

REGULAR MEETING CITY COUNCIL

July 8, 2019

The City Council of the City of Albemarle met in a regular session on Monday, July 8, 2019, 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, Martha Sue Hall, Martha E. Hughes, Shirley Lowder, Dexter Townsend and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

Proclamation for July as Park & Recreation Month

The goal of Parks and Recreation month is to promote the great opportunities and resources that local park and recreation agencies provide and to let the public know that July is a great time to get out and see all of the incredible things that are happening in our community. The theme for this year's celebration is Game On.

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

(Proclamation)

Mayor Michael expressed his gratitude to staff for all that they do.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the minutes of the June 10 regular session and June 10 closed session minutes were approved as submitted.

Consider Ordinance 19-25 - Rezoning of 802 Salisbury Ave Tax Record 35723 from R-8 to GHBD

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, and unanimously carried, the City Council approved the request of the applicant to move this public hearing to the August 5 regular session meeting at 6 pm.

Public Hearing

Consider Ordinance 19-22 - Annexation of 12 acre portion of tax map number 6462 on Morgan Rd

Comments

Planning and Development Services Director Kevin Robinson stated this is an annexation request from Michael Sandy, applicant and Creek's Landing Holdings LLC, owner for Council to consider a recently subdivided 12.41 acre portion of property previously part tax map number 6462

Ms. Kim Faulkner, 555 Marlbrook Drive, came forward to speak against this annexation due to her concerns that it will impact her neighborhood. She stated that Phase I should not affect them but further phases will. With the extra traffic of each new home for hundreds of extra people. This could deter the residents walking in a currently quiet neighborhood.

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

Councilmember Townsend stated that he is all for City growth but we continue to annex in subdivisions and those residents take advantage of City resources but they send their kids to other schools within Stanly County. We need to add contingencies to these approvals that if they reside inside the City using City resources, they would go to school in Albemarle.

Councilmember Bramlett moved to approve the annexation of a 12.41 acre portion of tax map #6462 on Morgan Road. Councilmember Whitley seconded the motion. Voting for the motion were Councilmembers Bramlett, Hall, Hughes, Lowder and Whitley. Voting against the motion were Councilmembers Aldridge and Townsend. The motion carried with a 5-2 vote.

(Ordinance 19-22 - Annexation of 12 acre portion of tax map number 6462 on Morgan Road)

Consider Ordinance 19-24 - Initial zoning of a 12.41 acre portion of Tax Record 6462 from County R-20 to City R-10

Comments

Planning and Development Services Director Kevin Robinson stated that this is a request from Michael Sandy, applicant and Creek's Landing Holdings LLC for City Council to hold a public hearing to consider the initial zoning of recently annexed 12.41 acre portion of Tax Record 6462 from County R-20 to City R-10, single family residential. The applicants intend to develop the property as a single family cluster subdivision. The Planning Board heard the zoning map amendment request at its July 2nd meeting and recommended unanimously for Council to approve the requested rezoning and adopt a statement of consistency. Additionally it was recommended that the future land use plan be amended to include this parcel in the general residential land use designation. No one spoke for or against this hearing.

Mr. Robinson answered any questions that Council had.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the following consistency statement:

CONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend the City’s Zoning Map to include the initial zoning of a 12 acre parcel off Morgan Rd. for R-10 Single Family Residential District to be consistent with the adopted 2028 Land Use Plan. Council finds the single family residential district zoning on this parcel to reasonable and in the public interest. As part of these findings Council also deems it necessary to change the Future Land Use Plan to designate this parcel as General Residential Use.

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

(Ordinance 19-24 – To assign initial zoning of a 12.41 acre portion of Tax Record 6462 from County R-20 to City R-10)

**Major Subdivision 19-01 - Morgan Ridge Major Subdivision
(residential cluster subdivision)**

MJSR 19-01 request from Michael Sandy, applicant, and Creek Landing Holdings, owner for Council to consider approval of the preliminary subdivision plat of Morgan Ridge, a 43 unit residential cluster subdivision off Morgan Road. As part of the cluster subdivision process a conditional use permit is required in addition to the administrative approval of the subdivision

Comments

Planning and Development Services Director Kevin Robinson stated that the Planning Board unanimously recommended approval of the preliminary plat of the subdivision at its July 2, 2019 meeting reviewing conditions to meet concerning ordinance requirements stated below in the motion to approve.

Mr. Michael Sandy representing Carolina Development Services gave a presentation and reviewed the traffic study with Council. Mr. Sandy answered any questions that Council had.

Ms. Kay Insley, 205 Palmer Street, came before Council and stated that she use to live on Morgan Road and stated that the creek nearby has flooded and may cause issues. She also was worried about the strength of the existing bridge out there with extra traffic.

Councilmember Hughes requested the Morgan Ridge name be changed due to its similarity to the name of a subdivision in Salisbury.

Ms. Kim Faulkner, 555 Marlbrook Drive, came forward and stated that residents in Windsor Hills subdivision were not notified of the hearing. Mr. Robinson stated that the property owners in the Windsor Hills subdivision were not within 100 ft. of the property being subdivided which was the requirement for receiving letters. Rezoning and Annexations require posting a sign on the property, notification of property owners within 100 feet and newspaper advertisement. Conditional Use Permits require posting a sign on the property and notification of property owners within 100 feet. Subdivisions don't require any notice.

Councilmember Lowder stated to the residents that were present that she feels the same as they do and wants them to totally understand tonight anything they have questions about this subdivision before they leave.

Mr. Robinson stated that requirements by NC Statue for these hearings of annexation, city zoning and CUP hearing is to be placed in the local newspaper so many days before the hearing, and to notify by letter, residents within 100 feet of subdivision. He reviewed with Council the residents that fall within 100 feet, which included five or six residents and they were notified by letter.

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

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the preliminary subdivision plat of Morgan Ridge concerning 12.41 acres, to construct Phase I – a 43 unit residential cluster using staff conditions as presented below:

- A new draft of the preliminary plat with proposed street name be submitted prior to sign off on preliminary - **completed**
- A statement submitted for preliminary approval that erosion and sedimentation control plans shall be submitted to DEQ prior to of final plat approval - **completed**
- Show on new draft of preliminary plat, northbound left turn and right turn lanes of at least 100' from unnamed street to Morgan Rd - **completed**
- A statement from DOT agreeing to defer the installation all other off-site improvements with future subdivisions or conversely, the requirement that they be installed immediately with this subdivision. Staff will not approve final platting for this subdivision or future subdivisions these have been installed as required by DOT
- Amendments to sections 2.1, 2.5 and elsewhere in the covenants and restrictions document to include required city approval of final plat amendments for any changes by the developer or association to property lines, boundary changes and/or removal of designated common areas.
- Amendment, generally, to Covenants and restrictions to include clauses dedicating open space areas permanently and prohibiting their future development for anything other than recreational or similar functions in service of the neighborhood. This shall include restrictive easements of the same effect be placed on said properties in the event of sale or abandonment by the development or association

Public Hearing

Conditional Use Permit 19-04 - Morgan Ridge Residential Cluster Subdivision

The Mayor and City Council held a Quasi-Judicial public hearing to consider a conditional use permit 19-04 - Morgan Ridge Residential Cluster Subdivision.

Swear In

Mayor Michael swore in the following for testimony:

Kevin Robinson

Michael Sandy

Disclosures – Conflict of Interest - None

Testimony

Planning and Development Services Director Kevin Robinson stated that this is a request from Michael Sandy, applicant and owner Creek Landing Holdings, for Council to conduct a quasi-judicial hearing to consider approval of a conditional use permit for the Morgan Ridge Residential Cluster Subdivision. Section 91.22 of the Subdivision ordinance requires conditional use permit approval following subdivision approval for all cluster subdivisions. Mr. Robinson reviewed the staff analysis and applicant comments concerning the findings of fact below:

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.

Applicant Response: Project will build less density as allowed by right and considerable open space dedication

Staff Analysis: Staff does not find the proposed residential use or density to be detrimental to similar surrounding residential uses. Improvements will be made in accordance with DOT requirements to ensure that vehicular use functions as normal.

2. The use meets all required conditions and specifications.

Applicant Response: Project meets and exceeds ordinance requirements

Staff Analysis: Requirements for cluster subdivisions have been or have been provided.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Applicant Response: Project will improve property values in every aspect

Staff Analysis: Staff does not have the expertise to give an informed opinion on this, however the proposed prices for future homes in the subdivision are at or

above the fair market value listed in Stanly County tax records for similar properties in the area.

4. The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics

Applicant Response: Project is totally single family homes as with most surrounding uses and size of homes are comparable in size with a higher value.

Staff Analysis: The proposed use is residential and should be in general harmony with other residential uses in the area.

5. Be in general conformed with adopted plans

Applicant Response: Project conforms to existing plans for the area per City/County Land Use Plans

Staff Analysis: The average density of this cluster subdivision remains consistent with the R-10 district and the General Residential future land use designation for this area.

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

Courts require that the board's finding of fact must be supported by "competent, material, and substantial evidence." A decision that is not supported by substantial evidence in the record is deemed arbitrary and will be invalidated if challenged in court:

- Evidence is "competent" if it is sufficiently trustworthy and reliable, that is, legally fit and acceptable for consideration by the board (e.g. first-hand knowledge, expert analysis, documents, photos, etc.).
- Evidence is "material" if it shows that one of the standards to be applied will or will not be met. For instance, if the standard at issue is the impact of a project on property values, facts that have no bearing on property value impacts are not material (e.g. The board is considering the impact a fast food restaurant, evidence about the health impacts of a proposed fast food restaurant is not material).
- Evidence is "substantial" if it is relevant and something a reasonable mind would regard as sufficient to support a specific conclusion. In this context, the issue is whether the totality of the evidence received could reasonably support the conclusions reached by the board.

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 Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved findings of fact #1 supported by evaluating evidence #3, Evidence is “substantial”.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the findings of fact # 2 supported by evaluating evidence #3, Evidence is “substantial”.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall , and unanimously carried, the City Council approved the findings of fact #3 supported by evaluating evidence #3 (is it correct to list #3 here), Evidence is “substantial”.

4. The location and character of the use, 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 the findings of fact #4 supported by evaluating evidence #3, Evidence is “substantial”.

5. Be in general conformance with adopted plans.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the findings of fact #5 supported by evaluating evidence #3 (is it correct to list #3 here), Evidence is “substantial”.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the Morgan Ridge Residential Cluster Subdivision order below:

**(Conditional Use Permit 19-04 – To Approve
Morgan Ridge Residential Cluster Subdivision)**

The Mayor asked that any residents that have further questions, needs to speak to Mr. Michael Sandy in the lobby tonight and he will give them his contact information for further questions.

Public Hearing

Consider Ordinance 19-26 - Text Amendments to Subdivision and Zoning Regulations to allow for Fee in Lieu of Sidewalk Installation (Commercial Property Only Proposal)

Mr. Robinson stated that there was a request from Staff for Council to conduct a public hearing to consider approval of amendments to Sections 91.10 and 91.12 of the Subdivision Regulations Chapter and addition of Section 92.092 the Zoning Regulations Chapter of City ordinances for the purpose of re-organizing these sections. Also, defining criteria and procedures for sidewalk installation and creating a program for the deferment of on-site installation when required.

The Planning Board heard and unanimously voted to recommend for approval of this ordinance to Council at its June 6th meeting. Council reviewed the full ordinance text, a mark-up text, staff notes, statements of (in) consistency for adoption of the text amendment, and a PowerPoint presentation. Council also reviewed a proposed Pedestrian Improvements District Map for approval as outlined in the new ordinance section 92.092.

Comments

Mr. Robinson presented a PowerPoint presentation of the proposed text amendment for TA19-01 "Sidewalks". Mr. Robinson answered any questions that Council had.

Finance Director Colleen Conroy came forward and spoke about the possibility of having to give the money back, would the City pay interest on that money. She can see a possibility of issues down the road.

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

Upon a motion by Councilmember Lowder, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved delaying a decision

allowing further study of the changes proposed until the August 5 regular session meeting.

Public Hearing

Consider Ordinance 19-27 - Text Amendments to Chapter 81: Animals and Fowl

Comments

Mr. Robinson stated the changes proposed as follows based on City Council's previous comments and input as well as base on standard rules and regulations from other municipalities and counties:

81.04 Conditions to keeping horses – renumbered, changed to require 2 acres for 1st horse and ½ acre for each additional (eliminated most concerns about horses in small lot neighborhoods), removed all other animal care and husbandry requirements instead broadly that they be kept clean and default to County Health Dept.

81.06 Conditions to keeping fowl or rabbits – renumbered, made its own section, kept limits to 4 rabbits, specified yard location, reduced setbacks to 20 since 30 isn't practical on many residential properties, removed pen size requirements and removed all other animal care and husbandry requirements instead broadly that they be kept clean and default to County Health Dept.

81.07 Conditions to keeping chickens or fowl - renumbered, made its own section, limited fowl to 1 per 2,000 sq ft, 20 max per property (<20 allows pens to be regulated per state statute), 2 acres for 1st rooster when complying with noise ordinance (consistent with proposed Stanly county ordinance and provides some flexibility) and ½ acre per each additional, specified yard location for enclosures and added in screening, reduced setbacks to 20 since 30 isn't practical on many residential properties, kept pen size requirements per animal and removed all other animal care and husbandry requirements instead broadly that they be kept clean and default to County Health Dept.

81.09 Swine prohibited – moved and renumbered, allowed 1 mini pig no more than 24" in height when kept as a domestic pet

81.10 Rats, flies, odor in enclosure – renumbered, removed fowl or rabbits and made applicable broadly to all animal enclosures from a nuisance enforcement perspective

81.11 Slaughtering and processing of animals – new section added to clarify that on-site slaughter and/or sale is not allowed unless zoned appropriately

81.13 Enforcement of provisions for animals, generally – renumbered, broadened the definition of PDS Department enforcement from rabbits and fowl to all of the above since no one is otherwise assigned and it falls to us by default. Left a clause for those who would supersede us such as health department

81.14 Reserved – added

Mr. Robinson answered any questions that Council had.

Mayor Michael asked that this be placed on the City website and Facebook for City residents to view.

Mr. Michael Lambert, 105 Royal Avenue, came forward and stated that he has a neighbor that has two horses. They have been found standing in the road and on his property before. No way for them to get out of the weather for a long time but they do have shelter now. Mr. Lambert said that he was told that they are rescue horses. He is complaining about the smell of the horses he contends with daily that under current City regulations are not in violation of any standard.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved continuing this public hearing until its next regular session meeting on Monday, August 5, 2019 at 6 pm.

Public Hearing

Ordinance 19-21- To Rename the Current Section of Barnard Road to Hilco Street

At the June 10 meeting, the Albemarle City Council set a public hearing to consider this change. The change is needed because as part of the NC Highway 24/27 project, the NCDOT will be eliminating the current right angle intersection and replacing it with a curve, giving the appearance of one continuous street. The City Manager noted that a letter was sent to the one property owner currently with property addressed on Barnard Road and the City Attorney has drafted an ordinance to implement the change and can be approved if Council so desires. No one spoke for or against this hearing.

The City Manager stated that he will get the road distance from Public Works and forward to the City Attorney for changes to Ordinance 19-21.

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

Upon a motion by Councilmember Lowder, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the following ordinance as amended:

(Ordinance 19-21 - To Rename the Current Section of Barnard Road to Hilco Street)

Agenda Adjustments:

Mayor Michael notated the following agenda adjustment:

1. Request to Governor Cooper concerning Opportunity Zones

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the agenda adjustment as stated.

ANNOUNCED DELEGATION

Ms. Jasmine Wilson to Request a Handicap Parking Space near her Office at 110 West North Street

Ms. Wilson came forward and stated that she is an audiologist with a mostly older clientele. She said that any off street parking is designated in other locations downtown. The church parking lot which she assumes is available during business hours, however to push a wheel chair from there to her building would be difficult with a very steep incline and is quite a distance. This is a huge concern for her patients and not ideal for those with limited mobility.

The City Manager noted that the City can chose to designate a handicapped parking space in the block, but it would be available for anyone to use in addition to her customers. Also, there is not a requirement for the City to provide this space as it would not be ADA compliant. Designating a space would be more of a general convenience. If

Council chooses to move forward the City Attorney can be authorized to draft an ordinance.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the City Council approved a handicap parking space in front of 110 West North Street and the City Attorney to draft an ordinance stating that it will be the second space south of the Police driveway.

Mayor Michael stated that Council will recess for 3 minutes.

Mayor Michael brought the meeting back to order.

ADMINISTRATIVE REPORTS

MONTHLY DEPARTMENTAL REPORT

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

MUNICIPAL CALENDAR

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

CONSENT AGENDA

Ordinance 19-23 - To Increase Public Housing Capital Funds

Consider Resolution to Accept State Revolving Loan for Sewer Phase 2 & WWTP Rehabilitation

To consider a resolution that the City of Albemarle accept the State Revolving Loan offer of \$6,293,770.00 with \$500,000.00 in Principal Forgiveness. This is for project no. CS370522-06-Sanitary Sewer Rehabilitation Phase 2 and WWTP Rehabilitation.

(Resolution 19-14 – To accept the State Revolving Loan)

Consider Resolution to Recognize The Goody Shop for 100-Years of Operation.

(Resolution 19-13 - To Recognize the Goody shop for 100-Years of Service)

Reminder - City of Albemarle Electronics Recycling and Paper Shredding Event for City Residents will be Saturday, July 20

This is a service that Waste Management now offers as part of the most recent contract and is available for all City residents. City staff will be present to help with the event.

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the following consent agenda items.

UNFINISHED BUSINESS

Recommendation to Commissioner of Insurance for Appointment to Fire Department Relief Fund Board

City Council held this appointment decision over until the July 8 regular session meeting.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council appointed Bob Johnston to the Fire Department Relief Fund Board.

New Business

1) Consider Waiver of Potential Conflict of Interest

Womble, Bond, Dickinson has provided information regarding a potential conflict of interest. They have as a client Pinnacle Bank, and WBD is of course assisting the City in the process to secure LGG approval for the financing of the Police Headquarters project. They are a very large firm and this same issue was present with the recent financing of the business center land purchase and loan and we approved such a waiver with the firm on that project.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a waiver concerning the potential conflict of interest they have as Bond Counsel in connection with installment financing to be entered into by the City with Pinnacle Bank.

2. Consider Approval of Financing Agreement with Pinnacle Bank

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the following resolution with date amended:

(Resolution 19-16 - To Approve a Financing Agreement with Pinnacle Bank for the Construction and Renovation of the new Police Headquarters building)

3. Consider Bank Deposit Resolution Associated with Financing of New APD Headquarters

This is a bank deposit resolution for City Council's consideration and approval. The resolution details which individuals will have approval by the City to be signers on the Pinnacle Bank deposit account associated with financing of the new APD HQ and also assigns the description of powers. On page two of the resolution Council will need to approve which signers will have the power at a minimum to exercise items (2) and (3) under the "Description

of Power" section. Council will also need to approve the number of signatures required as indicated on the right side of page 2 of the resolution.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, unanimously carried, the City Council approved the following resolution with amendment.

(Resolution 19-15 – To Approve a Bank Deposit
Resolution Associated with Financing of New APD
Headquarters)

4. Update on Generator at Long Creek Wastewater Treatment Plant.

Council received updates on the new Caterpillar Model C15 500KW generator and the 800 Amp ASCO automatic transfer switch have been installed, tested, and completed on June 19, 2019 at the Long Creek Wastewater Treatment Plant. This unit will serve the WWTP during the next phases of electrical rehab. After the completion, this generator will be moved to Old Whitney Pump Station to serve as a backup power source for when Duke Energy loses power to Old Whitney Pump Station and therefore we lose our ability to pump raw water to the US Highway 52 WTP.

5. Consider Fee Waiver for Waddell Center and Special Events Permit for Women's March

Tomeika Baldwin is organizing the 2nd Stanly County Women's March which is scheduled to be held on Saturday, January 11, 2020 from 8:00 a.m. - 3:00 p.m. The group is requesting fee waiver for the special events permit and the EE Waddell Center Banquet room.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved waiving the permit fee of \$25 for the 2nd Stanly County Women's March scheduled to be held on Saturday, January 11, 2020 from 8:00 a.m. - 3:00 p.m. And permission to use the EE Waddell Center Banquet room.

6 Consider Fee Waiver for Pregnancy Resource Center Walk for Life

The Pregnancy Resource Center is planning a Walk for Life on Wednesday, September 25th in Downtown Albemarle. The walk is to raise money and awareness for the Pregnancy Resource Center. The walk will use open sidewalks. Council reviewed the route to be taken. The walk itself does not require Council approval, but the Pregnancy Resource Center is requesting a fee waiver for this event.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved a waiver of the special permit fee in the amount of \$25 for the Walk for Life on Wednesday, September 25 in downtown Albemarle.

7 Update on Hurricane Florence FEMA Recovery Project

Assistant Finance Director Jacob Weavil provide an update on the City's efforts to recover funds from FEMA as part of the federal disaster declaration associated with Hurricane Florence. The City is eligible for work performed by or damage to facilities operated by Water and Sewer, Electric, Parks and Recreation, Police, Public Works, Fire, and other areas.

The City Manager noted that he recently attended a session on disaster recovery led by Norman Houston at the UNC-CH School of Government. Ms. Houston made the comment that entities should expect 3-5 years for the complete close out of a federal disaster recovery project.

Mr. Weavil gave an update on the current status of the individual projects below:

Project 78499, Debris Removal – current status is pending environmental review
Project 78502, Emergency Protective Measures – funds are obligated but have not been received
Project 78507, Electric Utility Repair – project has been signed off on by the City, pending obligation
Project 78510, W/S Systems Repair – funds have been received by the State
Project 78514, Parks & Rec Facilities – current status is pending scope and cost completion

8 Consider Declaring Surplus and Consider Donation to Albemarle High School

City staff would like to donate items to the Firefighter Technology Program at Albemarle high School. According to the research performed by the Finance Department, such donations need to be advertised and approved after holding a hearing. The City Council has authorized the City Manager to declare surplus and order sold items under a certain value. However, the NC Statues that allow the City Manager to do this are different from those that guide how donations to another public entity must occur.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council declared surplus firefighter items and set a public hearing for Monday, August 5, 2019 to consider donating surplus items to Albemarle High School.

9 Consider FY 19/20 Code Enforcement Contracts

There are multiple contract options from Centralina COG and NFOCUS for code enforcement for FY 19/20.

Planning and Development Services Director Kevin Robinson reviewed the side-by-side contract options as depicted in comparisons below:

NFOCUS **8 hours** weekly (no travel or lunch time included) **\$28,080**

Centralina **6 hours** weekly (9am-4pm, minus lunch) **\$31,680** (Last year's level)

NFOCUS **5.5 hours** weekly (no travel or lunch time included) **\$19,439**

Centralina **5 hours** weekly (9-3pm minus lunch) **\$26,400**

The City has budgeted \$25K again this year, but can probably allocate more as needed. Mr. Robinson stated that staff needs some guidance on this quickly. Our contract with COG ran out in June and we have no coverage at this time.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a contract with Centralina

Council of Government for 6 hours weekly (9am-4pm, minus lunch) at \$31,680 yearly, which is last year's level.

10 Consider and Set Date for Council Work Session

The City Manager noted that parking has been an important and recurring topic of discussion, particularly with the development of Pfeiffer's Albemarle Campus. City staff, along with assistance from LKC, recently completed a parking analysis that was used to develop a parking plan. Staff has received proposals from several wayfinding design firms.

The City Manager noted that staff would like Council to receive a presentation on the parking analysis and plan from LKC and staff, along with a presentation from Arnett Muldrow & Associates on a wayfinding plan, at a Council work session. Staff ask that Council consider and select one of the following dates for the work session: August 6, 7 or 8 or September 19 from 6 pm - 8 p either evening). They will be traveling from Greenville, SC to make the presentation.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved a work session for a presentation of LKC Engineering for results of a parking analysis to develop a parking plan and presentation from Arnett Muldrow & Associates on a wayfinding plan for Tuesday, August 6 at 6pm in the Raymond I. Allen Room at City Hall.

11. Information Update - Tobacco Cessation

Human Resources Director Dana Chaney noted that on Monday, July 1, the City's HR Team met with the following individuals to discuss tobacco cessation:

Carleen Crawford, Health Region 4 Tobacco Control Manager
Dave Jenkins, Stanly County Health and Human Services Director
Wendy Growcock, Public Health and Education Specialist

Ms. Chaney noted that they provided additional information on Stanly County's plans to implement tobacco cessation efforts and described how municipalities they have worked with recommend that such a program be implemented strategically over a period of 6-9 months. Council reviewed additional information provided.

Comments

Councilmember Hughes stated that the City had sent a letter to Governor Cooper's office requesting that they include two of the City's qualifying Opportunity Zone census tracts in their priority list to be considered as a designated qualified Opportunity Zone. We prioritized the two requests in order of preference in case only one could be designated. The two zones are the Albemarle Business Park and our historic downtown.

The state granted one of our requests for the Albemarle Business Park. We would like to contact our federal representative or Governor Cooper to see if they will change our request to the historic downtown instead of the Albemarle Business Park.

The Mayor stated that he had reached out to Representative Richard Hudson but not heard back yet. It was noted that they should reach out to Senators Richard Burr and Tom Tillis.

The City Manager stated that we will be making changes to the Capital Improvement Program and ask that Council consider increasing the threshold level for what is placed on the CIP from \$40,000 to \$75,000.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved increasing the threshold level from \$40,000 to \$75,000 concerning the Capital Improvement Program.

Councilmember Townsend asked staff about an Evaluation Process for new businesses after Certificate of Occupancy is complete. Economic Development Director Mark Donham stated that no process is in place presently.

The City Manager stated that five or six years ago when the City developed a Business Development Task Force, we did a workflow procedure review and did send out cards after the process

Councilmember Townsend stated that the City needs to reconsider having cameras at the public housing complex. He asked that Public Housing Director Cedric Baldwin check with HUD on a funding grant for safety and security.

Councilmember Hughes stated the plantings outside especially near City Hall and the museum downtown and are noticed and appreciated.

Councilmember Hughes also asked about Central School Auditorium fundraising and renaming and who is in charge of this. We may need Council to choose someone to handle this. Mayor Michael stated that Council adopted a proposal for naming rights and charge money for the rights. He asked if she is wanting to change this. The Mayor said Council could come up with a list of names but this does need to be led by Council.

Councilmember Hughes asked about the Walk of Fame with names.

Mayor Michael stated that there had been discussion of a mural but we need to determine our criteria. Councilmember Hughes would like to see what other communities do. The Mayor said that this can be discussed at the wayfinding meeting on Tuesday, August 6.

Councilmember Hughes asked the next step concerning a Commercial Maintenance Code. Upon discussion, it was determined that Council will have an informational meeting in the Raymond I. Allen Room and be conducted by Planning and Development Services Director Kevin Robinson.

Mayor Michael asked that this be placed on the August 5 agenda and Council at that time to set a date for the Commercial Maintenance Code informational meeting.

Councilmember Aldridge stated that he visited former Mayor Pro-Tem Troy Alexander recently and he said hello to all.

Councilmember Aldridge mentioned a community request on Friday, July 26 for a fundraiser for Pediatric Cancer victims and the closing of Colonial Drive from Melchor Road to Northcrest Drive from 7-11 pm.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved a fundraiser for Friday, July 26 with the closing of Colonial Drive from Melchor Road to Northcrest Drive from 7-11 pm.

The City Manager asked that the applicant call Parks and Recreation for a Special Events application.

Councilmember Hall thanked Economic Development Director Mark Donham for adding the sign above the original sign at the Albemarle Business Park.

Councilmember Hall mentioned that she had reviewed many posts from visitors to the Carolina Treetop Challenge and how they love it.

Councilmember Hall asked about the status of the non-partisan resolution. It was noted that it will be placed on the August 5 agenda and the Mayor stated that Council will review the resolution at that time and Council will then set a public hearing to move forward.

Councilmember Hall asked about the events committee and downtown activities being worked on. She stated that Bill Aldridge, Dexter Townsend and herself are members of this ad hoc committee and will be meeting on Tuesday, July 16 at 6:30 pm. She spoke about the Fall Festival on Thursday, October 24 at 4:30 for 2019.

Councilmember Hall stated Stanly County Historical Society along with Albemarle Parks and Recreation will present award winning local films at the Central School Auditorium on Thursday, July 18 at 7 pm. Parks and Recreations Director Lisa Kiser stated that there will also be a movie night hosted by Parks and Recreation on Thursday, July 18 at Market Station beginning at 8 pm.

Councilmember Bramlett stated that he had dinner at El Ranchito last evening and noticed a large group of around 40 men there also. He asked them what group they were with and they said they were the International Radio Control Warship Combat Club and here for an event in Oakboro and staying in Albemarle.

Councilmember Lowder stated that with all the work toward helping Pfeiffer, the Council needs to look at saving Albemarle Mall. She also stated that Belk is the only original store left at this mall. Mayor Michael stated that this is one of things Retail Strategies was hired for by the City. They have been in contact with the property owner of the Albemarle Mall but no answer back yet.

Councilmember Lowder commended Councilmember Hall on her recent article in the Stanly News and Press. She also spoke about the consolidation of Stanly County Schools and it being the Stanly County School Board that should address these issues.

Upon questioning, Mayor Michael stated that he was responsible for the article in the SNAP concerning school consolidation and it was written by Chris Miller of the SNAP.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 160A-318.11 N.C.G.S. 143-318.11(a) (1), (3), (5) & (6) - To Prevent Disclosure of Information that is Privileged or Confidential pursuant to the law of this State, Nance versus City of Albemarle et. al., Real Estate, and Personnel.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, 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. 143-318.11(a) (1), (3), (5) & (6) - To Prevent Disclosure of Information that is Privileged or Confidential pursuant to the law of this State, Nance versus City of Albemarle et. al., Real Estate, and Personnel.

The City Manager stated that Council needs to meet with Electricities concerning the electric rate study and we need a date and time that would be good for Council.

It was determined that either July 29 or July 30 at 6pm would work and staff will get with Electricities to see which date is best for them and get back with Council.

The Mayor stated that the County will be dropping Snuggs House and will be offering it to the Stanly County Historical Society. If they are not interested the County may come to City Council

The Mayor stated that Council received an email on the summary of the transportation grant for Parks & Wayfinding and paving in certain areas and this grant is due by Monday, July 15. He asked for Council approval.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Lowder, and unanimously carried, the City Council approved applying for the Build Grant.

Mayor Michael stated that Council received a job description for City Attorney that Human Resources Director Dana Chaney created for review. Council reviewed and made changes to the job description. They noted it needed to be specified that a law degree is required and specifying the attorney works for the City Council not the City Manager.

The Mayor stated that these changes will be updated and will be sent back to Council for review by email. We will probably leave the job open for at least 6 weeks for applicants to apply.

It was determined by Council that they will narrow down the attorney choice by a group review in the administration department.

Upon a motion by Councilmember Lowder, seconded by Councilmember Hall, unanimously carried, the meeting was adjourned until Monday, July 22, 2019, at 6:00 pm.