

REGULAR MEETING CITY COUNCIL

December 17, 2018

The City Council of the City of Albemarle met in a regular session on Monday, December 17, 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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Mayor Michael asked for a moment of silence for Cindy Ridenhour and her family due to her recent death. She had been a Sgt. Detective with the Albemarle Police Department and a member of the Fraternal Order of Police.

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the minutes of the December 3 regular session minutes were approved as submitted.

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**Public Hearings**

**Ordinance 18-43- Map Amendment for Tax Record 11009 from R-10 to R-8A**

Planning and Development Services Director Kevin Robinson stated that this property is located at 2010 Crown Point Drive and asked for Council to consider approving a privately sponsored map amendment to rezone tax record 11009 from R-10/Single-Family Residential District to R-8A/Multi-Family Residential District. They are hoping to place up to 8 town homes on this property. At its December 6th meeting, the Planning & Zoning Board voted 9-0 to adopt the following consistency statement and recommend approval of the rezoning request from R-10 to R-8A.

Mr. Robinson, Senior Planner Nasser Rahimzadeh and the City Attorney 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.

Councilmember Bramlett moved to approve Consistency Statement 1, approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Hughes, Lowder, Townsend, and Whitley. Voting against the motion was Councilmember Hall. With a 6-1 vote, the motion carried with the statement as follows:

**CONSISTENCY STATEMENT**

The Albemarle City Council finds the action to amend the City’s Zoning Map tax record #11009 from zone R-10/Single-Family Residential District to R-8A/Multi-Family Residential District to be consistent with the adopted 2028 Land Use Plan. The 2028 Land Use Plan places the parcel closer to a neighborhood commercial center that allows for commercial and mixed uses at a neighborhood scale. The City’s R-8A zone will assist the parcels of interest reach their intended goal of capitalizing on its proximity to a neighborhood commercial center. Neighborhood commercial centers encourage land use goal 0-4.g of encouraging mixed-use developments that include multi-family. Based on the aforementioned, amending the City’s Zoning Map would be reasonable and in the public interest.

Councilmember Whitley moved to approve Ordinance 18-43 for the map amendment for tax record 11009 from R-10 to R-8A. Councilmember Aldridge seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Hughes, Lowder, Townsend, and Whitley. Voting against the motion was Councilmember Hall. With a 6-1 vote, the motion carried.

(Ordinance 18-43. Map amendment for tax record 11009 from R-10 to R-8A.)

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**Ordinance 18-38- Text Amendment Regarding Allowable Uses in the LID/Light Industrial District**

The original request was submitted by A. L. Lowder, to allow beauty salons, barber shops and related uses in the LID. A public hearing was originally scheduled for the November 5 meeting. At that meeting, it was reported the applicant may be pursuing another option and the hearing was held over by the City Council to December 17.

It was further noted that the City has received verbal conformation the applicant has withdrawn the request. Upon questioning, the City Attorney stated that A. L. Lowder withdrawing would be sufficient and therefore the public hearing does not have to officially be closed.

(Ordinance 18-38. WITHDRAWN BY APPLICANT)

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## **Agenda Adjustments**

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved adding the following agenda adjustments after the new business items are completed.

- 1. Agreement concerning the cutting of wood at Ingram Park**
- 2. Council to consider the sale of land owned by the City adjacent to the EE Waddell Center**

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## **Announced Delegations**

### **Street Closure Request of YMCA Hot Chocolate 8K**

The run will take place on Saturday, January 5. The only road closure request is CB Crook Drive between North First Street and North Second Street

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved a street closing for the YMCA Hot Chocolate 8K on Saturday, January 5, 2019 closing CB Crook Drive between North First Street and North Second Street.

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## **Administrative Reports**

### **Monthly Departmental Reports**

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

### **Quarterly Business Report**

This report will be given at the January 7, 2019 regular session meeting.

### **End of Year Update on Minimum Housing Cases**

Planning and Development Services Director Kevin Robinson came forward and provided an update on current efforts to address minimum code issues. He reviewed previous demolitions from 2011 to date and amount of money spend for the demolitions. He stated the properties that have already been demolished, scheduled for burn, or are held up due to issues for the FY 2017-18. Also, the seven proposed properties for demolitions for FY 2018-19. Council reviewed photos of those properties.

Mr. Robinson, James Luster, and the City attorney answered any questions that Council had.

Mr. Robinson gave Council an update on the Commercial Code and that it should be ready by end of January 2019. It will go before the Planning Board first.

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### **Consent Agenda – No action needed by Council**

#### **Information - Parks & Recreation has received a Grant from Target**

Albemarle Parks and Recreation has received a \$1,000 grant from retail store Target. The grant was co-authored by Taylor Hurley and Lisa Kiser. The grant will be used for soccer programming. The grant will help fund training for coaches and buy new equipment like goals, nets, balls, corner flags, etc.

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#### **Information - Ethics Training for Newly Elected & Re-elected**

#### **Officials**

All re-elected or newly elected City officials are required to undergo 2 hours of State mandated ethics training within 12-months of the election. Council reviewed information about upcoming training opportunities provided by the UNC-CH School of Government. Since Albemarle and only a few other municipalities in the State are on the County, State and Federal election cycle, the training is designed more for County Commissioners, not Mayors and members of a City Council.

The City Manager spoke with the School of Government and confirmed that right now, the only training opportunities for municipalities is to participate in a live webinar on May 22, or to watch an on-demand replay between June and October. He also verified that even though the training is geared toward County elected officials, it will count as the required municipal training. Council will receive updates on the webinar as more information is known and registration opens.

The City Manager will check on the Municipal Government Essentials Class for elected officials.

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**Reminder - City Offices will be Closed December 24-26 for the Christmas Holiday and January 1 for the New Year Holiday.**

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**New Business**

**1. Consider a Municipal Agreement with the NCDOT for Water & Sewer Line Relocation**

Council reviewed an agreement and supporting documents from NCDOT to relocate our water and sewer lines in conjunction with the NC 24/27 widening project. The City is responsible for 25% of the cost of the water and sewer infrastructure within the NCDOT right of way. Our 25% share is estimated at \$1,303,003.19.

The City Manager noted that when he originally received the agreement from the NCDOT, it was worded such that the City pay the entire amount at the time of the execution of the agreement. They indicated that it was their understanding that in recent years, State policy had changed for the reimbursement for relocations and payment up-front was now the norm. The City's experience has been that installment payments were the norm and that is what we had been planning on. After some discussion, the NCDOT did revise the agreement so that the City is responsible for payment of 1/3 of the cost at the time of execution of this agreement, 1/3 a year later, and then the settle-up amount of approximately 1/3 at project completion. A Budget Amendment Ordinance has been prepared as a separate agenda item by the Finance Department to appropriate the first 1/3 payment with the proceed coming from Water and Sewer retained earnings.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a Municipal Agreement with the NCDOT for Water & Sewer Line Relocation, with the City being responsible for payment of 1/3 of the cost at the time of execution of this agreement, 1/3 a year later, and then the settle-up amount of approximately 1/3 at project completion

**2. Consider a Municipal Agreement with the NCDOT for the Sidewalk Installation in conjunction with the NC 24/27 Widening Project**

Council reviewed an agreement with the NCDOT for the installation of sidewalks on NC 24/27. This is the project to widen the highway between Albemarle and the river. The City is responsible for 30% of the cost of the new sidewalk installation within the City limits. The agreement calls for 1/2 to be paid at the time the agreement is executed, and then a settle-up of approximately 1/2 at the completion of the project. It was noted that the funds to be paid within the current fiscal year will need to be appropriated from fund balance. The Finance Department has drafted a Budget Amendment to be considered later in the agenda.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a Municipal Agreement with the NCDOT for the Sidewalk Installation in conjunction with the NC 24/27 Widening Project

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**3. Ordinance 18-40**

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

(Ordinance 18-40. To appropriate matching funds for NCDOT 24-27 Widening Project.)

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**4. Ordinance 18-41**

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

(Ordinance 18-41. To appropriate funds transferred from Water & Sewer funds for the relocation of water/sewer lines per agreement w/NCDOT.)

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**5. Ordinance 18-42**

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

(Ordinance 18-42. To adopt a Project Budget Ordinance relating to the Utility Relocation Agreement.)

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## **6. Traffic Trailer Results for MLK and Richardson Street Intersection**

Ms. Ernae Dunlap, 529 Dr. MLK, Jr. Drive, recently attended a City Council meeting requesting the installation of a caution light on MLK Drive at Richardson Street. The City now has a new trailer and recently set it at this intersection to record the results which are included in the agenda. Public Works Director Ross Holshouser reviewed the Manual on Uniform Traffic Control Devices (MUTCD) to determine what it states regarding the placement of caution lights. According to Mr. Holshouser, the MUTCD recommends an engineering study to determine the need.

Police Chief Bowen reviewed the study with Council and answered any questions that they had. Chief Bowen gave Ms. Dunlap a copy of the study.

It was the consensus of Council to wait until the NC 24-27 widening project and the East Main Street project is completed. Mayor Michael asked Public Works Director Ross Holshouser to check on the cost of a traffic engineering study and the utility cost of a caution light for consideration.

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## **7. Consider Approval of New Provider for Voluntary Dental Insurance**

Council reviewed information concerning renewal dental rates and request for new dental provider. It was noted that this program is voluntary and all of the premium costs are paid by employees, not by the City. The current provider is proposing a significant increase, and the City's benefits consultant is recommending a change in providers. MetLife Alternate Option is the recommendation which staff believes will provide overall enhanced benefits and a very small reduction in cost from the current policy.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the City Council approved MetLife Alternate Option One as the new provider for voluntary dental insurance for employees.

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## **8. Consider an Update to the Personnel Policy**

Council reviewed a document that provides what is currently in the policy and what is being proposed. It was noted that the current policy allows employee vacation time in excess of 200 hours at year's end to be transferred over to sick time, which helps with the time served calculation toward retirement. The City currently does not allow any vacation time over 200 hours to be paid out at retirement or moved to sick time, as the policy only allows the move at year's end.

The proposal would allow the retiring employee at their discretion to move any or all of their vacation time at retirement to sick time. This does not cost the City any money and actually can benefit in a few ways. For employees that opt to move their vacation to sick at retirement, that will provide for a reduced payout by the City. It will also not force employees to make the decision to take additional time off or lose their vacation in excess of 200 hours before retirement. For the employee, it provides an option for them to consider as to what is best for them. A vacation payout at retirement or more credit for time served. This would allow employee flexibility and permit the transfer of vacation time to sick time at retirement, and not just at the end of the calendar year.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved an update to the existing Personnel Policy that would allow the retiring employee at their discretion to move any or all of their vacation time at retirement to sick time as stated below:

(Retiring employees may transfer any amount of accrued vacation leave up to their maximum accrued balance to sick leave at termination to be used toward retirement credit. However, regardless of accumulated balance at the time of retirement, the payment of accumulated vacation leave shall not exceed 200 hours (pro-rated as described in Section 16 of this Article).

## **9. Consider Approval of Renewal for Indefinite Quantity Contract With Stogner Architecture, PA**

Request to renew the Indefinite Quantity Contract with Stogner Architecture, PA, for an additional 12 months thru November 2019. Mr. Stogner's firm is one of very few firms that specialize in HUD related work and compliance and provides Architectural and Engineering services for the Department of Public Housing.

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



Renewal for the Indefinite Quantity Contract with Stogner Architecture, PA for an additional 12 months through November 2019.

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**10. Consider Approval of Write-offs for Public Housing Tenant Accounts**

The write-offs for period July 1, 2017 to June 30, 2018 in the amount of \$8,199.13. Council reviewed the memo detailing the collection methods we continue to pursue regarding these debts. The writes-offs cover a year, which is why the amounts and number of write-offs are greater than accustomed to when they are done every six months. Even though the City is writing these off for accounting purposes, City will continue to try to collect these bad debts through the Debt Set-off Program.

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the write-offs for Public Housing tenant accounts for period July 1, 2017 to June 30, 2018 in the amount of \$8,199.13.

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**11. Consider Adoption of the FY 2019/2020 Budget Schedule**

Council reviewed the proposed Budget Schedule for the 2019/2020 budget process. All dates are based on the dates and times from the previous year schedule. The City Manager noted that the one difference is that the February meeting with the Council and Department Heads is moved back one week, to avoid a conflict with a meeting the City Manager and Assistant City Manager will be attending. City Council's kick-off planning session listed as a "TBD" as we are awaiting the presentation of the audit prior to holding this meeting. Council can approve the schedule and establish this meeting date when we are ready.

City Council reviewed several conflicts for the February and May budget work session. This discussion will be held over until the January 7, 2019 regular session meeting.

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**12. Consider Attendance at annual Martin Luther King Unity Prayer Breakfast on Saturday, January 19th**

The event is hosted by the Stanly County Chapter of the NAACP and will be held once again at the City's EE Waddell Community Center from 8:00 a.m. until 10:00 p.m. The City Manager needs a headcount for attendance, the City will purchase the tickets for those attending.

The Mayor and all Councilmembers affirmed their attendance.

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**Adjustments**

**1. Cutting of Wood at Ingram Park**

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved an agreement for the cutting of wood from Ingram Park property with a hold harmless agreement protecting the City.

**2. Council to Consider the Sale of Land Adjacent to EE Waddell Center**

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved proceeding with the negotiations of the possible sale of the adjacent property to the EE Waddell Community Center that the City owns. If the buyer is interested in making an offer to the City in writing, the Mayor is authorized to negotiate a price and to seek a written offer for Council's consideration.

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**Comments**

Mayor Michael thanked all the City employees involved in helping restore the power outages from the recent ice storm.

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The City Manager stated the value of public power and the City having our own power system the quick response time and having less outages time for our customers.

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Councilmember Townsend asked if there was an update from NCDOT of the 24-27 widening completion date. Mayor Michael said it will be after Christmas and probably mid-January.

Councilmember Townsend stated that the City is proud of previous residents such as Kellie Pickler, Brian Blanton with the Yankees, R J Prince with the Pittsburg Steelers, B J Hill with the New York Giants, and Denico Autry with the Indianapolis Colts. He asked how we can be inclusive of our recognitions in the future.

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Councilmember Hughes asked for an update concerning the water treatment plant elevator. The City Manager stated that the bid has been awarded for the work and the City is waiting for the contractor to mobilize and begin. We hope to have it completed in a couple of months.

Councilmember Hughes also asked for an update concerning the insurance funds/grant monies for the Hurricane disaster in September. The City Manager stated that the City was declared a federal disaster area and he, the Assistant Finance Director Jacob Weavil and Parks and Recreation Director Lisa Kiser are working through the process. The City should be reimbursed for damages with minor costs for us to absorb.

Councilmember Hughes thanked everyone involved and responsible for the Tour of Homes moved to Sunday, December 16. This was very worthwhile to attend.

Councilmember Hughes thanked all the City employees involved in helping restore the power outages from the recent ice storm.

Councilmember Hughes wished everyone a Merry Christmas.

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Councilmember Aldridge thanked all the City employees involved in helping restore the power outages from the recent ice storm.

Councilmember Aldridge reiterated what Councilmember Townsend stated concerning our residents that became famous and it is very impressive that Albemarle has had so many for a small community.

Councilmember Aldridge also mentioned Josh Baldwin who is originally from Albemarle and is an American Christian singer, songwriter and worship pastor. If you listen to KLOVE on the radio you will hear him. He is going on tour.

Councilmember Aldridge wished everyone a Merry Christmas.

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Councilmember Hall thanked all the City employees involved in helping restore the power outages from the recent ice storm.

Councilmember Hall mentioned the water break on NC 24-27 and per Judy Redwine, it was a County water break not the City.

Councilmember Hall invited everyone to the Community Christmas Dinner being hosted by Central United Methodist Church on Christmas Day, December 25 from 11-2 pm.

Councilmember Aldridge, Hall, and Townsend are on the committee concerning working with the event coordinator and will meet on Tuesday at the Niven Center at 6 pm.

Councilmember Hall commended Parks and Recreation Director Lisa Kiser and her staff for a great job at the Central Auditorium on Friday night, December 14 for the showing of the Polar Express.

Councilmember Hall asked if there was an update concerning Tabernacle Methodist Church. Planning and Development Services Director Kevin Robinson came forward and stated that he needs to follow up and that there have been complaints concerning food service there.

Councilmember Hall asked about the Treetop Challenge status. Parks and Recreation Director Lisa Kiser stated that Bill and Ken White are working with Economic Development Director Mark Donham. They hope to start by January.

Councilmember Hall reminded everyone that the Pfeiffer groundbreaking will be January 17, 2019 at 10 am.

Councilmember Hall wished everyone a Merry Christmas.

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Councilmember Whitley mentioned that he received a lot of complaints of pot holes that were determined to be on NCDOT streets maintained by the State.

Councilmember Whitley asked if anyone had any additional information on the academy concerning the Fire and Public Safety program at Albemarle High School. Mayor Michael stated he will have Fire Chief Oke give an update at the next Council meeting.

Councilmember Whitley wished everyone a Merry Christmas.

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Councilmember Bramlett mentioned economic leakage of our residents to other counties where people travel to other cities to shop and eat. We need to spend our dollars in our retail shops and restaurants here as much as possible.

Councilmember Bramlett wished everyone a Merry Christmas.

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Councilmember Lowder stated that when she attended a past Councilmember's funeral recently, she was impressed with the attendance of the City delegation.

Councilmember Lowder mentioned that she would like to attend Cindi Rinehart's funeral tomorrow at the Open Door Baptist Church at 11 am if anyone else would like to also attend.

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Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 143-318.11 (5) - Real Estate.

Upon a motion by Councilmember Hall, and unanimously carried, seconded by Councilmember Hughes, the Mayor and City Council reconvened to open session. Mayor Michael stated that a closed session was held Pursuant to N.C.G.S. 143-318.11 (5) - Real Estate and there was nothing to report at this time.

Mayor Michael asked the City Attorney about the following agreements:

1. Buryl Manor agreement – It is ready will change amount from \$8,000 to \$10,000
2. King Property agreement – it is ready
3. Morrow Property agreement – do not think it has been recorded but will check
4. Pinnacle Bank –concerning property description correction for the old Home Savings Bank so the property transaction has not been recorded.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the City Council adjourned the meeting.