

REGULAR MEETING CITY COUNCIL  
November 5, 2018

The City Council of the City of Albemarle met in a regular session on Monday, November 5, 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: Bill Aldridge, Chris Bramlett, Benton Dry II, Martha Sue Hall, 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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Mayor Michael gave the invocation.

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**Special Presentation**  
**Monarch 60 year Recognition and Celebration Resolution**

The Monarch Choir came forward and performed two songs for the Mayor and City Council.

Mayor Michael recognized Peggy Terhune, CEO of Monarch and Lee Allen, Monarch Chairman of the Board. They came forward and told the history of Monarch since April, 1958 when they began. Mr. Allen stated he is thankful to be located in Stanly County.

Mayor Michael thanked Ms. Terhune and Mr. Allen for all that they do.

The Mayor and Council as well as the public viewed a video presentation from Monarch.

Mayor Michael presented a resolution to Ms. Terhune and Mr. Allen for Monarch's 60 year anniversary.

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Mayor Michael stated that Council will take a five minute recess.

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Mayor Michael brought the meeting back to order.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the minutes of the October 15 regular session, October 15 closed session, and October 22 adjourned session minutes were approved.

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**Public Hearing**  
**Consider a Request for a Text Amendment to Chapter 92.084 LID/Light**  
**Industrial - TA-18-04**

Planning and Development Services Director Kevin Robinson stated that the original request from A.L. Lowder, Incorporated applied for a text amendment to City ordinance 92.084 to allow beauty and barber shops, along with general retail establishments in the LID, Light Industrial District. The Planning Board reviewed this case at their November 1st meeting and recommended a rezoning of the parcel to CBD instead of an amendment to the overall Zoning Ordinance. A new request will be resubmitted and work its way back through the process. The original request was tabled until the overall matter is resolved.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council continued the public hearing until December 17, 2018 as recommended by Planning staff.

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**Announced Delegation**

**Mr. Davara Ponds - To Seek a Special Events Permit for Charity Motorcycle Ride**

Mr. Ponds was not present to request a street closure for a motorcycle ride to raise funds for charity. The City road closure policy indicates the applicant must be a non-profit. As the application is presented, it does not look like this is the case, but there may be non-profits associated with the event that we are not aware of.

Event: **Charity Motorcycle Ride**

Host Organization: **Davara Ponds**

Event Date: **Saturday, November 10**

Event Time: **8:00 am – 2:00 pm**

Date: **October 23, 2018**

Road Closures: **Moss Springs – Main St to Freeman St.**

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, and unanimously carried, the City Council approved an event permit for a Charity Motorcycle Ride on Saturday, November 10 from 8am until 2pm and the closing of Moss Springs Road from Main Street to Freeman Street.

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**Mr. Cody Teague, 243 North First Street - To Request a Water Adjustment Outside of City Policy**

Upon a motion by Councilmember Whitley, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved excusing Mayor Michael due to a conflict in voting.

It was noted that Mr. Teague is the tenant at 243 North First Street. There was a leak discovered and repaired on the landlord's property. Per City Utility Customer Service policy, City staff was able to provide an adjustment for \$1,500.44 to Mr. Teague as the account holder for all of the excess sewer charges. The City also provided an adjustment for 50% of the water overage, with the water adjustment totaling \$659.79 and is the standard adjustment per City policy as the sewer is completely waived if the leak did not allow any water into the sewer system. 50% adjustment of the water was provided as a cost sharing arrangement between the City and the customer because the water was actually supplied.

Mr. Teague requested the City to provide an adjustment for the remaining amount of the water bill over and above City policy. This would then provide an adjustment of 100% of the water usage. The City Manager noted that he also understands that the next month bill was also higher than normal. Based on the action of Council recently to change the policy and allow for adjustments over two months, the City can adjust 100% of the sewer and 50% of the water at the staff level.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the City providing an adjustment of half the remaining amount of the water bill owed over and above City policy. The total amount now owed is \$ 1,042.67 per Customer Service Coordinator Scott Hopkins and half of this amount would equal a credit in the amount of \$521.34 with a time extension to pay his part until November 22, 2018.

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Mayor Michael returned to the meeting at this time.

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**Announced Delegation**

**Mr. Burrell Maner - To Request Assistance with Building Demolition Expenses**

Mr. Maner owns the apartment building at 303 North Second Street. Mr. Maner recently noticed some water issues in the basement. As he worked with private contractors to determine the problem and scope, more issues were discovered with the building. When the ground around the exterior foundation was

excavated, a portion of the wall collapsed and this is still visible. As excavation around the building foundation continued, they ran into ground water.

It was noted that the City's Public Works Department and Public Utilities Departments both met multiple times on-site to see if anything related to the City was causing the issue. They noticed a slight misalignment in the storm-water pipe in the road and also discovered a water service tap leak on North Second Street near Montgomery Avenue. The storm pipe issue is nothing out of line for something that has been in the ground this long and there was no evidence of a problem around the pipe. The tap leak was probably too insignificant and too far away to cause the problem as well.

The City contacted its insurance provider and they had an adjuster on-site to meet with all parties. He was not able to find anything that pointed to the City as the cause of the problem. He noted that the issue was still present after the tap was repaired and when there had not been any rain for a period of time. Being there was nothing connecting the City to the matter, the claim was denied.

Mr. Maner stated he is now looking at demolishing the building. He has asked for assistance from the City and believes that the leak or storm-water have contributed to the situation. The City Manager spoke to Chief Oke about the possibility of burning the structure. Upon review the City found there was no training value in this and with the condition of the structure, it would not be safe to send people inside the building. Additionally, the fire would ultimately result in the collapse of the structure.

Mr. Maner requested that the City consider help with the cost of the building demolition and/or waive the landfill tipping fees. Mr. Maner answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved excusing Mayor Pro Tem Hall from voting due to a conflict being a Trustee for the RMS.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved the waiving of tipping fees in the building demolition up to \$10,000 and the City Attorney will draw up an agreement between the City and Mr. Burrell Maner, owner of the apartment building at 303 North Second Street, stating no admission of liability by the City of Albemarle.

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Councilmember Hall came back into the meeting at this time.

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**Unannounced Delegations**

Ms. Barbara Mayton, 1206 Melchor Road, came before City Council concerning her neighbor at 1210 Melchor Road involving his dog running loose, yard debris, and his reckless driving. She stated Mr. Andrew Latz has 29 cases pending in Stanly County and asked what can be done to stop him from driving before he hurts someone.

Upon questioning, City Attorney David Beaver stated the City can handle the nuisances but the court will have to be the one to keep him from driving. The neighbors may need to address the court at the sentencing phase.

Mayor Michael stated that the court will have to order any evaluation for him or keep him from driving. The City can continue to talk with the District Attorney and hopefully have the judge make a ruling.

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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.

Councilmember Whitley stated that there was no RPO meeting for November 15 2018.

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**Consent Agenda**

**Enforce Building Reuse Grant Consultant Agreement – with amount being corrected on the agreement**

**Consider Agreements Related to the City of Albemarle Receiving State and Federal Funds as part of the Hurricane Florence Recovery Process -** The forms need to be approved by the City Council in order to receive assistance as follows:

Applicant Assistance Agreement

Resolution to Designate Applicants Agent – City Manager recommends Assistant Finance Director Jacob Weavil be the primary agent and the City Assistant Finance Director Jacob Weavil be the primary agent and the City Manager be the Secondary Agent.

Lobbying Prohibition

Assurance - Construction Programs

**Consider Setting Date for 2019 Beach Blast – Saturday, May 4**

**Retirement of K-9 "Frodo" - (Resolution 18-19)**

*City of Albemarle*  
*North Carolina*



Resolution 18–19

WHEREAS, the City of Albemarle's canine officer is a mature male Malinois Belgian Shepherd police dog named "FRODO," and

WHEREAS, "FRODO" has worked for the City of Albemarle Police Department performing a wide variety of law enforcement and public service tasks; and

WHEREAS, "FRODO" is experiencing the normal effects of aging such as decreased stamina, worn teeth, and a loss of foot speed all of which contribute to an overall reduction in his ability to carry out the tasks required of a law enforcement canine officer;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Albemarle that the City of Albemarle authorizes the retirement of "FRODO" and authorizes the transfer of ownership and care of "FRODO" by private negotiation.

Resolved, this the 5th day of November, 2018.

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G.R. Michael  
Mayor, City of Albemarle

ATTEST:

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E. Paulette Bowers  
City Clerk  
City of Albemarle

**Consider Rescheduling the Second Meeting in January to Tuesday, January 22 due to the Conflict with the MLK Holiday**

**Information - Employee Christmas Luncheon will be  
Wednesday, December 12 – 11:30-1:30 pm at EE Waddell  
Community Center**

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, City Council approved the above items of the consent agenda.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, and unanimously carried, City Council excused Mayor Michael from voting on the following item due to a conflict of interest.

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**New Business**

**1) Consider Approval of a proposed Multifamily Residential Development,  
Uwharrie Trail**

Uwharrie Trail, an 80 unit multi-family residential development is proposed for the land north of Barnard and east of Hwy 740 Bypass (tax record 19682).

Planning and Development Services Director Kevin Robinson stated that this was rezoned in January 2014 to allow for a multi-family use. At that time, they submitted conceptual plans, but staff made it clear that it was not a site plan approval. Since then there has been a change in units, project scope and they are submitting a site plan for approval. This is an administrative approval as required for multi-family projects in R-8A zoning districts to review City requirements and ensure all considerations have been made for the impact of the development. A traffic study and staff recommendations are included for that purpose. Following an approval, with or without conditions, planning staff will continue with the typical site review process for this development.

Councilmember Bramlett moved to approve Uwharrie Trail, a Multifamily Residential Development with the following change of condition:

A gravel extension of road section of 200 feet for the second access instead of the recommended length of 500 feet to the complex and sturdy enough for fire apparatus. Councilmember Dry seconded the motion. Voting for the motion was Councilmembers Aldridge, Bramlett, Dry, Hall, Townsend, and Whitley. Voting against the motion was Councilmember Hughes. The motion carried with a 5-1 vote.

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Mayor Michael came back into the meeting at this time.

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**2) Consider Approval of Preliminary Subdivision for Grandview Meadows -  
MJSR-02-18**

Planning and Development Services Director Kevin Robinson stated that True Homes has submitted a preliminary plat for approval of major subdivision "Grandview Meadows", a 72 lot, single family residential development adjacent to the previously developed Grandview subdivision off or Anderson Rd. Staff has reviewed the plat, along with the amendments made to meet City ordinance. Staff now finds this subdivision as presented to meet all City subdivision and zoning ordinance requirements for preliminary subdivision approval

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, City Council approved the preliminary subdivision for Grandview Meadows - MJSR-02-18 submitted by True Homes.

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**3) Update on Housing Code Issues at 1117 McGill Street**

Planning and Development Services Director Kevin Robinson came forward to provide recent updates and latest status on this property. He stated that James Luster is still analyzing this property to see if it meets the 50% threshold for demolition. Mr. Luster is in the office one day a week on Tuesday. Mr. Robinson said that they will contact Mr. Almond, owner of 1117 McGill Street, once the process is completed.

Councilmember Hall asked that the petition members be contacted.

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#### 4) Consider Annual City Council Strategic Planning Work Session

The City Manager noted that Council has traditionally held a planning session in January to discuss current and long-term goals. The City has many significant projects and initiatives in place. We can hold the meeting with the same format as in the past, or it can be changed to meet Council's needs.

Upon questioning, Mayor Michael stated that we do not have a date for the audit as of yet. No date was set for the Strategic Planning Work Session at this time.

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Councilmember Townsend commented on a great job done for the Fall Festival held Thursday, October 25. He thanked everyone involved for a job well done.

Councilmember Townsend mentioned all the traffic congestion on Wednesday, October 31, Halloween night on Pee Dee Avenue during Trick or Treat. He asked that Council look into this having either one way traffic during Halloween or closing the street for a period of time that night.

Councilmember Townsend stated that with the NC 24/27 widening project near the Shell Station, he has noticed furniture sitting to be picked up by Waste Management the last 3-4 weeks or is possibly not covered under the contract and needs to be addressed by the property owner.

The City Manager stated he will investigate this issue.

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Councilmember Hughes asked that Economic Development Director Mark Donham and Main Street Manager Director Joy Almond speak with Pfeiffer College President, Dr. Colleen Keith concerning retail shops and restaurants needed downtown Albemarle before their students arrive in 2020.

Mr. Donham stated that he had spoken with Joy Almond and they will speak with Dr. Keith concerning this.

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Councilmember Aldridge also stated how great the Fall Festival was on Thursday, October 25 for Halloween and having such a great turnout.

Councilmember Aldridge congratulated Josh Baldwin on his top hit "Stand in Your Love" played on the K-Love radio network.

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Councilmember Hall thanked Chief Bowen that the speed trailer is up and running and it is also needed heading south from Albemarle High School.

Councilmember Hall stated that the Community Christmas Dinner will again be held at Central United Methodist Church and they would again like to use the City parking lot at the back of the old fire station for their refrigerated trucks on Monday, December 24 and Tuesday, December 25.

Councilmember Hall asked that the Ester House be placed on the agenda for Monday, November 19 to give an update and to thank the Albemarle Police Department.

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Councilmember Dry thanked Public Works Director Ross Holshouser for all the pot holes that have been repaired.

Councilmember Dry asked that everyone go vote tomorrow, Tuesday, November 6, 2018.

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Councilmember Whitley mentioned the next two events sponsored by the City:

1. Albemarle Downtown Christmas on Friday, November 16 from 5:30-8:30pm
2. Albemarle Christmas Parade on Saturday, December 8 at 10:30 am

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Councilmember Bramlett stated that Morrow Mountain will be having a festival on Sunday, November 11. There will be major traffic on Valley Drive that day with a lot of out of county people. Also, he stated that Morrow Mountain camping is booked solid in the summer months. He mentioned our City sign of "Western Gateway to the Uwharries" and we also need a sign stating the mileage distance to Albemarle and the restaurants and retail shops available to them and place it near Valley Drive.

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

\_\_\_\_\_ City Clerk

\_\_\_\_\_ Mayor