

REGULAR MEETING CITY COUNCIL

November 20, 2017

The City Council of the City of Albemarle met in a regular session on Monday, November 20, 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, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, Councilmember Benton Dry II.

Mayor Michael called the meeting to order at 7:02 p.m.

SPECIAL PRESENTATION

Kelly Hill, East Albemarle Elementary Curriculum Coach, introduced the following students to recite their writing on “What Makes a Good Leader”:

- Kindergarten - London Alphin
- First Grade - Bristol Pack
- Second Grade - Kyleigh Tedesco
- Third Grade - Zavion Harris
- Fourth Grade - ly'Kianna Griffin
- Fifth Grade - Jalia Borden

The Mayor and Council concluded with appreciation remarks.

APPROVAL OF MINUTES

Councilmember Aldridge made a motion to approve the November 6, 2017 Regular Session and Closed Session Minutes; seconded by Councilmember Townsend which carried by unanimous vote.

PUBLIC HEARING

Mayor Michael introduced staff to present the Conditional-Use-Permit (CUP) application for CUP 17-006.

Nasser Rahimzadeh, Senior Planner/Zoning Administrator, stated the applicant did furnish new evidence on the findings of fact and new conditions were met when he conducted the most recent site visit. He displayed photos of the property and presented the CUP application and staff analysis each finding of fact as follows:

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: *Staff Analysis:* The applicant has furnished pictures showing that they are currently in compliance with the conditions in the order set forth by City Council in CUP 17-001.
2. The use meets all required conditions and specifications: *Staff Analysis:* The business was operating in violation of building and fire code. They came into compliance after enforcement procedures were executed. The applicant has not always followed all attached conditions stipulated in conditional use permit #17-001.
3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity: *Staff Analysis:* The use is located in a commercial development zoned General Highway Business District.
4. The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics: *Staff Analysis:* The use in question is in an existing commercial development.
5. Be in general conformed with adopted plans: *Staff Analysis:* The existing business is in the General Highway Business District. City of Albemarle Future Land Use Plan calls for the location to stay as a commercial use. The applicant has furnished pictures illustrating their efforts to comply with conditions that were specified in CUP 17-001. The current outstanding issue is the following condition specified in the order for CUP 17-001:
 - Gaming establishments shall prominently post the rules of the sweepstakes games.
 - Posting rules of the games may be somewhat complicated by the number of games a consumer may choose to play. On a recent site visit a demonstration was held showing the rules of the game while the consumer was playing that particular game.

Mayor Michael declared the public hearing open at 7:13 p.m. and stated public comments offered in this hearing must be conducted by persons that have standing in the issue only.

Oath of Office was conducted for Nasser Rahimzadeh, Senior Planner/Zoning Administrator.

Oath of Office was conducted for David Chan, Applicant.

OPPONENT COMMENTS:

None.

PROPONENT COMMENTS:

David Chan, 2004 US 52N, Albemarle/operator of Good Luck Albemarle, discussed rules being posted of 80 games within the units themselves and having staff available to assist as needed.

OTHER DISCUSSION:

Mayor Michael stated he has heard complaints about people with standing in this matter regarding customers not parking in the fire lane.

Townsend inquired if Mr. Chan was aware of legislation that would limit machines to four per site.

Mr. Chan discussed his awareness of the proposed legislation.

Mayor Pro Tem Hall made a motion to close the public hearing upon no further discussion; seconded by Councilmember Hughes which carried by unanimous consent.

FINDINGS OF FACT:

Mayor Michael stated per North Carolina General Statute § 92.101, each condition within the findings of fact must be met in order to meet the CUP application. He then went over each finding of fact individually to allow Council to ask specific questions as they relate to each fact; subsequently, Council determined respective findings associated with said fact as follows:

I. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and provided.

-No questions asked upon Council. Councilmember Whitley made a motion to find approval in aforementioned fact; seconded by Councilmember Bramlett which carried by unanimous vote.

II. The use meets all required conditions and specifications.

No questions asked upon Council. Councilmember Aldridge made a motion to find approval in aforementioned fact; seconded by Councilmember Townsend which carried by unanimous vote.

III. The use will not substantially injure the value of adjoining or abutting property, or, alternatively, that the use be a public necessity.

No questions asked upon Council. Councilmember Hughes made a motion to find approval in aforementioned fact; seconded by Councilmember Bramlett which carried by majority consent with Mayor Pro Tem Hall voting in opposition of the motion.

IV. The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

No questions asked upon Council. Councilmember Townsend made a motion to find approval in aforementioned fact; seconded by Councilmember Whitley which carried by unanimous vote.

V. Be in general conformance with adopted plans.

There was discussion of imposing a condition of time limits on the new permit issued.

Councilmember Bramlett made a motion the application is in conformance with the adopted plans with all previously approved conditions of the first six (6) month permit with the condition of a six (6) month review onto the application; seconded by Councilmember Aldridge which carried by unanimous vote.

AGENDA ADJUSTMENTS

Mayor Pro Tem Hall made a motion to add a closed session pursuant to N.C.G.S. 143-318.11(a)(4) (5) and (6)- for Economic Development; Real Estate; and Personnel; seconded by Councilmember Hughes which carried by unanimous consent.

UNFINISHED BUSINESS

Lindsay Carter, Revenue Collector/Special Projects Coordinator, discussed changes in recently proposed fees.

Mayor Pro Tem Hall requested discussion of changes noted within page 8 of the proposed plan.

Mrs. Carter highlighting changes to include no split day fees; all fees will apply to whole days only. There is also a change noted in long-term rentals for performances days [at Central School Auditorium]. The change noted eliminates charges for blackout dates for performance based rentals. She also discussed the desire to eliminate clauses within the initially proposed plan that only allowed performance based rental and therefore precluded any academic or business based rentals. She stated this may be eliminated if the lease agreement can be amended with Landmark [the lessor].

Mayor Michael asked for clarification regarding a potential rental that could take place over two consecutive weekends and if additional rentals could take place during the week.

Mrs. Carter stated rentals could not be made during the week if a performance based entity reserved [Central School Auditorium] for two consecutive weekends with black-out dates during the week.

Mayor Pro Tem Hall discussed her understanding of performers needing to have blackout dates for productions. She has concern with not receiving income for the blackout dates; however she would rather be more business friendly to those reserving the facility to assure it meets their needs.

There was discussion of energy fees not being assessed on days of practice; fees only apply on days of performance as proposed.

Mayor Michael discussed his opinion that energy fees should be assessed on black out dates if groups are practicing in the facility. There was consensus amongst Council to incorporate energy charges on black out dates.

Mayor Pro Tem Hall made a motion to approve the Central School Auditorium policies as presented with the addition of adding energy charges to blackout dates for performance based rentals; seconded by Councilmember Whitley which carried by unanimous consent.

Further discussion of other parts of the policy were requested by Councilmember Townsend.

Councilmember Townsend discussed concerns on page 7 regarding cleaning fees for the E.E. Waddell Center. He believes the \$75 cleaning fee is going to be misleading to the public.

Lisa Kiser, Parks and Recreation Director, stated the \$250 rental fee for 5 hours includes the cleaning fee.

Upon further discussion, staff will note changes to exclude the presentation of the cleaning fee in the policy as presented for the E.E. Waddell Center Banquet Room as it is already included in the rental fee.

Mayor Pro Tem Hall made a motion to approve the policy with the said changes; seconded by Councilmember Townsend which carried by unanimous consent.

Mayor Pro Tem Hall discussed the option to change the policy later if it prevents optimal utilization of City Facilities.

NEW BUSINESS

- 1) Consider Resolution Accepting Loan Offer from the Clean Water State Revolving Fund for Rehabilitation of the Sanitary Sewer Collection System (Phase II) and Rehabilitation of the Electrical System (Phase I) at the Long Creek Wastewater Treatment Facility**

Mike Leonas, Public Utilities Director, stated this is part of the process as loan proceeds move through; the preliminary engineer report has been received by NC Department of Environmental Quality.

Mayor Michael clarified the net loan will be for \$4.2M because of a \$500,000 loan forgiveness being offered. The loan will be for 20 years at 0% interest.

There was discussion of payments starting upon completion with the exception of the closing cost at 2% which would be due at contract execution.

There was discussion of potential completion will be within next fiscal year.

There was discussion of the project contingency being around 8-10%.

Mayor Pro Tem Hall introduced and motioned to approve the following resolution; seconded by Councilmember Hughes which carried by unanimous vote.

RESOLUTION 17-30

RESOLUTION BY GOVERNING BODY OF THE CITY OF ALBEMARLE, NORTH CAROLINA

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a revised Drinking Water State Revolving Loan in the amount of \$ 4,766,000 for the construction of the Phase 2 Rehabilitation of the Sanitary Sewer System and Rehabilitation at the Long Creek Wastewater Treatment Facility, and

WHEREAS, the City of Albemarle intends to construct said project in accordance with the approved plans and specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALBEMARLE:

That the City of Albemarle does hereby accept the revised Drinking Water State Revolving Loan offer of \$ 4,766,000.

That the City of Albemarle does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II-Assurances will be adhered to.

That Gerald R. Michael, Mayor or Michael Ferris, City Manager, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such loan, application, and/or the project; to make the assurances as

contained above; and to execute such other documents as may be required in connection with the loan and the application.

That the City of Albemarle has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 20th Day of November, 2017 at the City of Albemarle, in Stanly County, North Carolina.

Gerald R. Michael

Mayor

2) Consider a Contract with Stanly County Board of Elections for the 2018 Municipal Election Cycle

Mayor Michael briefly discussed the proposed Board of Election contract and the potential for a slight increase shall there be the need for a second primary election or run-off.

Mayor Pro Tem Hall made a motion to approve the contract as presented; seconded by Councilmember Townsend which carried by unanimous vote.

3) Consider Resolution to Accept the Donation of Property

Mayor Michael discussed a property being donated to the City from J. Heath Morrow Heirs.

Mayor Pro Tem Hall made a motion to approve the resolution and read the following into the record:

The motion was seconded by Councilmember Bramlett and carried by unanimous vote.

Council thanked the family for the donation and discussed the significance as the Pfeiffer project progresses.

4) Consider using City Lake Park for a Youth Mud Run

There was discussion of the youth mud run being conducted on June 16, 2017 in cooperation with the hospital and Albemarle Parks and Recreation Department.

Mayor Pro Tem Hall made a motion to approve the request as presented; seconded by Councilmember Whitley which carried by unanimous consent.

5) Information - E-Cycle and Paper Shredding Event

There was discussion of material in the agenda for paper shredding and potentially adding a second event with the Hazardous Household Waste event. This will be an item to be discussed later within next year's budget cycle.

COUNCILMEMBER REPORTS

Mayor Michael reminded Council of the Hospice Festival of Trees at Stanly County Commons.

Mayor Michael also discussed Rosebriar being thankful to Public Utilities Electric Division in response to a recent incident.

Council made comments regarding the success and turnout of the recent Downtown Christmas Event. Discussion of staff resources and involvement during the event were appreciated.

Mayor Pro Tem Hall discussed the potential to do more outdoor movies such as that played during Downtown Christmas. She also discussed Council's attendance in National League of City event.

There was discussion of the success of Downtown Christmas contributing the downtown business awareness.

There was discussion of the Public Utilities Electric Division assisting in a request of a utility line right of way debris clean up and the requesting party being grateful for prompt service and attention.

Councilmember Bramlett made a motion to enter closed session at 7:50 p.m. pursuant to N.C.G.S. 143-318.11(a)(4) (5) and (6)- for Economic Development; Real Estate; and Personnel; seconded by Mayor Pro Tem Hall which carried by unanimous consent.

Councilmember Hughes made a motion to enter open session; seconded by Councilmember Aldridge which carried by unanimous consent.

Mayor Michael announced that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(4) (5) and (6)- for Economic Development; Real Estate; and Personnel.

Upon no announcements, Councilmember Dry made a motion to adjourn the meeting until November 27th at 7:00 p.m. at Stanly County Commons located at 1000 North First Street, Albemarle, NC in the Board of Education Meeting room. The motion was seconded by Councilmember Hughes and unanimously carried.

Respectfully Submitted,

Christina Alphin, Deputy City Clerk/Assistant City Manager

Mayor