

REGULAR MEETING CITY COUNCIL

September 4, 2018

The City Council of the City of Albemarle met in a regular session on Tuesday, September 4, 2018, 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: Chris Bramlett, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, Bill Aldridge.

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Mayor Michael called the meeting to order.

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Mayor Michael gave the invocation.

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the minutes of the August 6 regular session minutes as amended, August 6 closed session and August 10 called minutes were approved as submitted.

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**PUBLIC HEARING**

Public hearing to consider increasing the incentive offer to Project Steel based on a change in the project for greater investment and also applying for a Building Reuse Grant. Economic Development Director Mark Donham stated funds will be budgeted in the year the grant applies. The resolution also authorizes the City to apply and be the lead applicant for the Building Reuse Grant in conjunction with the project. The City is working with Stanly County and with the State of North Carolina and have come up with a proposal.

City Council reviewed a resolution which included an increase incentive proposal based on the jobs and investment they are proposing for Albemarle. No one spoke for or against this incentive proposal.

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

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

(Resolution 18-15. To consider increasing incentive proposal for Project Steel for a local grant and State grant.)

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**PUBLIC HEARING**

The Mayor and City Council held a quasi-judicial hearing to consider Conditional Use Permit #18-03 seeking to expand a pre-existing cold storage business per 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. 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 of 1927 Hilco. With this being a quasi-judicial hearing, all those wishing to speak must be sworn-in to provide testimony.

Mayor Michael stated public comments offered in this hearing must be conducted by persons that have standing in the issue only.

**SWEAR IN:**

Nasser Rahimzadeh, Senior Planner/Zoning Administrator.

Terry M. Dennis, Jr. - Applicants

Terry M. Dennis, Sr.

**Staff Comments**

Senior Planner Nasser Rahimzadeh came before Council to review the renewal application. He stated that this will expand the storage facility adding two more buildings at 1927 Hilco Street. Also, he said any changes to such an operation in a GHBD / General Highway Business District must be considered through a conditional use permit process.

Mr. Terry M. Dennis, Jr. and Mr. Rahimzadeh answered any questions that Council had.

Upon a motion by Councilmember Townsend, 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 Bramlett, 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 Whitley, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding 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 Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved 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 Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding of fact #4.

5. Be in general conformance with adopted plans

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

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a CUP permit for the conditional use of 1927 Hilco Street in conjunction with the 2028 Land Use Plan and the Findings of Fact.

Permit for 18-03

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## **Public Hearing**

City Council considered Ordinance 18-28, Map Amendment for tax record 121 from R4-CU to R-10. Senior Planner Nasser Rahimzadeh stated this is a public hearing to consider the approval of a map amendment for tax record 121 from R4-CU/High-Density Residential District to R-10/Single-Family Residential District. This is part of the original Grandview Subdivision. The current zoning allows for high density development. The request will return the zoning to R10 Single Family and will therefore be consistent with the existing developed areas. The Planning Board recommended approval at their meeting on 7/24/2018.

Applicant -Senior Project Engineer, Thomas Kelley, PE with TruHomes for Dependable Development, Monroe, NC 28110 for the Grandview Meadows Subdivision

Mr. Rahimzadeh, Planning and Development Services Director Kevin Robinson, and Mr. Thomas Kelley, PE 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.

Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the following Consistency Statement as stated below.

### CONSISTENCY STATEMENT

The City of Albemarle City Council finds the action to amend the City's Zoning Map Tax Record 121 from R-4/High Density Residential District to R-10 Single Family Residential District to be consistent with the adopted 2028 Land Use Plan. The 2028 Land Use Plan calls for General Residential uses on the parcels of interest. The City's R-10 zone will assist the parcels of interest reach their intended goal of low density uses therefore being reasonable and in the public interest.

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

(Ordinance 18-28 - Map amendment for tax record 121 to rezone from R4 (CU) to R-10 Single Family Residential. )

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## **PUBLIC HEARING**

The City Council considered Ordinance 18-29 map amendment for 2527 US 52 Hwy N from R-10 to GHBD. Senior Planner Nasser Rahimzadeh stated public hearing to consider to consider approving privately sponsored map amendment to rezone 2527 US 52 Highway North from R-10/Single-Family Residential District to GHBD/General Highway Business District. The Planning Board recommended approval at their meeting on 8/28/2018.

David Francisco Rodriquez Ramon, applicant  
Adjacent Property Owner - Toby Lunsford, 2517 US Hwy 52 N - GHBD

Mr. Rahimzadeh answered any questions that Council had. Mr. Ramon and Mr. Lunsford answered any questions that Council had.

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

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

### **CONSISTENCY STATEMENT**

The City of Albemarle City Council finds the action to amend the City's Zoning Map 2527 US Hwy 52 N, Tax Record #15537, from R-10 Single Family Residential District to GHBD to be consistent with the adopted 2028 Land Use Plan. The 2028 Land Use Plan calls for Commercial uses on the parcels of interest. The City's GHBD zone will assist the parcel of interest reach its intended goal of adopting commercial uses ergo being reasonable and in the public interest.

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

(Ordinance 29 - Map amendment for 2527 US Hwy 52 N  
from R-10 Single Family Residential to GHBD.)

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## **PUBLIC HEARING**

The City Council considered Ordinance 18-30 text amendment to multiple sections of Chapter 21 Boards and Commissions that will make significant changes to

Chapter 21 Boards and Commissions. The intent of the text amendment is consolidation of appointed boards/commissions involved in land use decisions.

Planning Development Services Director Kevin Robinson reviewed the proposed changes to be considered to Chapter 21 for Boards and Commissions with ordinance amendment. Mr. Robinson stated if approved, he proposes a joint board choosing members from both the current Planning Board and Zoning Board of Adjustment. He proposed to have 9 regular members with 3 alternates. Council received a copy of the proposed roster with members to consider.

Mr. Robinson from the answered any questions that Council had.

Upon further discussion, Councilmember Bramlett stated that he would like the name of the new joint board to be Albemarle Planning and Zoning Board instead of Albemarle Planning and Zoning Appeals Board.

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

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved naming the new joint board Albemarle Planning and Zoning Board and approved the following ordinance:

(Ordinance 30 - Text amendment to amend sections of Chapter 21 Boards and Commissions.)

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Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved the following members be appointed to the new joint Albemarle Planning and Zoning Board:

Regular Board

Todd Furr	term expiring 7/2019
Rev. Harold McDonald	term expiring 7/2020
Dean Speights	term expiring 7/2021
Randy Shank	term expiring 7/2019
Benny Bowers	term expiring 7/2020
Kent Harkey	term expiring 7/2021
Tym Scott	term expiring 7/2019
Cavin Holbrook	term expiring 7/2020

John Sullivan term expiring 7/2021

Alternates

Michele Cummings Alternate 1 term expiring 7/2019  
Chuck Horne Alternate 2 term expiring 7/2020  
Jason Andrew Alternate 3 term expiring 7/2021

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**PUBLIC HEARING**

The City Council considered Ordinance 18-31, to make multiple edits to Chapter 92 ZONING REGULATIONS. On May 7th, 2018, Council heard announced delegate, Ms. Salem Taylor discuss the topic of Air BnB properties inside city limits. Current zoning law does not allow for Air BnBs and similar uses. Council tasked Planning and Development Services with researching the topic and presenting findings; ordinance 18-31 is the culmination of the Planning Department's effort. Planning Board unanimously recommended approval of the text amendment on 8-28-18.

Planning Development Services Director Kevin Robinson gave a PowerPoint presentation concerning changes to be considered to Chapter 92 Zoning Regulations. Mr. Robinson answered any questions that Council had.

Councilmember Bramlett moved to continue the public hearing until Monday, October 1, 2018. Councilmember Townsend seconded the motion. Voting for the motions were Councilmembers Bramlett, Dry, Hughes, Townsend, and Whitley. Voting against the motion was Mayor Pro Tem Hall. The motion carried with a 5-1 vote.

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**Agenda Adjustments:**

- 1) Stanly County Sports Hall of Fame Conflict with September 17 Regular Session Meeting**

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved the agenda adjustment be added to the minutes.

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**Announced Delegation**

**Patrick Curry, Attorney At Law, 214 East North Street- To Request Reimbursement for Water Leak outside of the City Policy**

The City Manager noted that staff is authorized to adjust for situations that conform to our established policy. This request is coming to City Council because it is outside our policy.

Mr. Currie indicated his business had an unusually high water bill. A plumber was called, but no problems were discovered. Under the City's current policy, the City can make an adjustment on a non-residential account if there is proof of repair for certain issues. A non-residential adjustment that meets the established policy provides for 100% of the overage on the sewer (no water adjustment).

Mr. Currie answered any questions that Council had.

Councilmember Hall moved to approve a 50% water adjustment of \$138.35 plus a 100% sewer adjustment of \$295.56 totaling \$433.91 for 214 East North Street. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers Hall, Hughes, Townsend, and Whitley. Voting against the motion were Councilmembers Bramlett and Dry. The motion carried with a 4-2 vote.

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**Announced Delegation**

**Ms. Ernae Dunlap, 529 Dr. MLK, Jr. Blvd - To Request a Traffic Caution Light at the Corner of Richardson Street and Dr. MLK, Jr. Blvd.**

Ms. Dunlap came forward and stated that she had received complaints from elderly neighbors and decided to speak for them concerning traffic speeds being too high near the intersection of Dr. MLK, Jr. and Richardson Street.

Mayor Michael stated that he would like the Police Department to research this issue using a speed trailer and have them bring the results back before City Council with their recommendations.

Mayor Michael thanked Ms. Dunlap for bringing this issue before Council.

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**Announced Delegation**



**Ms. Theresa Billips, 1841 Mountain Creek Road - Bamboo Farm being planned that would Adversely Affect Neighbors**

Ms. Billips stated that a bamboo farm business is rumored to be planned in the City limits. She handed out a packet of information including maps, photos, materials showing reasons not to plant bamboo, its impact on the environment, and ways to control bamboo for Council to review. She also stated that this involves 24 + acres of land that is in the City limits and a residential area. This will adversely affect many residents that abut the land and the neighborhoods that are close to the property.

**Supporting Speakers (neighbors):**

Aaron Deese 2320 Pecan Avenue  
Nicholas Lamonds 2705 Silvers Lane  
Jean Smith 2817 Silvers Lane

Planning and Development Services Director Kevin Robinson came before Council and stated that he had spoken to Ms. Billips recently concerning this issue. He answered any questions concerning agricultural areas in the City and State statues concerning this. Ms. Robinson stated that more research will have to be done and he will also speak with the City Attorney concerning this.

Mayor Michael stated that Mr. Robinson will do more research and speak with the UNC-School of Government and get back to Council.

Upon questioning, City Attorney David Beaver stated that they may be able to get a temporary restraining order or injunction by a judge until a decision can be made.

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Mayor Michael announced a short recess.

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Mayor Michael brought the meeting back to order.

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**Announced Delegation**

**Main Street Manager Joy Almond and ADDC Board Chairman Nancy Lipe - To Share and Review the ADDC Annual Report**

The ADDC Board Chair reports annually to the City Council on recent accomplishments and activities as well as the plan of work for the upcoming year. While the City now has a Main Street Office in the Economic Development Department, the ADDC still owns and operates properties downtown and conducts fundraisers.

ADDCC Director Joy Almond gave a PowerPoint presentation on the following:

**Buildings and Property**

Four Facades Redone

Two Building Rehabilitation Projects Completed

Six Public Improvement Projects Completed

**Downtown Investment**

Public - \$ 496,006

Private - \$3,118,356

**Total - \$3,614,542**

Downtown jobs – 23 New FT, 8FT lost, 20 New PT, and 7 PT lost

Downtown businesses – 5 businesses opened, 5 businesses closed and 3 businesses expanded downtown

**Volunteer hours** – 878 total hours contributed to downtown

This equaled 878 hours \$23.42 value of NC volunteer = \$20,554

ADDCC Board Chairman Nancy Lipe gave a report concerning the 2018 Main Street and Small Town Main Street reinvestment statistics. This included information for buildings and property, jobs, businesses, investment, volunteer hours, totals number of downtown housing units and total number of commercial spaces/number of vacant spaces, and total number of square feet in downtown property and annual average rental rate per square foot to be \$6.50/ft.

Ms. Almond and Ms. Lipe answered any questions that Council had.

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

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**New Business**

**1) Discussion of SPOT Projects from NCDOT**

For a few years, the City has had 3 sidewalk project submitted through the RPO for consideration. The projects are:

Sidewalk - NC Highway 24/27 between Business 52 onramp and Wall Street.

Sidewalk - North Second Street between Salisbury Avenue and Park Ridge.

Sidewalk - US Highway 52 between West Main and Snuggs Road (need Council to consider dropping back to Oak Street to connect to Greenway)

The City Manager stated that the City also needs to consider if it continues to pursue the road diet on Salisbury Avenue, this can also be included in the SPOT process. If the City does include this, it will bump the north Second Street project from receiving any RPO points (the other 3 projects would take up all the points available). An alternative is to go with the 3 sidewalk projects and see if the NCDOT will approve the Salisbury Avenue project with maintenance funds. The City has been told this is a possibility due to new philosophies. This may also allow this project to be accelerated in schedule.

City Council reviewed estimates and maps for all sidewalk projects. These projects are funded at an 80% - 20% split, with the City being responsible for the 20% figure. These are just estimates at this point (developed by the NCDOT) and actual costs would not be known until a project is designed and bid. Construction would not take place until the 2021 - 2024 timeframe.

Council gave their thoughts on if the City continues to seek State funds with these projects, or there are any they would like to pull from the list and not move forward with.

Councilmember Bramlett moved to accept the 3 projects exactly as previously submitted. Councilmember Hughes seconded the motion. Voting for the motion were Councilmembers Bramlett, Hughes, and Whitley. Voting against the motion were Councilmembers Dry, Hall, and Townsend with a 3-3 vote. Mayor Michael voted to break the tie voting for leaving 3 projects exactly as previously submitted. With a 4-3 vote, the motion carried.

## **2) Ordinance 18-32 - To Establish a Project Budget for the Water and Sewer Relocation Costs Associated with the NC 24/27 Widening Project**

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

(Ordinance 18-32 - To establish a project budget for water/sewer relocation costs for the NC 24-27 Widening Project.)

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**3) Consider Approval of a Special Event Permit for Albemarle Christmas Parade –Saturday, December 8, 2018 at 10:30 am**

Streets to be closed:

1st St from Salisbury Ave to South St  
2nd St from Salisbury Ave to South St  
Main St. from 1st St to 2nd St.

**Consider Approval for a Special Event Permit - 2018  
Downtown Albemarle Fall Festival - Event date and time is  
October 25, 2018 from 4:30 pm - 7:00 pm.**

Street Closures:

Main St from Depot to 4th St.  
1st St from South St. to North St.  
2nd St from South St. to North St.

**Consider Approval of a Special Events Permit for 2018  
Albemarle Downtown Christmas Open House for Friday,  
November 16 5:30 until 8:30pm**

Street Closings from 3:30-9pm  
W Main Street from Dept. to Third Street  
First and Second Streets from North to South Street

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, City Council approved the Albemarle Christmas Parade, Downtown Fall Festival, and the Albemarle Downtown Christmas Open House street closings.

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**4) Consider Declaring Surplus Property**

City Council reviewed a memo from Purchasing Coordinator Linda Lewis regarding assets valued over \$5,000 that the City would like to declare surplus.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, City Council approved the list of assets valued over \$5,000 and declared surplus as follows:

1989 International S2500 Dump Truck – PU-W/S  
2003 Vermeer V120 Trencher – PU-E  
2008 GMC 7500 w/55” Bucket Truck – PU-E

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### **5) Information - Preparations for 18/19 Loose Leaf Season**

Public Works Director Ross Holshouser and City Manager Michael Ferris recently met with representatives of Waste Management to discuss the preparations for the upcoming FY18/19 Loose Leaf Collection Season.

The City Manager noted that with new turnover in management with WM recently, staff had a thorough conversation with Marilyn Wells, Larry Becker and Curtis Yates on the City's expectations and levels of service during this time of the year. They all seem to have a good plan in place and with the addition of one more automated truck, we hope to have a successful leaf collection season. Council received a zone map & calendar for the 2018/2019 season.

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Mayor Michael stated that the Stanly County Hall of Fame event will fall on the same night as the City Council's next regular session meeting on Monday, September 17. He asked if Council wanted to delay the regular session meeting until 8 pm or move it to the next day.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, City Council approved moving the regular session meeting scheduled Monday, September 17 at 7 pm until Tuesday, September 18 at 6 pm in Council Chambers.

The Mayor and Councilmembers all affirmed their attendance to the Stanly County Hall of Fame event on Monday, September 17 at 6 pm.

Mayor Michael stated that Albemarle High School Boosters Club fundraising is here again for this year and asked that each Councilmember make a check for \$41.75 and give to the City Manager.

Mayor Michael stated that Tom Rabe, Jr. a previous City Councilmember had passed away. He wished condolences to the family.

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Councilmember Hughes asked Economic Development Director Mark Donham for a report concerning Quality Enclosures. Mr. Donham stated that there had been a delay in the remodeling of the building.

Councilmember Hughes also wished condolences to the Rabe family.

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Councilmember Hall stated that Councilmember Aldridge had asked her to make a request concerning an email. Councilmember Aldridge stated that no response was given and he reached out to the email sender. Councilmember Aldridge asked that responses be provided in a timely manner.

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Councilmember Dry stated that the landscaping of our schools are looking great as of recent. He thanked them for their efforts.

Councilmember Dry also wished condolences to the Rabe family.

Councilmember Dry asked that the street department take a look at some of the street signs that need straightening.

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Councilmember Bramlett stated that some of our sidewalks are in terrible shape and need cleaning and edging. He named some of locations and asked that maybe students in the summer break could clean and edge these sidewalks.

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Upon a motion by Councilmember Hall, 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 (4) (6) – Personnel and Economic Development.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council reconvened to open session. Mayor Michael announced that a closed session was held N.C.G.S. 143-318.11 (4) (6) – Personnel and Economic Development and there was nothing to report at this time.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council adjourned to Tuesday, September 18 at 6:00 p.m. in Council Chambers.