilmember Aldridge voted to approve Change Order #2. Councilmember Hughes seconded the motion. Voting for the motion were Aldridge, Hall, Hughes, Townsend, and Whitley. Councilmembers voting against the motion were Councilmembers Bramlett and Dry. The motion carried.

Councilmember Hall voted to approve Change Order #3. Councilmember Aldridge seconded the motion. Voting for the motion were Councilmembers Aldridge, Dry, Hall, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Bramlett. The motion carried.

Councilmember Townsend voted to approve Change Order #1. Councilmember Hall seconded the motion. Voting for the motion were Councilmembers Bramlett, Hall, Townsend and Whitley. Voting against the motion was Councilmembers Aldridge, Dry, and Hughes. The motion carried.

The Mayor stated that Council will vote on change order #5 at a later meeting, if necessary.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council excused Councilmember Bramlett from voting on the following agenda item due to him being a member of the Stanly Community College Board of Trustees.

The Mayor and City Council considered agreements with Stanly Community College for a new West Police Office Location. It was noted that the current office is the trailer located along College Drive. The City and the College also have additional history in policing as the College's police force actually receives their law enforcement authority through the Albemarle Police Department.

The City Manager noted that SCC is offering new space to serve as our West Office in the Patterson Building. In order to make this move, two actions need to be taken by the City. First, we need to execute an agreement to waive the 120-day notification period for termination. The existing agreement states the notification period can be waived if agreed to by both parties. The second document is the new agreement to locate in the Patterson Building. This agreement is essentially the same as the previous with a couple minor exceptions. The first being the agreement can be terminated by 30-day notice of either party. The second is of course the office location. The SCC Board of Trustees have already approved the termination of the existing agreement and has approved the new agreement.

The City Manager stated that if the agreements meet with Council's approval, he will sign each and provide the College with a fully executed copy for their records and retain a copy for the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved agreements with Stanly Community College for a new West Office Location on the SCC campus as follows:

1. Agreement to waive the 120-day notification period for termination.
2. New agreement to locate in the Patterson Building

Councilmember Bramlett came back into the meeting at this time.

The Mayor and City Council reviewed Albemarle School Apartments for auditorium's audio, lighting, and projection system.

IS Director Owen Squires noted that the proposed project and subsequent RFP follows North Carolina's IT RFP process as specified in N.C.G.S 143-129.8 - also described on Page 3 of the published RFP document. What that process dictates is it allows the City to create a request for proposal that includes any combination of equipment, services, and support. The city then publishes the RFP in a manner similar to what is required of a formal bid process: including newspapers, our web site, and the

city's social media accounts. Once the designated review team compares the proposals, as a team we agree which proposal best fits the intent and budget of the project.

Mr. Squires noted that we received two qualified proposals to the RFP. He did follow up with NC School of Government to confirm that under NC's IT RFP statute, only having two responses is acceptable.

Also, Mr. Squires noted that separate from the primary project, the City also saw the need to be able to manage access to the technical resources, and to provide video security for the installed systems. The intent is for the City to be able to schedule and maintain security for the installed systems in and around the auditorium. A proposal from Secure Canopy includes the components necessary to expand the system used by the Niven Center to allow managed access to the auditorium's technical resources.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a proposal for Albemarle School Apartments for auditorium's audio, lighting, and projection system with Music-N-More and a proposal from Secure Canopy which includes the components necessary to expand the system used by the Niven Center to allow managed access to the auditorium's technical resources.

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

Ordinance 17-31. To amend the FY 17/18 Budget and appropriate fund balance upgrades to the Central School Auditorium,)

Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett, and unanimously carried, the following Ordinance as duly adopted.

(Ordinance 17-30. To revise the Special Event Ordinance)

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

Ordinance 17-29. To establish a project budget for a State Revolving Fund Project in the Water and Sewer Division)

The Mayor and City Council reviewed revisions to the Travel Policy. It was noted that the proposed changes would provide for per diem expense reimbursement for elected officials identical to the policy for employees. Elected officials currently provide receipts for meal expenses. The change would eliminate the need to provide receipts and elected officials would be reimbursed according to the IRS schedule

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved revisions to the Travel Policy that will provide for per diem expense reimbursement for elected officials identical to the policy for employees

The Mayor and City Council considered a request to donate old recycling bins to Albemarle Middle School. AMS has also adopted Leonard Avenue and Dr. Martin Luther King, Jr. Drive. Street Superintendent Ross Holshouser is requesting the donation of 10 orange recycling containers to AMS for their recycling program. The City still has 100 of these orange containers in storage.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved donating 10 orange recycling containers to Albemarle Middle School (AMS) for their recycling program.

Consideration of Special Event Permit for Albemarle Police Department - Comm-UNITY Night Out on Saturday, September 16th from 4:00 pm - 8:00 pm. Management recommends approval of street closures and fee waivers for this event.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, City Council approved a permit for the Albemarle Police Department's Comm-UNITY Night Out on Saturday, September 16th from 4:00 pm - 8:00 pm and to waive the \$50 application fee.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, City Council appointed the following At Large seat to the Parks and Recreation Advisory Board.

Tanner Denton (Unexpired term, expiring July 2019) At Large

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, City Council made the following appointment to the Historic Resources Commission.

Rob McIntyre (Unexpired term, expiring July 2018)

The Mayor and City Council discussed grant writing and lobbying services. It was noted that with recent work by City staff and elected officials, the City is starting to receive more and larger appropriations and grants than what we have seen in the past. Receiving these funds has allowed the City to move on projects quicker than expected and has allowed us to make tremendous improvements. Council may want to decide to engage a firm that can assist us as we continue to seek funds for infrastructure improvements, the development of the corporate center, and the Wiscasset Sports Complex, etc.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, City Council approved a service agreement with Keller Partners for grant writing and lobbying services beginning October 1, 2017 through September 30, 2018 with a professional fee of \$6,500 month.

The Mayor and Fire Chief Oke introduced the new Fire Marshal, Michael Roark. Mr. Roark joined the City of Albemarle as our Fire Marshal on August 28. He previously for 10 years was the Fire Marshal for Stanly County.

Mr. Roark thanked everyone for the opportunity to work with the City of Albemarle and that he is excited to be with the City. He stated that if he can be of service to Council to come by his office, call or email him.

Planning and Development Services Director Kevin Robinson came forward and presented a summary of new business activity from June to August 2017. Mr. Robinson stated that there are 7 businesses that changed ownership and 11 new businesses created between June-August 2017 with 92 new jobs.

Mr. Robinson answered any questions that Council had.

The Mayor and City Council received information concerning the City receiving a \$750,000 NC Rural Infrastructure Authority Grant for the Development of the Albemarle Corporate Center.

It was noted that Economic Development Director Mark Donham applied for this grant and the announcement of the award was made within the last 2 weeks. The funds were applied for to be used for the development of the Albemarle Corporate Center. The City Manager noted in his comments that it is the intention to utilize the money for the construction of a road into the site. Roads are a General Fund endeavor and the City has already used a significant amount of General Fund capacity in purchasing the property. We have other significant initiatives in the General Fund and utilizing the proceeds for road construction makes the most sense when we take into consideration all of our capital needs and financial capacity as a City.

Mayor Michael stated that Council owes Economic Development Director Mark Donham a thank-you for all his hard work.

The Mayor and City Council received information that the City has been awarded an Urban and Community Forestry Grant. It was noted that in June, Assistant City Manager, Christina Alphin, presented a proposal and requested the support of the Tree Commission in an effort open a new funding source that could contribute to the functionality and beautification of the City's new dog park at Chuck Morehead. The grand opening of the dog park is scheduled for November 17th at 12:00 p.m.; Council will get a reminder closer to date.

City Council thanked Assistant City Manager, Christina Alphin for her hard work on this grant.

The Mayor and City Council received information concerning a proposed apartment complex on Woodhaven Drive.

Planning and Development Services Director Kevin Robinson stated that the property is currently zoned R8-A, which is the appropriate zoning for multi-family. Southern Properties and Development has proposed an 80 unit, tax credit apartment complex at the end of Woodhaven Dr. called The Reserve. It was noted that staff is performing an initial review of the project. The Planning Board will consider this at its September meeting and staff will bring the site plan to City Council on October 2nd.

He said there is no decision required or needed from Council. The ordinance says Council must approve the site plan. Staff will ensure the site plan complies with established City standards and bring back before Council in October.

The City Manager stated that the NCDOT has secured funding to install the pedestrian crossing and refuge on West Main Street between Market Station and their parking lot on the other side of West Main Street.

Councilmember Aldridge thanked Waste Management concerning the north end of the City of making progress on their pickup schedules. The solid waste and recycling pickups are now on schedule.

Councilmember Aldridge reminded everyone that the Christmas parade will be on Saturday, December 9 at 10:30 am. He also said that several people asked him why candy cannot be thrown out at parades. Mayor Michael stated that the reason why is concerning safety issue concerns by insurance carriers.

Councilmember Dry stated thanked Waste Management also for getting solid waste and recycling back on schedule.

Councilmember Dry asked everyone to come out to the Comm-UNITY NIGHT OUT on Saturday, September 16 downtown Albemarle between 4-8 pm.

Councilmember Bramlett stated that the Director of the Historic Center has blossomed and increased the programs offered to children. The activity difference has been great.

Councilmember Bramlett voiced some concern that the items that were in the Stanly County Hall of Fame were in boxes in the basement of the Stanly County History Center and needed to be put on display. The holdup had to do with resizing the display cases (they were too tall for the History Center and needed to be shortened). He said he was not certain who might be responsible for doing this. During discussion that followed his comments, it was agreed that Dr. Bramlett would make contact with the head

of Parks and Rec, Lisa Kiser, to see what could be done to complete the moving of the Hall of Fame from Stanly Commons to the History Center.

Street Superintendent Ross Holshouser reminded everyone of the Recycling Event on Saturday, September 16 at the Niven Center from 8am until 12 pm.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 143-318.11 (3) & (4) – To consult with the City Attorney and Economic Development.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held Pursuant to N.C.G.S. 143-318.11 (3) & (4) – To consult with the City Attorney and Economic Development and there was nothing to report at this time.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council adjourned until Monday, September 11 at 6:00 pm for an adjourned session meeting in the Raymond I. Allen Community Room.