

REGULAR MEETING CITY COUNCIL

August 6, 2018

The City Council of the City of Albemarle met in a regular session on Monday, August 6, 2018, at 6:00 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.

Special Presentations

Presentation of City of Albemarle Retirement Certificates

Retirement Certificates will be presented to the individuals listed below. The agenda includes a work history for each and the positions held.

Carolyn Martin - 6.83 years of service
L. David Bowers - 10.33 years of service
Donnie Joe Whitley - 28.91 years of service

**Recognition of Bryan Hinson, Water & Sewer Systems
Superintendent, for Receiving the J A Younts Award from the NC Rural Water
Association**

Bryan Hinson, Water & Sewer Systems Superintendent in Public Utilities, received the 2018 J. A. Younts Service Award from the NC Rural Water Association at its Annual Conference in Greensboro recently. J. A. Younts was a dedicated water professional in Davidson County, NC and was instrumental in establishing the National Rural Water Association. He served on the Board of Directors for National Rural Water Association for many years in addition to serving the NC Rural Water Association.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the minutes of the July 6 regular session and July 6 closed session minutes were approved as submitted.

Public Hearing
Consider Economic Development Incentives for Global Packaging

Economic Development Director Mark Donham came forward and stated the City of Albemarle is holding a Public Hearing to receive input regarding an incentive to have Global Packaging Solutions invest \$1,300,000 in new equipment and create 5 jobs at its facility in Albemarle located at 504 Poplin's Grove Church Road.

Comments

Mr. Jim Anderson, President, Global Packaging Solutions came forward and stated he started his business in Oakboro in 2005 and then moved to Albemarle 2.5 years ago. He shared with Council samples of his packaging. Mr. Anderson answered any questions that Council had.

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

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

(Resolution 18-13. To approve a contract and incentives for Global Packaging Solutions.)

Public Hearing
Economic Development Public Hearing for Carolina Treetop LLC

Project

Mayor Michael stated that this public hearing is being continued from the June 9 regular session meeting.

Economic Development Director Mark Donham stated that this is to designate 9.9 acres at Rock Creek Park for economic development purposes allowing Carolina Treetop Challenge LLC to operate an outdoor adventure and training course.

Comments

Mr. Ken White, Operating Manager of Carolina Treetop Challenge, LLC came forward and thanked Mark Donham and that he and his family are excited and ready to move forward with this project at Rock Creek Park. He also said that this is a positive venture for the City of Albemarle, Albemarle Parks and Recreation, and Carolina Treetop Challenge, LLC. Mr. White and Mr. Donham answered any questions that Council had.

Mr. Donham thanked Parks and Recreation Director Lisa Kiser for all her hard work on this project.

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

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

(Resolution 18-12. To declare land for economic development for a new recreation company located at Rock Creek Park.)

Announced Delegations

Ms. Lisa Mabry, Grace Place, 134 Church Street, came before Council to discuss their present location and how to go about moving into the former Tabernacle Church location as a permanent location for their music, meal, and a message operations along with other uses taking place. Ms. Mabry stated that the concept of Soul Food was started in October of 2014 by a group of pastors of the Uwharrie District Missional Network, which is part of the United Methodist Church. Since that time it has grown and moved twice, most recently using the fellowship hall at 1st Street Methodist.

Ms. Mabry also stated that when the congregation at Tabernacle United Methodist Church was no longer able to financially support their ministries, they made the decision to close the church. These church buildings are owned by the United Methodist Conference. Soul Food reached out to the Uwharrie District office about the possibility of Soul Food moving into the Tabernacle Methodist Church building.

She stated that in addition to Soul Food on Monday nights, there is also a bible study offered on Thursday evenings. With the move to the Tabernacle Church building, Grace Place has begun providing a place of hope and referral Monday-Friday mornings from 8-11 am. The Western NC Conference of the United Methodist Church in partnership with a group called Fresh Expressions US is providing training to NC churches on how to reach a majority of the population who are not interested in traditional church.

Pastor David Talbert, Bethany United Methodist Church, Lexington came forward to speak about their Open Hands operation in Lexington and Opportunity House in Kannapolis. He said they provide a meal, music and message on Mondays. The Executive Director of Open Hands came forward and spoke about the ministry there and in Concord and Kannapolis.

Mr. Talbert answered any questions that Council had.

Planning and Development Director came before Council and stated since their use of the church is not primarily as a church, the zoning could be changed to allow these uses or consider a conditional use permit. This property is currently zoned R-8 Two Family Residential. Mr. Robinson stated he will bring this issue before the Planning Board then back before Council at a later meeting.

Mr. Robinson answered any questions that Council had.

Unannounced Delegation

Mr. Jeff Crisco, 16457-A Silver Road, Oakboro, NC came forward and stated he is running for Stanly County Sherriff on the Republican ticket. He handed Council a business card with his cell phone number and asked them to feel free to contact him.

Unannounced Delegation

Robert and Claudia Swanson came forward and stated they had purchased the old Belk building downtown Albemarle. They stated they are excited about their new project. This will be an ice cream parlor as well as having other retail items. The name will be Vanilla Village and they are still working on their concept.

The Mayor stated that Council had a copy of the monthly departmental reports for July in their agenda packets and asked if anyone had any questions.

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

Unfinished
Consider Appointments to City Boards and Commissions

Upon a motion by Councilmember Whitley, seconded by Councilmember Hughes, and unanimously carried, City Council approved a new appointment to the Parks and Recreation Advisory Board for an unexpired term in District 4.

New Appointment

Peter Ascitutto (unexpired term, expiring July 2019) District 4

New Business

1. Consider a Resolution Allowing The City Manager To Schedule Public Hearings for Text and Map Amendments

Planning and Development Services Director, Kevin Robinson stated that City Council has called for public hearings at regular meetings and scheduled them for subsequent regular meetings. While general statutes require that public hearings be scheduled and advertised for, there is no requirement that this be done by Council. Council may permit the City Manager or other City Staff to schedule for these meetings.

It was noted that when asked about this process, a majority of all city officials said that "calling" for public hearings was done by City Staff. The reason for this being primarily to make the amendment process more efficient and easier for everyone involved. City Staff could easily relay upcoming agenda items to Council as they are heard as part of Planning Board's agenda. In the event that there are any issues with scheduling or lengthy hearings, Council can always table or continue these items.

Staff is recommending the adoption of a resolution authorizing the City Manager to oversee the call for and scheduling of public hearings for text and map amendments. This would also apply to conditional use permits and all other items with

the exception of annexations and moratoriums, which have unique requirements per statute.

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

(Resolution 18-14. To allow the City Manager to schedule public hearings for text, map amendments, and conditional use permits.

5) Consider Adjustment to Utility Bill - 1310 E. Main

Mr. Johnny Knotts, Director of Nance Auction, was present representing Chuck Nance. He said that Chuck Nance rents the front part of this building for storage only. The water had been turned off previously and evidently someone tampered and turned it back on and stole water.

Public Utilities Director, Michael stated this is to consider an adjustment to the utility bill (sewer and/or water) for the service located at 1310 E. Main St. The billing under consideration is the June, 2018 bill for water and sewer service provided during May 2018. The service is a non-residential service for a retail/commercial building. The customer states that person or persons unknown had stolen water from his service via an outside spigot on the building. Public Utilities staff have been unable to confirm the theft or that the water consumption did not enter the sewer system.

Mr. Leonas stated that the current Customer Service Policy, while providing guidance to staff for excessive usage with respect to leaks, does not provide guidance with respect to usage as a result of theft. The average consumption for the service location over the past twelve (12) months has been less than 300 CF per month. This resulted in a minimum bill of \$21.29 per month (\$12.11 for water and \$9.81 for sewer). The consumption during May, 2018 was 32,550 CF resulting in a billing of \$1,773.59 (\$919.26 for sewer and \$854.33 for water).

For non-residential accounts with excessive usage from leaks that resulted in no water entering the sewer, the policy provides for an adjustment of the sewer portion of the bill for one month, usually the highest month. The adjustment would be based on the difference between the previous average usage (12 months) and the billed usage in question after verification and documentation of the repaired leaks. Applying this same policy concept to a theft would result in an adjustment of \$909.45.

The only accounts that are provided an adjustment of the water portion of the utility billing are residential accounts. The policy in that case provides for an adjustment of one-half of the difference between the average billing (12 months) and the current billing. If Council wishes to consider this adjustment as well for this non-residential account, the resulting adjustment for water would be \$421.11.

Council considered the following options for consideration in this matter:

Adjustment as a non-residential account in the amount of \$ 909.45.

Adjustment as a residential account in the amount of \$ 1,330.56.

Adjustment in another amount as Council deems appropriate.

Mr. Leonas stated that the meter has now been removed from the property. Mr. Knotts and Mr. Leonas answered any questions that Council had.

Mayor Michael asked that Police Chief Bowen research this incident to hopefully find the person(s) responsible for water meter tampering.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved the forgiveness of the water/sewer bill for May 2018 for 1310 East Main Street in the amount of \$1,773.59.

6) Update on Central Auditorium

City Council reviewed information from other cities concerning Central Auditorium usage information including rentals (past and future); cost to operate; and rental rate information for other performing arts venues.

Mayor Michael stated that the City of Albemarle has the lowest rental costs of all cities researched. He asked is our philosophy to make money or keep the facility constantly used.

Councilmember Hall stated the cost to operate the auditorium involves the \$1,000 rent payment per month and the cost of utilities and insurance and staff's time.

Upon questioning by Councilmember Townsend, Parks and Recreation Director Lisa Kiser state that staff time includes setting up contracts, giving tours of facility, etc. and is mainly her time being used.

Councilmember Bramlett stated that the auditorium could be used for lectures, concerts, etc. to make sure it is used fully.

Councilmember Dry stated that the auditorium is a great advertisement for the City as well.

It was the consensus of the City Council to leave the fees as they are currently and to review the fees once again after the auditorium has had a chance to become established.

7) Discussion of Dumpster / Storage Pods on Streets

City Council asked that staff perform research on what other municipalities have in place to regulate the placement of dumpster, moving pods, and other large containers on the street. Two inquires were posted to the NC City and County Managers' Listserv and Planning Director Kevin Robinson posted a similar inquiry to planners statewide.

The City Council reviewed research regarding the regulations of other municipalities. The City Manager stated the results and practices are varied and that the City could establish a policy they are comfortable with.

Mayor Michael asked that the City Manager determine a strategy on regulating the placement of dumpster, moving pods, and other large containers on the street allowing as short a period of time as possible and bring back before Council for review.

8) Consider Special Event Permit - YMCA Strong Communities 5K

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved a special event permit for the YMCA Strong Communities 5k on Saturday, August 18 from 6:30 am until 10:30 am closing CB Crook Street from First Street to Second Street.

Councilmember Townsend stated that with the closure and potential sale of the Roosevelt Ingram Park, the City should acknowledge the Ingram family with a commemorative plaque in his name. Parks and Recreation Director Lisa Kiser stated that she is working on replicating the Roosevelt Ingram sign on a smaller scale to give to the Ingram family.

Councilmember Townsend spoke of the negative social media comments from one individual who wanted to ride a unicycle in the Tour de Elvis event and the need to clean up the language in the rules for next year. Parks and Recreation Director Lisa Kiser agreed the language needs to be changed before next year's event.

Councilmember Hall commended Parks and Recreation Director Lisa Kiser for the successful 9th annual Tour De Elvis 5K and Cycle Tour. She also thanked the handheld radio group and volunteers.

Councilmember Hall stated that she enjoyed movie night at Market Station recently held for families.

Councilmember Hall stated that Waste Management's regular trash has been off schedule recently. The City Manager stated that Waste Management has new personnel at all levels from Residential Route Manager, Senior District Manager, and Manager of Community & Municipal Relations. He stated that he and Public Works Director Ross Holshouser are staying in contact consistently and will continue to work on this issue. He asked that any observed problems be reported to him or Mr. Holshouser immediately so they can stay on top of the matter until issues are fully resolved.

Councilmember Hall mentioned the start of the NC 24-27 widening project and is excited about the projects now in progress.

Councilmember Whitley mentioned several projects in progress as the NC 24-27 widening project on Leonard Avenue, Roosevelt Ingram Park, and several downtown projects.

Councilmember Bramlett also commented on the Tour de Elvis event and Uwharrie Players "Cinderella" play the last two week-ends held at the Agri-Civic Center. He said this was a great performance.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 160A-318.11 3) (4) & (5) – To Discuss City of Albemarle v. Chucky L. Nance, et al, Economic Development, and Real Estate.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the Mayor and City Council returned to open session. Mayor Michael announced that a closed session was held Pursuant to N.C.G.S. 160A-318.11 11 (3) (4) & (5) – To Discuss City of Albemarle v. Chucky L. Nance, et al, Economic Development, and Real Estate and there was nothing to report at this time.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned until Tuesday, September 4, 2018 at 7:00 pm.