

REGULAR MEETING CITY COUNCIL  
April 16, 2018

The City Council of the City of Albemarle met in a regular session on Monday, April 16, 2018 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 Townsend, seconded by Councilmember Hall, and unanimously carried, the minutes of the April 2 regular session and April 2 closed session minutes were approved as submitted.

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The Mayor and City Council considered approval for the condemnation and demolition/removal of the following dilapidated/unsafe properties as part of enforcement of City minimum housing code:

1. 531 Arey
2. 513 Arey
3. 608 Summit
4. 1510 W Main
5. 519 Arey
6. 906 Elizabeth
7. 425 E Oakwood
8. 527 Arey
9. 1404 Pennington
10. 802/804 Hill
11. 808 Hill Street
12. 703 Efird

Planning and Development Services Director Kevin Robinson reviewed 1518 US Hwy 52 and stated the owner has demolished this property, and they were unable to inspect 428 Arey and 1140 Gibson Street. He reviewed the twelve above

properties with Council including the ordinance to remove or demolish, findings of fact and order, minimum code violations, photos of the properties, and the case activity summary including inspection, courtesy letter, posting, hearing date, etc. COG Code Enforcement Officer James Luster and Fire Battalion Chief Kenny Kendall were present to answer any questions that Council had.

Mayor Michael opened the public hearing and asked if anyone wanted to speak for or against the property at 531 Arey Avenue and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 513 Arey Avenue and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 608 Summit Street.

This property is owned by Bobby A. & Pamela M. Rorie and Mr. Michael Townsend was present to represent and speak for the owner. He asked for an extension to handle the curb appeal issues over the next 30-45 days then start the construction on the foundation, replace windows, and roof next. Mr. Luster stated a courtesy letter was sent January 2018 and the hearing was March 14 2018 and no one attended the hearing. Planning and Development Services Director Kevin Robinson stated that he spoke with the owner, Bobby Rorie, and he wants to keep the structure and repair it.

It was noted that Mr. Rorie lives in Maryland and Mr. Townsend will be doing the repair if given the opportunity because Mr. Rorie has been sick. Mayor Michael asked to hold a decision on this property to the end of the public hearing to consider and determine the criteria of the extension requested. He asked Mr. Luster to get with Mr. Townsend and design a 30/60/90 plan for getting this property up to code and bring back before Council later in the meeting.

Mayor Michael asked if anyone wanted to speak for or against the property at 1510 W Main Street and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 519 Arey Avenue and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 906 Elizabeth Avenue and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 425 E. Oakwood and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 527 Arey Avenue and no one came forward to speak.

Mayor Michael asked if anyone wanted to speak for or against the property at 1404 Pennington Road.

This property is owned by Oscar Hinson and he came before Council and stated he applied for a permit to repair this house several years ago. He replaced a seal then found a sagging floor in a bedroom and put all new seals in where needed. He said he had spent around \$12,000-15,000 on the house including repairing the porch. He stated having only two months left to complete the work, he was not able to finish so he stopped work on the house but he would like the opportunity to finish the repairs.

Mr. Luster stated that the inspection was done in 2016 and the seals were in bad shape. He stated that the cost would be near \$30,000-40,000 and take over 4 months to complete.

Mayor Michael asked if anyone wanted to speak for or against the property at 802/804 Hill Street.

This property is owned by Oscar Hinson and he stated that the structure of the house including the floor and walls are in good shape. He stated this property has water/sewer taps and he wants to sell this property. Mr. Luster stated that it would cost around \$30,000-35,000 to bring this property up to code.

Mayor Michael asked if anyone wanted to speak for or against the property at 808 Hill Street.

This property is owned by Oscar Hinson and he stated that the structure of the house including the floor and walls is in good shape. He stated this property has water/sewer taps and he wants to sell this property. Mr. Luster stated that it would cost around \$30,000-35,000 to bring this property up to code.

Mayor Michael asked if anyone wanted to speak for or against the property at 703 Efird Street and no one came forward to speak.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved closing the public hearing.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a demolition ordinance for 531 Arey Avenue.

(Ordinance 18-08)

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council approved a demolition ordinance 513 Arey Avenue.

(Ordinance 18-09)

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved a demolition ordinance 1510 W Main Street.

(Ordinance 18-11)

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved a demolition ordinance 519 Arey Avenue.

(Ordinance 18-12)

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council approved a demolition ordinance 906 Elizabeth Avenue.

(Ordinance 18-13)

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved a demolition ordinance 425 E Oakwood.

(Ordinance 18-14)

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a demolition ordinance 527 Arey Avenue.

(Ordinance 18-15)

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a demolition ordinance 1404 Pennington Road.

(Ordinance 18-16)

Upon a motion by Councilmember Whitley, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a demolition ordinance 802/804 Hill Street.

(Ordinance 18-17)

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a demolition ordinance 808 Hill Street.

(Ordinance 18-18)

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved a demolition ordinance 703 Efir Street.

(Ordinance 18-19)

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### **Announced Delegations**

#### **1) Mr. Peter Ascitutto - Presentation on Stanly County Schools: Capacity, Demographics, Trends, School Choices & Taxes to Fund Education**

Mr. Ascitutto reviewed Stanly County Schools (SCS) enrollment trend in 2001-02. He stated attendance declined 15 of the last 16 years with a loss of 1,763 students since 2001.

SCS current Elementary School Capacity 2017-18

3,988 elementary students

Room for 5,355 w/mobiles (75% capacity)

Room for 5,055 w/o mobiles (78% capacity)

N. Albemarle 428 with mobiles and 368 w/o mobiles

Ridgecrest 799 with mobiles and 739 w/o mobiles

Enrollment for SC Middle Schools and their capacity w/ and w/o mobiles

1,784 middle school students

2,553 w/mobiles (70% capacity) and 2,378 w/o mobiles (75% capacity)

Enrollment for SC High Schools and their capacity w/ and w/o mobiles

2,181 high school students  
3,385 w/mobiles (64% capacity) and 2,905 w/o mobiles (75% capacity)

In 2014, 7 schools above the 80% capacity and 12 schools below 80% capacity

In 2018, 5 schools above the 80% capacity and 14 schools below 80% capacity

Mr. Ascitutto spoke about the average number of students in the SCS and the average number of classroom teachers in the SCS in 2015-16. He reviewed Charter Schools in NC since 1997 and there are currently 174 Charter Schools in NC. Also, homeschoolers for 2016-17 in this region with 1,001 in Stanly, 2,438 in Rowan, 262 in Anson, 394 in Montgomery, 2,423 in Randolph, and 2,760 in Davidson.

Private School recipients:

2014-15 – 1,216

2015-16 – 3,682

2016-17 – 5,415

2017-18 – 5,700

Ms. Ascitutto reviewed the impact of schools coming like Tillery Charter Academy, the new Montgomery Central High School, and Montgomery County Early College.

Mr. Ascitutto reviewed results from a facility study for the SCS done in October 2015. It noted that enrollment will continue to decline in 2020-21 of 7,701 students and will increase in 2023-24 to 8,204 students. He also reviewed Stanly County population projections and Stanly County Sales Tax Referendum in the 2014, 2015, and 2016 elections.

Mr. Ascitutto answered any questions that Council had.

## **2) Ms. Ellen Lambert - To Discuss Opioid Crisis and Request a Resolution be Adopted**

Ms. Lambert came before Council concerning this issue on January 16, 2018. She presented the updated resolution for the Narcotic Addict Self Surrender Act of 2018 that she presented January 16 and asked for Council to adopt it.

Mayor Michael stated that Council would like to see the final language to be used in the resolution after a bill is introduced. Also, he said the Council would speak with the NC League of Municipalities concerning this issue.

Mayor Michael and Council thanked Ms. Lambert for being here this evening.

### **3) Ms. Cindi Talbert - To Request a Peddler License**

Ms. Talbert will be selling pre-packaged food items and drinks on private property with permission and events in the City.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, City Council approved a peddler license for Cindi Talbert.

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### **Unannounced Delegations**

Mayor Michael asked Mr. Michael Townsend speaking for the Bobby Rorie concerning the 608 Summit Avenue property and COG Code Enforcement Officer, Mr. James Luster to come forward and speak concerning their 90 day extension plan for this property.

Mr. Townsend stated that the plan would allow

0-30 days - To complete cutting overgrown trees/shrubs, remove trash and debris, and secure windows and access points

30-60 days - Pressure wash exterior and paint porch and back porch area

60-90 days – Replace windows, doors, and replace roof

This will take 6 months to complete per Mr. Townsend with a cost estimate of \$55,000.

Mr. Luster stated inside all mechanical systems will need to be replaced, HVA, electrical and plumbing.

Council further discussed the guidelines they want to have meet on this structure during the entire 90 day time period.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, City Council approved postponing a decision for a 90 day extension to the property at 608 Summit Avenue until the May 7 regular session meeting allowing the owner/representative of 608 Summit Avenue and COG Code Enforcement Officer, Mr. James Luster to design a plan allowing a guideline with stipulations to be followed and met.

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

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### **Unfinished Business**

#### **1) Resolution naming Uwharrie Bank as official depository**

Council approved the bid for banking services at the last City Council meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, City Council excused Councilmember Hughes from voting due to a conflict of interest.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, City Council approved designating Uwharrie Bank as an official depository for the City of Albemarle.

(Resolution 18-02)

Councilmember Hughes came back into the meeting at this time.

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### **New business**

#### **1) Consideration of Special Events Permit - Dinner on Main**



Friends of the Agri-Civic Center will host their annual Dinner on Main event on Saturday, June 9, 2018 which is a fundraiser for them. Motion to approve shall be made contingent upon applicant securing ABC permit and listing City of Albemarle on insurance as an "additional insured" party.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved waiving the fee for the Dinner On Main Event on Saturday, June 9 and the closing of First Street from North to King Street and Main Street from Depot to Second Street from 4pm until 11:30 pm contingent upon securing an ABC permit and listing City of Albemarle on insurance as an "additional insured" party.

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## **2) Consideration of Special Event Permit - Beach Blast 5K**

Uwharrie Running Club requested a Special Event Permit for their annual Beach Blast 5K. They are requesting road closures on Depot Street between North and Main Street, Depot Street from Main to the parking lot behind the Goody Shop from 6:00 am - 10:00 am on Saturday, May 12, and Second Street from South Street to Main Street from 7:15 am until 8:00 am for the start of the race.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the Special Event Permit for their annual Beach Blast 5K. They are requesting road closures on Depot Street between North and Main Street, Depot Street from Main to the parking lot behind the Goody Shop from 6:00 am - 10:00 am on Saturday, May 12, and Second Street from South Street to Main Street from 7:15 am until 8:00 am for the start of the race.

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## **3) Consider the Request for a Piedmont Natural Gas Main Extension**

Piedmont Natural Gas is requesting to extend a 2-inch gas main on the west side of North 9th Street a distance of 120-feet. The extension will connect to an existing line on Pee Dee Avenue.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the extension of a 2-inch gas main on the west side of North 9th Street a distance of 120-feet. The extension will connect to an existing line on Pee Dee Avenue.

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**4) Proclamation - National Day of Prayer**

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved a proclamation for the National Day of Prayer.

(Proclamation)

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**5) Consider Approval of Audit Contract for FY 17-18**

Council reviewed the audit contract for fiscal year ending 6/30/2018. This represents a 3% increase over the prior year and is in line with the original bid for audit services. It was noted that staff is happy with the relationship they have with Potter & Company and with the work they provide the City and request approval for the finance director to enter into this contract.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the Audit Contract for FY 2017-18 with Potter and Company.

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**6) Consider Resolution 18-03 Authorizing IDF Application**

This resolution authorizes the submission of the Application to the NC Industrial Development Fund Application. A pre-application was submitted and a \$750,000 grant was awarded. This ordinance will be included in the Application to receive the funding. The City will match with \$250,000. These funds will be used to develop the road in the Albemarle Business Park.

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

(Resolution 18-03)

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**7) Consider Utility Preliminary Engineering Agreement with NCDOT for Design Activities Associated with Relocation of Water & Sewer Lines for the NC 24-27 Widening Project (TIP R-2530B; WBS Element 34446.1.6)**

This will execute a Utility Preliminary Engineering Agreement with NCDOT for engineering and design activities associated with relocation of water & sewer utilities to support the NC 24 -27 widening project. This agreement provides for NCDOT to reimburse the City 75% of the eligible cost for professional engineering design services to support the relocation. From the resultant fee schedule and scope, the cost of design services will be \$227,651.71. NCDOT will reimburse 75% of the fee or \$ 208,175.78. The City will be responsible for 25% of the fee or \$ 69,391.93 and authorize the Mayor and/or City Manager to execute the agreement and other associated instruments with NCDOT as they relate to the design effort.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the Utility Preliminary Engineering Agreement with NCDOT for Design Activities associated with relocation of water & sewer lines for the NC 24-27 Widening Project (TIP R-2530B; WBS Element 34446.1.6) and authorized the Mayor and/or City Manager to execute the agreement and other associated instruments with NCDOT as they relate to the design effort.

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**8) Consider Agreement with Chambers Engineering, PA for Engineering and Design Services for Relocation of Water & Sewer Lines for the NC 24-27 Widening Project (TIP No. R-2530B; WBS Element 34446.1.6)**

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the professional services agreement with Chambers Engineering, PA for engineering and design of water and sewer utility relocations to support the NC 24-27 Widening Project (TIP No. R-2530B; WBS Element 34446.1.6) in the amount of \$ 277,567.71 with the anticipation of a reimbursement of \$208,175.78 from NCDOT and authorize the Mayor and/or City Manager to execute the agreement and any additional instruments associated with the agreement for professional services. The City will be responsible for 25% of the fee or \$ 69,391.93.

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**9) Consider a Modification to the PUD Customer Service Policy for Bulk Water Sales**

It was noted that during the recent rehabilitation of the water plant, it was discovered that the apparatus used to provide bulk water was leaking and would cost in excess of \$6,000 to repair. Given the cost to repair, the infrequency of bulk water demand at the plant, and maintaining security at the plant, the decision was made to no longer continue to provide bulk water from the facility. Bulk water can still be provided at the City's Operation Center on Arlington Avenue. The proposed modifications remove the reference in the Policy concerning the availability of bulk water at the US 52 Water Treatment Facility.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved the modification to the Public Utilities Department Customer Service Policy removing the designation of the US 52 Water Treatment Facility as a bulk water supply point.

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**10) Consider Approval of Department of Public Housing FY2018 Agency Plan Annual Update**

A 45-day review of the Agency Plan was required with notice of a public hearing for comments and consideration which was held April 10, 2018 in the Community Room at 300 S. Bell Ave. Upon approval of the FY 2018 Agency Plan Annual Update, the certifications will require the Mayor's signature for submittal to HUD.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the Department of Public Housing FY2018 Agency Plan Annual Update and Mayor's signature for submittal to HUD.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the Housing Choice Voucher (HVC) Program (Section 9) and the FY 2015-19 Five Year Agency Plan.

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**11) Consider Adoption of Budget Ordinance 18-20**

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

**(Ordinance 18-20)**

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**12) Consider Adoption of Budget Ordinance 18-21 for WTP Rehab Project**

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

**(Ordinance 18-21)**

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**13) Discussion of Speed Limit on North First Street near YMCA Park.**

Councilmember Hall was recently contacted about the possibility of reducing the speed limit on this street to match the reduced speed on North Second Street and asked this be placed on the agenda for discussion. It was noted that North Second Street is a City road, while North First Street is an NCDOT road.

It was noted that currently, North First Street is 35 mph between US Highway 52 and North Street. North Second Street is designated as 25 mph between CB Crook Drive and North Street. Councilmember Hall asked that Council look at the safety of kids and the City needs to have the same speed limit on First and Second Streets for this purpose. It was noted that the speed limit on both streets between North Street and Old Charlotte Road is 20 mph now.

Mayor asked City Council if they would like to send a request letter to NCDOT to do a study and see what their recommendations would be.

Councilmember Hall moved to make a request to NCDOT concerning lowering the speed limit on North First Street from CB Crook Drive to North Street to 25 mph. 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 voted carried with a 6-1 vote.

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**14) Consider Attendance at the NC League of Municipalities Town and State Dinner**

Mayor Michael and Mayor Pro Tem Hall confirmed their attendance.

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**Comments**

Mayor Michael thanked all the City electric crews, public works crews, fire personnel, police, etc. that worked overnight restoring power and clearing debris this past Sunday night after the major storm.

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The City Manager stated that Council had previously discussed having an open hour for the Central School Apartments auditorium. He had spoken with Parks and Recreation Director Lisa Kiser and they have several dates that Council can consider:

Friday, May 18  
Thursday, June 7  
Friday, June 8

Upon further discussion, the Mayor asked that Ms. Kiser look at more date choices and bring back before Council at the next meeting on May 7.

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Council Hughes reiterated thanks to all the City electric crews, public works crews, fire personnel, police, etc. that worked overnight restoring power and clearing debris this past Sunday night after the major storm.

Councilmember Hughes stated that April 18 is National Lineman Day.

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Council Dry reiterated thanks to all the City electric crews, public works crews, fire personnel, police, etc. that worked overnight restoring power and clearing debris this past Sunday night after the major storm.

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Council Whitley reiterated thanks to all the City electric crews, public works crews, fire personnel worked overnight restoring power and clearing debris this past Sunday night after the major storm.

Councilmember Whitley stated that there has been a problem with people parking on Fourth Street all the way to the Five Points intersection causing issues.

The City Manager stated that the staff can post a sign there or paint that area in yellow to alert people not to park there and there is a City Ordinance prohibiting parking within 15-feet of any intersection.

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Councilmember Bramlett thanked the ADDC Design Committee for clearing the alley behind the Falling Rivers Gallery.

Councilmember Bramlett stated that the City needs to monitor the fees charged for the auditorium at Central School Apartments.

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Councilmember Hall stated that the Butterfly House Breakfast will be Friday, April 27 at 8 am.

Councilmember Hall stated that the City Council will meet with the Planning Board and ZBA this Wednesday, April 18 at Rosebriar at 6:30 pm.

Councilmember Hall stated that there was good turn out this past Saturday, April 14 at the Agri-Civic Center for the County recycling event.

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Ms. Colleen Conroy came forward to thank Council for their monetary donation to the Butterfly House for the Dancing with the Stars event. Ms. Conroy stated that she is looking for a dance practice location and asked if she could use the hallways at City Hall. The City Council did not have any issues with the request and asked that she work out the details with the City Manager.

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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 NCGS 143-318.11(a) (3) (4) (5) – To Consult with the City Attorney, Economic Development and Real Estate.

Upon a motion by Councilmember Hall, 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 NCGS

143-318.11(a) (3) (4) (5) – To Consult with the City Attorney, Economic Development and Real Estate.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the Mayor and City Council approved paying the drilling company to drill a new well to meet current guidelines on the property of Terry R. and Gerald M. Hatley located at 40074 Stony Gap Road where the current unused well is less than 25 feet from the right of way of City water/sewer lines where the City landfill sewer line is under construction and to abandon the old existing well.

The City Attorney will draft an agreement between the City and property owner Gerald R. Hatley completing concerning the process and completion of the above well and holding the City harmless there forward.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the meeting was adjourned until Wednesday, April 18 for a meeting with the Planning Board and ZBA at Rosebriar at 6:30 pm.