

REGULAR MEETING CITY COUNCIL  
October 21, 2019

The City Council of the City of Albemarle met in a regular session on Monday, October 21, 2019 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, Martha E. Hughes, Shirley D. Lowder, Dexter Townsend and Chris Whitley. Absent, none.

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Mayor Michael called the meeting to order.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, the minutes of the October 7 called session, October 7 Closed I session, October 7 regular session and October 7 Closed II session minutes were approved as submitted.

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**PUBLIC HEARING**

**Conditional Use Permit 19-07 – Revision to Morgan Hills  
Cluster Subdivision CUP**

Carolina Land Development LLC has requested a major change to the preliminary plat for Morgan Hills cluster subdivision and the accompanying CUP 19-04 be revised so as not to show previously approved turn lanes at the entrance and exit from Morgan Rd.

**Swear In**

Mayor Michael swore in the following for testimony:

Kevin Robinson

Michael Sandy

**Disclosures – Conflict of Interest – None**

**Introduction**

Planning and Development Services Director Kevin Robinson stated the developers are requesting these improvements be done once the 100th lot home is built as

part of a future phase. This request is generally in keeping with the additional DOT required improvements, however as this was included on the plat and approved with the CUP it must be reviewed by Council as an amendment.

Mr. Robinson stated that it is important for Council to consider the multiple possibilities when it comes to build out and phasing of development in the larger area. Generally this is a small request, however any new improvements required along Morgan Road at a later time will come with the added inconvenience to those living in this first and possibly second phases of development and will likely mean some burden, at least temporarily, on adjoining existing neighborhoods. This would constitute a major change based on traffic improvements that were originally platted and required to be completed at recordation or bonding but would now be deferred to potential subsequent subdivision plats that are currently not submitted for approval. The Planning Board approved unanimously at its meeting.

### **Testimony**

Michael Sandy with Carolina Land Development LLC

Mr. Robinson and Mr. Sandy answered any questions that Council had.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, unanimously carried, the City Council excused Councilmember Lowder from voting due to conversation with surrounding property owner by phone.

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.

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:** Totally single family homes as with most of the surrounding uses. 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 Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council closed the public hearing.

#### 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.

Councilmember Bramlett moved to approve findings of fact #1. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

2. The use meets all required conditions and specifications.

Councilmember Bramlett moved to approve findings of fact #2. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

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

Councilmember Bramlett moved to approve findings of fact #3. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

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

Councilmember Bramlett moved to approve findings of fact #4. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

5. Be in general conformance with adopted plans.

Councilmember Bramlett moved to approve findings of fact #5. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

Councilmember Bramlett moved to approve the Conditional Use Permit that is a revision to Morgan Hills Subdivision. Councilmember Aldridge seconded the motion. Voting for the motion were Aldridge, Bramlett and Whitley. Voting against the motion were Councilmembers Hall, Hughes, Townsend, and Mayor Michael breaking the tie. The motion failed with a vote of 3-4.

(Order # 19-07 - DENIED)

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## **PUBLIC HEARING**

### **CUP 19-06 – To Consider Conditional Use Request for Telecommunications Tower at 201 NC 740 Bypass**

Verizon Wireless, after researching co-location options, is requesting a conditional use permit to install a cell tower at 201 NC 740 Bypass (TR# 16056). This use in LID district requires Council to hear and approve a conditional use permit. This 160 feet tower would be located on the Albemarle Marketplace property owned by June Allen.

### **Swear In**

Mayor Michael swore in the following for testimony:  
Kevin Robinson  
Josh Rotenstreich

Other Verizon/Attorney representatives were present but did not speak.  
David Best  
John Yeagley  
David Smith

### **Disclosures – Conflict of Interest – None**

#### **Introduction**

Planning and Development Services Director Kevin Robinson stated 201 NC 740 bypass is in zone LID/Light Industrial and telecommunication towers and facilities are permitted as a CUP in all zoning districts established under the City Zoning ordinance provided the ordinance conditions are met in addition to any applicable regulations set forth for the district.

#### **Testimony**

Attorney Josh Rotenstreich

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:** Please see NIER statement attached to this application as Exhibit 7.

**Staff Analysis:** Staff cannot make any claim about safety concerns of the proposed tower and

would defer to any supplemental studies or information provided by the applicant.

2. The use meets all required conditions and specifications.

**Applicant Response:** Please see Statement of Compliance attached to this application as Exhibit 1.

**Staff Analysis:**

- The applicants have provided detailed responses to the requirements of the zoning ordinance

and Staff finds the proposal to meet those requirement with the following exceptions:

- As shown the tower base will meet the 1:1 setback ratio from other habitable structures required per ordinance, however the ordinance requires the setback to be from the enclosure

itself. This is allowed to be reduced as part of the CUP approval, which the applicants have

requested a reduction of approximately 25’.

- Staff has some minor concerns about the height of installed plantings as shown on plan which it may require modification. Staff will work with applicant to resolve those issues.

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

**Applicant Response:** A Real Estate Impact Study Will be supplied upon completion from NC

Certified Real Estate Appraiser, David Smith.

**Staff Analysis:** Staff cannot make a claim on this and would defer to the appraisal

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:** Please see Zoning Drawings and Site Survey attached as Exhibit 4.

**Staff Analysis:** Staff believes the applicants have made reasonable attempts both to meet the

requirements of the ordinance and to lessen any adverse impacts on the surrounding area.

As

proposed this use will operate largely independently except for routine maintenance, which

should not be highly visible.

5. Be in general conformed with adopted plans

**Applicant Response:** Please see Statement of Compliance attached as Exhibit 1.

**Staff Analysis:** Land use plans call for General Residential Use. This area is currently a mix of

commercial, industrial, residential and service and utility uses and zoning.

Telecommunications

facilities along with utilities are allowed broadly, across all zoning districts when adequately

separated and meeting all other design and site requirements, which Staff finds this to meet.

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

#### 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 Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council approved findings of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved findings of fact #2.

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 Townsend, seconded by Councilmember Hughes, and unanimously carried, the City Council approved findings of fact #3.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved findings of fact #4.

5. Be in general conformance with adopted plans.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Lowder, and unanimously carried, the City Council approved findings of fact #5.

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the Conditional Use Permit for telecommunications tower at 201 NC 740 bypass concerning order below:

(Order # 19-06)

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**Agenda Adjustments**

1. Move #13 New Business after public hearings
2. Move #11 Consent Agenda after public hearings

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the agenda adjustments.

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## **Update of Minimum Housing Program for FY 19/20**

Planning and Development Services Director Kevin Robinson presented a summary of the minimum housing progress to date, including houses abated and/or demolished/burned.

Mr. Robinson updated Council of the 2019-20 Dilapidated Housing Abatement Program. He reviewed previous demolitions since 2011 and the amount spent. Also, he gave an update on FY 2018/19 demolitions that have been completed and the ones left and their schedule of demolition. Next, he reviewed FY 2019/20 proposed demolitions and where each one stands presently. One of those property's repairs are almost complete and will be removed from the list and on another property, the owner plans to do a voluntary burn with the Fire Department.

Mr. Robinson answered any questions that Council had.

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### **Request to close Pee Dee Ave for Halloween Trick or Treating**

Requesting to close Pee Dee Ave. blocks from Miller to Ridge Street to through traffic from 6-9pm on October 31st for safety. Most cross streets to remain open and local traffic will have use as needed. It was noted that there will be cones set up at the street closures.

Police Chief Dulin came forward and stated that there will be officers on duty in the neighborhood and will ride by and check between 6-9 pm.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved closing Pee Dee Avenue from Miller Street to Ridge Street for through traffic on Thursday, October 31 from 6-9 pm.

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### **ANNOUNCED DELEGATIONS**



## **Mr. Durham Lewis - To Present the FY 18/19 Albemarle ABC System Audit**

Mr. Lewis came before Council and reviewed the following:

1. Opinion: the financial statements referred to present fairly, in all material aspects, the financial position of the City of Albemarle Board of Alcoholic Beverage Control as of June 30, 2019 and 2018. This is the highest opinion that can be received.
2. Page 7, Statements of Net Position
3. Page 8, Statements of Revenue, Expenses, and Changes in Net Position
4. Page 9, Statements of Cash Flow
5. Page 10, Notes to the Financial Statements
6. Page 19, The ABC Board distributions of \$330,000 and \$2,012,000 total since inception
7. Page 20, Law Enforcement and Alcohol Expenses
8. Page 26, Schedule of Store Expenses
9. Page 29, Schedule of Distributions of Profits
10. Page 30, Schedule of Revenues and Expenditures – Budget and Actual

Mr. Lewis answered any questions that Council had.

Mayor Michael thanked staff and the ABC Board for a job well done.

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## **Jay Voyles, Development Coordination Specialist, & Peter Sabo, Census Bureau Partnership Specialist - To Provide an Update on 2020 Census Activities**

Mr. Sabo came forward and gave a PowerPoint presentation to Council and answered any questions they had.

Mr. Voyles stated that Mr. Sabo has been assisting the City and County in several ways by providing sound guidance on effectively engaging Stanly County citizens

for the 2020 Census. Since the August City Council meeting, they have met with numerous City and County departments, representatives from the school system, public library, American Legion, Christian Ministries and several other local faith based and education based organizations. The City will still have several more organizations to meet with and recruit to our Census team.

Mr.Voyles also stated that with the organizations we have met with so far, we have received a decent amount of participation and willingness to assist in Census education and outreach programs to help increase response rate not just for the City, but for Stanly County as well. The important part of our approach is to not just remind everyone to respond to the Census, but to draw attention to the importance of individual participation so that Albemarle and Stanly County can be properly represented and receive the federally allocated resources that it deserves.

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**Mr. Gene Starnes - Request for water relief on an Account**

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, City Council excused Councilmember Bramlett from voting due to family ties with Mr. Starnes.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved an exception to the policy to provide a reimbursement to Mr. Starnes in the amount of \$126.69 for his water relief on his irrigation only account due to a water leak.

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**ADMINISTRATIVE REPORT**

**Monthly Departmental Reports**

The Mayor and City Council received a copy of the September Monthly Departmental Reports and asked if anyone had any questions. Councilmember Hughes commented how much she liked the Fire Department Monthly Report.

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**CONSENT AGENDA**

**1. Resolution to Honor Bishop James Richardson upon his Retirement**

(Resolution 19-25. To honor Bishop Richardson upon his retirement.)

**2. Ordinance 19-40 - Water Sewer Budget Amendment**

(Ordinance 19-40. To appropriate funds for the Generator at Old Whitney Raw Water Pump Station)

**3. Consider Road Closure for Union Chapel AME Zion Church Fall Festival**

Union Chapel AME Zion Church is hosting a Fall Festival event on Saturday, October 26th from 5 - 7 pm. Organizers are requesting street closures of Martin Luther King Jr Dr. from Wall St to Cross St.; block T.E White Dr. at Martin Luther King Jr. Dr.; block Lincoln St at Martin Luther King Jr. Dr.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved the above consent agenda items.

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**New Business**

**1. Consider City Appointment to SCUSA Board**

SCUSA Director Randy Shank has advised the City Manager they are looking for a City designee to serve on this board. Former Councilmember Benton Dry had served as the City's representative and it is a County requirement that the representative be a current elected official from the jurisdiction. Overall, the board meets approximately 4 times a year from noon to 1:30 with lunch being provided

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the appointment of Councilmember Chris Whitley to the SCUSA Board.

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## **2. Distribution of Draft Capital Improvement Plan for Fiscal Years 2021 through 2025**

City Council received a copy of the CIP and there is no action required tonight. This is for Mayor and Council to take and begin reviewing.

The City Manager noted that in his agenda comments that inclusion of anything in the CIP does not in any way guarantee funding. It is a tool to help identify potential needs to be considered and discussed as we move through the budgeting process. Those items that are discretionary in nature may or may not be ultimately funded based not only on our financial ability, but on their alignment with Council's established priorities.

The City Manager also noted his thanks to Assistant City Manager Nyki Hardy for her work on the CIP. Each Department undertook a process to evaluate and identify their potential needs, and Nyki led this process by organizing and vetting the information and preparing the final document. Also, Amanda Lukach in Information Systems worked very closely with Nyki to completely redevelop and reformat the forms for the process this year which was no small undertaking.

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### **COMMENTS**

Mayor Michael asked Council to select a day to tour Albemarle High School. Dates given for them to review were November 13, 15, 18. It was the consensus of Council to tour the school on Friday, November 15 at 9 am. Council will meet at AHS at 9am.

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Councilmember Townsend asked about recognizing Albemarle High School Principle Emily Shaw. Mayor Michael stated that Councilmember Hughes is working on this and will report back to Council.

Councilmember Townsend stated that he would like to see the City recognize Albemarle Middle School football players who have been undefeated. He

asked that someone reach out to AMS Principal and bring the team before City Council for recognition.

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Councilmember Hall thanked the City's Human Resources Department on searching for a replacement for Life Scan for employees and also making sure employees receive their blood work analysis from LabCorp.

Councilmember Hall reminded everyone of the Union Chapel AME Zion Church is hosting a Fall Festival event on Saturday, October 26th from 5 - 7 pm.

Councilmember Hall reminded everyone of the Downtown Autumn Extravaganza and the following events:

**October 24 Fall Festival 5-7 pm**

**October 25 Fright Night:**

- History Center Ghost Tours 6 pm
- Jeepers Creepers Haunted Jaunt 5K 6:30 pm
- Jeepers Creepers Movie 8 pm

**Street Festival Saturday October 26**

- Farmer's Market and Craft Fair 8-12 noon
- Movie at Central Auditorium 10 am \$3
- Live Entertainment, Vendors, Crafts, Chainsaw Artist
- Troy Jackson Meet & Greet, Hayrides, Inflatables & Food Trucks Noon-6pm
- Mister Please Band & Food & Drink 6-10 pm

Councilmember Hall asked Council to give the special events committee direction for future events.

Councilmember Hall stated that the Homeless Committee meeting in September had good attendance with 10 city employees attending. She asked if anyone knew the next steps moving forward or next meeting date. No one had this information.

Councilmember Hall stated there will be a grant workshop by Centralina Council of Governments and it is free on Tuesday, November 12. The City needs some of the departments to consider attending.

Councilmember Hall mentioned the Healthy Communities event on Tuesday, November 5.

Councilmember Hall asked that the naming of Central Auditorium be placed on the next meeting's agenda.

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Councilmember Bramlett stated Pfeiffer University has fundraising events going on in the community. Please consider donating if you can. He stated that the first Master's Program classes for OT and PA will be held in Misenheimer and the second classes will begin at the new building downtown Albemarle August, 2020.

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