

REGULAR MEETING CITY COUNCIL

November 2, 2020

The City Council of the City of Albemarle met in a regular session on Monday, November 2, 2020 at 6:30 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following members were present, to-wit: Mayor Pro Tempore Martha Sue Hall and Councilmembers Bill Aldridge, Chris Bramlett, Martha E. Hughes, Dexter Townsend, Chris Whitley, and Shirley D. Lowder.

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Mayor Michael called the meeting to order.

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The Mayor gave the invocation.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes from the October 19<sup>th</sup> regular and closed meetings were approved as submitted.

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**PUBLIC HEARING**

Consider Conditional Use Permit 20-03 for Bed and Breakfast

Council conducted a quasi-judicial evidentiary hearing to consider request for Conditional Use Permit CUP 20-03: A Request by David M. Scarboro and John T. Williams for a bed and breakfast located at 343 North Second Street (Tax Record 22196).

The Mayor swore in Mr. John T. Williams and Senior Planner Ellie Sheild to provide testimony to Council related to this request.

Ms. Sheild provided a summary of the application to Council, which included the conditional use permit application highlights and Planning and Development Services staff analysis.

Councilmember Aldridge noted to Ms. Sheild that on the conditional use permit application packet on page 2 a bank was cited as "First Bank"; is the bank being referenced First Bank or First Citizen's Bank? Ms. Sheild replied that it is First Citizen's Bank and that the application will be amended to reflect the proper name of the bank.

The Mayor called for any members of the public with standing to come forward to provide their comments. He also asked Council members if there were any conflicts of interest or *ex parte* communications with the applicant to note. No Council members had conflicts of interest or noted *ex parte* communications with the applicant.

Mr. John T. Williams, one of the applicants, came in front of Council and presented some of the history of the property as background for the decision to apply for the conditional use permit for a bed and breakfast. He also summarized the main aspects of operation of the bed and breakfast and assured Council that the property and all of its planned uses (i.e., bed and breakfast, location to rent out the gardens, and a small concert venue) would conform to all City ordinances.

The Mayor asked if there were any other members of the public with standing who would like to speak. He swore in Mr. Ron Perrine, owner of 1891 Inn, a bed and breakfast in Albemarle, and asked him if he had any comments or questions. Mr. Perrine stated that when he submitted a conditional use permit to the City of Albemarle for the bed and breakfast he currently owns, at the time of his application he was told that he needed to reside in the bed and breakfast property. He asked if Mr. Scarboro would be subject to the same requirement.

To address this question, the Mayor swore in Planning and Development Services Director Kevin Robinson, and he and Ms. Sheild provided a response. Mr. Scarboro did confirm with Planning and Development Services staff that he would reside in the bed and breakfast property currently under consideration.

Per the City of Albemarle Code of Ordinances, effective in 2018 with an amendment to the definition of “bed and breakfast”, the City became less stringent than the NC Building Code in terms of the “ownership versus operator in residence” requirement. However, state fire and building codes require the bed and breakfast owner must reside in the property in order to meet the residential structure code definition.

The Mayor asked again if there were any members of the public with standing to come forward. Hearing no more requests to speak, the Mayor moved on to Council discussion of the findings of fact portion of the hearing.

The Mayor called for Council to make a motion for the following findings of fact/conditions required to approve the conditional use permit:

- That 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 based on staff analysis.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the finding for this standard.

- That the use meets all required conditions and specifications based on staff analysis.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, Council approved the finding for this standard.

- That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity based on staff analysis.

Upon a motion by Councilmember Whitley, seconded by Councilmember Aldridge, unanimously carried, Council approved the finding for this standard.

- That the proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics based on staff analysis.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council approved the finding for this standard.

- That the use be in general conformance with adopted plans based on staff analysis.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the finding for this standard.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, unanimously carried, Council approved CUP 20-03.

[CUP 20-03 – Bed and Breakfast 343 N Second Street]

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#### **ADMINISTRATIVE REPORTS**

##### Adam Kiker, LKC Engineering – To Discuss Sanitary Sewer Rehabilitation, Phase 3

This item was held over from the October 19<sup>th</sup> meeting. One of the questions asked was the impact on rates. If we were to accept the loan of \$5,538,000 at 1.38% over 20 years, the annual principal and interest payment would be \$322,000. This is equivalent to an across the board water and sewer rate increase of 2.98%. Again, this comparison is in terms of being 100% covered by rates and assumes an equal increase in water and sewer rates, not differing rate changes as we had in 2020.

According to the UNC-Chapel Hill Environmental Finance Center, as of January 2020, 4,000 gallons of water and sewer usage on the City of Albemarle system costs a combined \$34.74. The median bill for 4,000 gallons of water and sewer usage for the 66 utilities within a 50 mile radius is \$64.55.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and carried with a vote of 6 for the motion and 1 against, Council approved moving forward with the Sanitary Sewer Rehabilitation Project Phases 3-5 as currently advised by LKC Engineering in its proposal to Council, and increasing the project budget from \$3.2 to \$5.5 million as estimated by LKC Engineering and pre-approved by the financing agency. Council members voting for the motion included Hall, Hughes, Townsend, Aldridge, Lowder, and Whitley, with Councilmember Bramlett voting against the motion.

##### Autumn Extravaganza Report

Mayor Pro Tem Hall asked for a post-event report.

Parks and Recreation Director Lisa Kiser summarized participation/attendance totals for all activities as follows:

- Boo Bingo: 62 children participated.
- Virtual ghost tours: 1,247 people logged in to view the tours on the History Center’s website.
- Virtual costume contest: There were 28 entries, and 2,400+ people voted on the Parks and Recreation Facebook page, bringing in 224 new likes of the page.
- Friday Fright Night food truck and movie event: 8 food trucks participated, with 275 people in attendance, and 103 people who stayed to watch the movie.
- Farmer’s Market/Craft Fair: There were 4 food trucks and 26 vendors who participated, bringing in approximately 600 visitors.

Ms. Kiser gave a shout out to Parks and Recreation employee Cindy Burris for all of her hard work on these events, particularly her efforts in obtaining food truck participation, putting on the movie in City Lake Park, and putting on the craft fair.

Mayor Pro Tem Hall gave a shout out to Ms. Kiser and the Special Events Committee for putting on these events for the community in spite of COVID19 restrictions.

Ms. Kiser gave Council updates on other Parks and Recreation activities. On October 1<sup>st</sup>, Parks and Recreation went “live” with a new online registration and reservation system. It has worked phenomenally since then with no “hiccups” so far. She gave shout outs to her staff for embracing the change, as well as to the heads of Information Systems and Finance to help obtain the system and bring it online.

The Mayor then asked Ms. Kiser to give a report on which summer/fall athletic leagues were offered and those that were not due to COVID19. There was no soccer season this year, but for youth basketball they are trying to field 4 teams per age group and limit the number of practices from twice a week to once a week, as well as limit the number of guests per child who can attend games. Those changes are more due to gym space at EE Waddell Center, which is being used because the schools are not an option for games this year.

For adult softball, 16 men’s and coed teams participated, which is the double the number of teams from last year.

Finally, Ms. Kiser reminded Council that Parks and Recreation is conducting a middle school remote learning program at EE Waddell Center, and hosting an after school program at the Niven Center Monday through Thursday.

The Mayor stated that Council appreciates Parks and Recreation’s efforts to offer after school and remote learning programs. Ms. Kiser added that Pickleball is currently underway also.

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## **MUNICIPAL CALENDAR**

Mayor Michael and Councilmembers received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar.

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## CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that the Piedmont Gas Easement Proposal for Elizabeth Heights be moved off the consent agenda.

### Consider a Request for Payment in Lieu of an Assessment for a Water Line Extension on Dick Street

Mr. Eric Mauldin desires a water line extension to serve property on Dick Street where there are plans for up to three new single family homes. Mr. Mauldin would like to bypass the formal assessment process and is willing to pay the full extension cost in advance of the project. This is similar to other recently approved requests as it saves the City the expense of proceeding through the formal process, provides the same payment to the City, and saves considerable time for all parties.

### Piedmont Natural Gas Easement Proposal 333 Pee Dee Avenue

Staff is requesting Council consider granting an easement and accepting compensation package for a gas line replacement through the unopened City right of way off of S. 4<sup>th</sup> St and at the rear of the City of Albemarle property at 333 Pee Dee Ave. This will replace a preexisting line through this right of way.

### Ordinance 20-29 – To Establish an Alleyway and Parking Renovation Project Budget

This Ordinance sets a project budget for the renovation project Council is familiar with. The intent of a Project Budget is to track all costs of the project and does not mean the City will see an out-of-pocket expense of this amount. A few items of note:

- This project refers to the entire area between Main Street and King Avenue and between First Street and Second Street. This includes the section of alleyway we acquired from the County and the large area leased from the King Heirs.
- We are seeking a budget amendment to fund the landscaping, resurfacing so we do not take funds from the current year budget and reduce the amount available for street maintenance and preservation, decorative poles, and contingency. Other supplies and materials, labor, and equipment use will not incur additional out-of-pocket expense but need to be tracked as part of the project nonetheless.

[Ordinance 20-29 - To Establish an Alleyway and Parking Renovation Project Budget]

### Ordinance 20-30 – Budget Amendment to Transfer Funds to the Alleyway and Parking Renovation Budget

This ordinance adjusts the Operations Budget in General Fund and Electric Fund for expenditures that will cover the King Alleyway Project. It covers the full cost of all contributions (labor, equipment, cash, grants, supplies, materials, etc.) to the project as well as a contingency.

[Ordinance 20-30 – Budget Amendment to Transfer Funds to the Alleyway and Parking Renovation Budget]

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, unanimously carried, Council approved the following:

- A request for payment from Mr. Eric Mauldin in lieu of an assessment for a water line extension on Dick Street;
- Granting an easement and accepting compensation package for a gas line replacement through the unopened City right of way off of S. 4th St and at the rear of the City of Albemarle property at 333 Pee Dee Ave;
- Ordinance 20-29 to set a project budget for the King Alleyway and Parking Renovation Project; and
- Ordinance 20-30 budget amendment to transfer funds to the King Alleyway and Parking Renovation Project.

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Piedmont Natural Gas Easement Proposal at Elizabeth Heights

Staff is requesting Council consider granting an easement and the proposed compensation package for a gas line replacement on the City of Albemarle Public Housing Property, Elizabeth Heights. The request is for the installation of a PNG gas line slightly off the street right of way onto City property, which is the reason for the proposed compensation. The Director of Public Housing has reviewed the request and has no concerns as it relates to our property or operations.

A typographical error on Exhibit A for the reference to Martin Luther King Jr. Drive in “Stanly, NC” was noted. It will be changed to “Albemarle, NC” before being recorded at the Register of Deeds.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the easement proposal at Elizabeth Heights with the change to Exhibit A.

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**NEW BUSINESS**

Consider Easement to Earnhardt Exchange, LLC

Mayor Michael has been contacted about the possibility of an easement encroaching onto the sidewalk related to the construction and renovation project at the corner of West Main Street and North First Street.

The Mayor reported that Earnhardt Exchange, LLC, to comply with the building code for egress, needs to build windows as part of the plans for the proposed apartment complex. On the West Main Street side of the property, window wells will need to be added for windows going in partially below ground level. To protect window wells, a wrought iron fence will be installed along the sidewalk similar to what is there in front of the building.

In order to be able to do this, some of the sidewalk area that is currently there needs to be used. There is precedence for Council approving a sidewalk easement. The area of sidewalk that would be taken away is approximately 6-8". The City Attorney would draft the encroachment agreement when the plans are finalized.

The Mayor then asked for Council to call a motion to approve the sidewalk easement request by Earnhardt Exchange, LLC.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett, unanimously carried, Council approved the sidewalk easement request by Earnhardt Exchange, LLC.

#### Discussion of City Christmas Events

Parks and Recreation Director Lisa Kiser provided the update to Council. The Special Events Committee and City staff are recommending the cancellation of the parade and open house due to the continuing concerns and restrictions for COVID-19. Below is a listing of the new planned activities designed to bring attention and customers to the downtown:

- **Virtual tree lighting:** Mayor Michael will ring in the holiday season with the lighting of the Christmas tree in front of Albemarle City Hall. The lighting will also be broadcast live on Facebook for everyone in the community to enjoy. The tree lighting ceremony is scheduled for Saturday, November 28<sup>th</sup> at 5:30 pm. The Mayor added that if the Charters of Freedom installation project begins before that date, it might affect the ability to conduct the ceremony on that date. He will keep Council and staff updated on that timeline.
- **Letters to Santa:** Kids can write letters to Santa and drop off at the Stanly County Library
- **Holiday Pop Up Shop:** The Main Street Office is again hosting this event at 112 S. 2nd St. (across from Off the Square). The shop will feature several vendors selling handcrafted items, and will again offer FREE gift wrap for ALL downtown store purchases, shopping totes, and other complimentary items. The shop will be open on Saturdays from 10am-2pm, from November 14-December 19.
- **Shopping Bingo:** This two week long activity will target shoppers to get them spending their dollars in downtown stores. This activity will kick off on Small Business Saturday (Nov. 28th) and run through Saturday, Dec. 19th. Similar to the BOO Bingo fall promotion, shoppers will visit participating stores to get their game card stamped after a purchase of \$10 or more. Once a row is filled, the customer brings their card to the ADDC Holiday Pop Up Shop, located at 112 S. 2nd St., to draw for a prize. The ADDC will purchase a variety of gift cards from downtown businesses for customers to draw from.

- **Window Decorating Contest:** Now more than ever, storefront appearance is essential to getting shoppers in the door. A vote will cost \$1, and all funds collected will go to the United Way of Stanly County.
- **Holiday Sounds at the Square:** Starting November 28<sup>th</sup> through December 12<sup>th</sup> from 11am until 11pm music will be playing. Food trucks will also be available around the Square since many restaurants are closed due to COVID19.
- **Holiday Tour of Homes:** This is scheduled for December 13<sup>th</sup> from 4-6pm. The Snuggs and Marks Homes, as well as the YMCA Building and Hull House will participate. Masks will be required to tour homes, and a limit to the number of people will occur to promote safe practices due to COVID19.
- **Nutcracker Stroll:** This will be an afternoon stroll of downtown stores with live scenes from the Nutcracker featuring the Albemarle Academy of Dance scheduled on Saturday November 21<sup>st</sup>.
- **Christmas Movies @ the ANT:** On Fridays December 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> at 6:30pm, Albemarle Parks & Recreation will feature a family-friendly Christmas movie at the Albemarle Neighborhood Theatre. Before the start of each movie, Santa and Mrs. Claus will take the stage to greet kids and read them a Christmas story. Seating will be limited for COVID compliance, and masks will be mandatory.

Council thanked Ms. Kiser for her update.

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## COMMENTS

The Mayor reminded everyone that now is the final opportunity to vote. He encouraged residents to make their voices heard by voting tomorrow if they have not already done so.

### Councilmember Aldridge:

- He echoed the Mayor's message to encourage residents to vote. This is a record setting election phase, so he encouraged residents to go out and vote and make their voices heard.

### Councilmember Whitley:

- He noted that the City Manager's weekly email updates are very helpful, in that more information is being provided to Council on a regular basis by staff on projects, making the list of things Council wants updates on smaller.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Monday, November 9, 2020 at 4:00 p.m. at the Stanly County Senior Center for a Council/Staff strategic planning session.