

REGULAR MEETING CITY COUNCIL

October 2, 2017

The City Council of the City of Albemarle met in a regular session on Monday, October 2, 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.

Mayor Michael welcomed Boy Scout Troop #82. One of the scouts introduced himself and explained that they are working on their merit badge for a citizenship award and one requirement is to attend a city or town council, or school board meeting.

Mayor Michael presented the ITRE Roads Scholar Certificates to the following Public Works employees:

Stephen Hartsell – Street Maintenance Supervisor
Ross Holshouser- Street Superintendent

Mayor Michael presented the 2017 American Public Works Association - NC Streets Manager of the Year by the North Carolina Chapter of the American Public Works Association (APWA-NC) to Street Superintendent Ross Holshouser.

Public Works Director Nina Underwood stated that the North Carolina Chapter of the American Public Works Association (APWA-NC) would like to endorse and submit Ross' nomination for a national award which would be selected and presented at the 2018 PWX event to be held in Kansas City.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the minutes of the September 18 regular session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider the rezoning of 711 Aquadale Road from LID/Light Industrial District to R-10/Single-Family Residential District, tax record #12209. Senior Planner Nasser Rahimzadeh stated the proposed map amendment would make the existing use conforming and would bring it out of its current grandfather status. The Planning Board recommended approval by a vote of 4-0 at its meeting on 9-26-17.

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 Townsend, and unanimously carried, the City Council approved the following ordinance:

(Ordinance 17-32. To rezone 711 Aquadale Road)

The Mayor and City Council held a public hearing for Conditional Use Permit Application, CUP17-005.

Senior Planner Nasser Rahimzadeh stated that Conditional Use Permit #17-001 is nearing its 6 month expiration date. When City Council initially granted the CUP, a condition was that the permit be reviewed in 6-months. Conditional Use Permit #17-005 application seeks a continuation of the use specified in CUP #17-001 - Unlimited electronic, mechanical, manual and skill games, excluding, however billiard tables. The location is 2000 US Hwy 52, #2 and is in the same shopping center as Food Lion.

Mr. Rahimzadeh stated that Mr. Chan did not meet the two conditions below for permit 17-001 and Council reviewed a letter from City of Albemarle's Fire Marshal Michael Roark.

B. Access. All electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the front interior of the busies.

E. Maximum Number. The maximum number of terminals/computers/machines/gaming stations within an electronic gaming establishment is 20

Police Chief Danny Bowen came forward and stated over the last six months there have been a few alarms and two improper parking issues at this business.

Mr. David Chan, Manager of 2000 US Hwy. 52 N came forward and was sworn in. He addressed the issues given and that local contractors were hired to correct the violations of access.

Mr. Chan and Mr. Rahimzadeh answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, 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.

Councilmember Bramlett voted for Findings of Fact #1. Councilmember Whitley seconded the motion. Voting for the motion were Councilmember Bramlett, Whitley, and Aldridge. Voting against the motion were Councilmembers Dry, Hall, Hughes, and Townsend. The motion did not pass.

2. The use meets all required conditions and specifications.

Councilmember Bramlett voted for Findings of Fact #2. Councilmember Whitley seconded the motion. Voting for the motion were Councilmember Bramlett, Dry, Whitley, and Aldridge. Voting against the motion were Councilmembers Hall, Hughes, and Townsend. The motion carried.

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

Councilmember Bramlett voted for Findings of Fact #3. Councilmember Aldridge seconded the motion. Voting for the motion were Councilmember Aldridge,

Bramlett, Dry, Hughes, Voting against the motion were Councilmembers Hall, Townsend and Whitley. The motion carried.

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.

Councilmember Bramlett voted against Finding of Fact #4. Councilmember Dry seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, and Hughes, Townsend, and Whitley. Voting against the motion were Councilmember Hall.

Council did not vote on the following Finding of Fact #5:

5. Be in general conformance with adopted plans.

Mayor Michael stated that all 5 Findings of Fact have to pass for Council to be able to vote on the renewal of CUP 17-001 per the City Attorney. Since all Findings of Fact did not pass, we will not renew CUP 17-001.

(Order **DENIED** for Conditional Use Permit #17-005 for property addressed at 2000 US Hwy 52 N)

The Mayor and City Council held a public hearing to receive input on potential golf cart regulations. The City Manager drafted a notice of public hearing and it ran in the Sunday, September 24 edition of the SNAP. Assistant City Manager Christina Alphin received confirmation from the NC Department of Insurance that insurer rates within the City of Albemarle should not be affected by the allowance of golf carts. The Insurance Commissioner's Office advised insurance rates are primarily impacted by a community's population size and number/cost of claims paid out; insurance providers should not look at whether or not a community allows golf carts.

Police Chief Bowen reviewed the following regulations Council had indicated as their preference. Valid driver's license, 18 years old or older, rear view mirror, horn, valid insurance, driven in daylight only, annual safety inspection by City Police Department, annual permit and inspection fee, have a slow moving vehicle emblem and only for use in a 35 mph zones or less. The drafting of the Ordinance was placed on hold when City Council decided to conduct the public hearing.

Council discussed the limit of passengers per golf cart but made no final decision on that preference. They discussed using the manufacturer's suggested # of passengers or one person per seat. Council also discussed not allowing golf carts at the on the 35 mph sections of NC 24-27 or US Hwy. 52.

Police Chief Bowen recommended from his research with other cities a permit fee of \$20-25 and not to allow these carts on NC 24-27 and US Hwy. 52. He answered any further questions that Council had.

Finance Director Colleen Conroy came forward to state that there are senior citizens that no longer have a driver license but may want to use a golf cart to be more mobile. She requested Council not require a driver license to be able to operate a golf cart.

Ms. Pat Bramlett, 315 S. Third Street, came before Council and stated that she is 100% opposed to golf carts being allowed in the City due to safety issues. She would not like to have them downtown or on major highways. They will present problems we should not have to deal with.

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

Councilmember Hall moved that the City Attorney draft a golf cart ordinance for approval by Council. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Hall, Hughes, Whitley, and Townsend. Voting against the motion were Councilmembers Aldridge, Bramlett, and Dry. The motion carried.

Mr. Durham Lewis, CPA, Lewis & Lewis, CPA - To present the FY 16/17 Albemarle ABC System Audit. Mr. Lewis reviewed with Council the following pages:

- Page 2 – The City of Albemarle Board of Alcoholic Beverage Control as of June 30, 2017 and 2016 in accordance with accounting principles generally accepted in the US.
- Page 7 – Statements of Net Position (Balance Sheet)
- Page 8 – Statement of Revenue, Expenses, and Changes in Net Position
- Page 13 – Net Capital Assets ending balance of \$999,637
- Page 19 – Distribution of Income
- Page 20 - Law Enforcement and Alcohol Education Expenses
- Page 21 – Total Taxes Collected of 49,597 for Year ended June 30, 2017

Page 22 – Working Capital Min-\$90,362, Max-\$587,350, Actual \$543,432
Page 26 - Schedule of Store Expenses
Page 27 – Schedule of Administrative Expenses
Page 29 – Schedule of Revenue/Expenditures – Budget and Actual

Mr. Lewis answered any questions that Council had.

ABC Office Manager, Karen Cranford stated that she is proud of her staff and the ABC Board. She is concerned about the NC 24-27 project ahead and that it may cause sales issues.

Mayor Michael stated that Ms. Cranford may want to attend the NCDOT meeting concerning the proposed improvements of NC 24-27 from NC 740 in Albemarle to East of Pee Dee River on Thursday, October 19 from 5-7 pm at Anderson Grove Baptist Church. Public officials meeting is prior to that from 3:30 to 4:30 pm.

Mayor Michael thanked the ABC Board and staff for all their hard work.

Ms. Kathy Faircloth, Mr. Jimmy Bowen, Distribution Project Specialists and Mr. Kevin Thomas, Senior Distribution Project Specialist with Piedmont Natural Gas came before Council to provide an update on PNG Projects in Albemarle.

They reviewed the streets involved within the City where the projects are located, what streets are or will be affected, and if they have been completed already, in progress or the future completion date.

Ms. Faircloth, Mr. Bowen, and Mr. Thomas answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council excused Councilmember Bramlett from voting due to being a member of Central United Methodist Church.

Mr. Steve Surratt representing Central United Methodist Church came before Council to request the use of the City Hall parking lot to receive food donations during the annual Community Christmas Dinner Event. They would like to park a truck parallel across parking spaces alongside of the former Fire Station building on Saturday, December 23, Sunday, December 24 and Monday, December 25.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the use of the City Hall parking lot to receive food donations during the annual Community Christmas Dinner. Event held at Central United Methodist Church for Saturday, December 23 through Monday, December 25.

Ms. Ellen Wirth-Lambert, Director of Communications, North Carolina NORML came before City Council to speak about medical cannabis. She wanted to pass on the information that she has learned. She stated that there are many suffering patients in Albemarle, as well as in North Carolina and she just wanted to go over a few important things that could allow better decisions to be made for the patients of North Carolina. Council reviewed documents that Mr. Lambert had provided and she thanked them for their services to the City of Albemarle.

Mayor Michael stated that Council will review the documentation and make a decision at a future meeting. Ms. Lambert stated that she would request a resolution in support at a future meeting.

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

It was noted to add the Christmas Luncheon on Wednesday, December 13 at the EE Waddell Center from 11:30 until 1:30 pm.

It was also noted to add the NLC City Summit event in Charlotte this year for November 15-18.

The Mayor and City Council considered preliminary approval of the Reserve Apartments. In accordance with City Ordinance 92.076B all multi-family dwelling units in R-8A Districts with more than 8 units must be approved by Planning Board and City Council. City Council is requested to hear the proposal for this 80 unit multi-family housing development and consider administrative approval of the preliminary plans. The property is currently zoned to allow this use, and staff will ensure that development meets existing City standards. The developers provided a preliminary plan and traffic impact analysis for review.

Planning and Development Services Director Kevin came before Council and stated that the Planning Board reviewed the project on September 26 and voted 4-0 to recommend that Council approve the project with the conditions provided by staff. Council reviewed the provided overlays of the site layout as well as examples of improvements recommended by Development Services and the Planning Board.

Mr. Robinson and Joey Russell with Southern Properties and Development was present and answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the preliminary plans (site plans) for The Reserve Apartments, an 80 unit multi-family housing development located in the southeast corner of the Woodhaven Drive and Heathwood Drive intersection on the east side of NC 740.

The Mayor and City Council considered approval of 2006 property tax write-offs. It was noted that the City contracts with the County of Stanly for the assessment and collection of our property taxes and 99.6 % of property taxes were collected and 99.5% for the Municipal Service District. The County uses the following collection remedies for delinquent taxes: attachment and garnishment, the North Carolina Debt Setoff program, and contacting mortgage companies to pursue foreclosure.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved the 2006 Property Tax Write Offs in the amount of \$21,920.20 and the Municipal Service District fees in the amount of \$186.52.

The Mayor and City Council reviewed an update of the Leachate Force Main Project. Public Works Director Nina Underwood noted that it does not appear this project will be completed within the contract deadline. There is no action required by Council, but she wanted to make Council was aware of the current status.

Ms. Underwood also stated that the project is contracted to complete by October 12 with final payment on November 11. It does not appear that the contractor, Terry's Plumbing, will be able to meet these deadlines. She also said that their best estimate is that the project will end up 45-65 days behind schedule.

The Mayor and City Council considered rescheduling the January 1 & 15, 2018 City Council Meetings. These regularly scheduled meetings conflict with the New Year Holiday and Rev. Dr. Martin Luther King, Jr. Holiday.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved rescheduling Monday, January 1 and Monday, January 15 meetings to Tuesday, January 2 and Tuesday, January 16 at 7 pm due to New Year's Day and Dr. Martin Luther King, Jr. holidays.

The Mayor and City Council reviewed information concerning the annual Mayor, City Council and Employee Christmas Luncheon to be held Wednesday, December 13 from 11:30 until 1:30 pm at the EE Waddell Community Center.

Mayor Michael reminded everyone of the NCDOT meeting for Tip Project R-25308, the proposed improvements of NC 24-27 from NC 740 in Albemarle to East of Pee Dee River on Thursday, October 19 from 5-7 pm at Anderson Grove Baptist Church. Public officials meeting prior to that from 3:30 to 4:30 pm.

Mayor Michael reviewed with Council the project at the EE Waddell Community Center for the gymnasium. He stated that they are painting currently and waiting on bids to remove gym floor tiles and asbestos. We should have information at the next Council meeting.

Mayor Michael stated that Public Power Week is this week and Council will visit 13 resident homes on Wednesday, October 4. Those participating will meet at City Hall at 8:30 am.

Mayor Michael asked Council if they would like to schedule a meeting with the Stanly County School Board concerning strategic planning. We can arrange a date with the school board. Councilmembers confirmed their interest in a meeting with the school board.

Mayor Michael asked the City Manager to contact the Interim Superintendent of the school system and review meeting dates they would be available.

Councilmember Townsend mentioned an invitation which all Council members were invited to walk with students to Central Elementary School departing from the YMCA Pavilion on Wednesday, October 4.

Councilmember Hughes commented on the new banners downtown and how great they look. She thanked staff for their efforts with this.

Councilmember Hall stated that she had visitors at her home and they also commented on how nice the new banners look.

Councilmember Hall commented on the insert in the Charlotte Business Journal prepared by Economic Development Director Mark Donham.

Councilmember Hall mentioned that this week is Public Power Week, October 1-7.

Councilmember Whitley stated that he had seen cars parked at the Pfeiffer Property a few days ago. It was probably for the Five Points Public House soft opening.

Councilmember Bramlett stated that after getting the junk cars cleared on Old Charlotte Road, junk cars accumulating at the 503 Old Charlotte Road location again and getting worse throughout the City.

Councilmember Bramlett thanked the Mayor for asking if Council would like to meet with Stanly County School Board.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the meeting was adjourned.