

REGULAR MEETING CITY COUNCIL

January 19, 2021

The City Council of the City of Albemarle met in a regular session on Tuesday, January 19, 2021 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, Martha E. Hughes, Dexter Townsend, Chris Whitley, Benton Dry, and Shirley D. Lowder.

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Mayor Michael called the meeting to order.  
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The Mayor called a motion to approve the regular and closed minutes from the January 4, 2021 Council meeting. Councilmember Dry noted that in the regular minutes under the New Business item discussing traffic issues on Montgomery Avenue, a street was not noted correctly. The street should be Ridge Street not Ridge Road.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, unanimously carried, the January 4, 2021 regular meeting minutes as corrected and closed meeting minutes as submitted were approved.

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**PUBLIC HEARING**

Ordinance 21-02 – Amending Multiple Sections to Title IX: Planning and Development Regulations

City Council set a public hearing to consider adopting amendments to City Ordinance Chapters 91 and 92. This ordinance includes amendments to residential dimensional lot requirements, allowed uses, zoning districts, and subdivision standards of Title IX: Planning and Development Regulations.

Planning and Development Services Director Kevin Robinson provided a summary of the ordinance amendments to Council. He used a handout and a PowerPoint presentation to describe the changes. Generally, the amendments to Chapters 91 and 92 of the City's Code of Ordinances include:

- Reorganization, correction of organizational errors, and pagination changes throughout both chapters;
- Changing the threshold for Major subdivision to more than 5 lots;
- Adding alleyway regulations for residential (R4 and townhome/small lot options);
- Removing conflicting minimum size and setback, add lot averaging, remove lot width and depth, add buildable width/depth;
- Changing to cluster: housing type, districts, dimensional reductions, open space, sidewalks and remove Conditional Use Permit requirement;
- Adding definitions for Accessory Dwelling Unit (ADU), Single Family Attached, and pool;

- Adding buildable lot requirement to Section 92.012 for non-conforming lots and changing 92.013 to include front and rear yard setback exception;
- Removing the 10 foot setback for Recreational Vehicles (RVs);
- Adding subsection for Zoning Districts;
- Providing a new R-15 District;
- Changing R-10, R-8, R-6, and R-4 zoning;
- Replaced Area Yard and Height Requirements table; and
- Added R-15 and R-4 into bufferyard regulations.

Councilmember Bill Aldridge entered the meeting.

Mr. Robinson noted that the Planning and Zoning Board and City Council were both given a presentation of these proposed amendments in December. At its January 7th meeting, the Planning and Zoning Board unanimously voted that Council finds action to adopt TA21-01 with the following conditions:

- 1) Include specification of use in section §92.022 (c) Reestablished use after discontinuance of 180 days.
- 2) Include abbreviation of ADU in the definition of "Dwelling, Accessory Dwelling Unit"
- 3) Include Watercraft definition in §92.008 and storage standards similar to that of Recreational Vehicles and Campers §92.024

Staff has included three recommendations in the packets presented to Council.

The Mayor asked for clarification on part G "Accessory Dwelling Units", where for single family homes whether a basement or attic would be impacted by the ordinance change in terms of setting up an electric service account. Council in the recent past had approved any dwelling as part of a single family home to be commercial, and therefore require a second account for electric service. Mr. Robinson replied that with this current ordinance change and the amended definition, Planning wanted to expand family usage in a single family home as associate to the main structure rather than separate. Council and Mr. Robinson discussed the matter further.

The Mayor called for any members of the public to come forward to provide their comments. No one from the public came forward to speak. No members of the public came forward.

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

The Mayor called Public Utilities Director Judy Redwine to come in front of Council to provide input on the proposed changes in definition in the "Accessory Dwelling Unit" section which could impact utilities account setup processes. Ms. Redwine was asked if Council approved the ordinance change as per Planning's request, would Public Utilities be ok with a space like a basement or attic to be considered a residence rather than commercial space for purposes of creating a second account? Ms. Redwine replied that she would need to consider the impact of the proposed change

further and address it with Council at a later time. Council debated whether to consider removing part D changes in its consideration of the larger ordinance, or whether to approve it with the current changes and if needed further amend that part later on. With agreement from Mr. Robinson, Council agreed that they would be willing to move forward with approving the entire ordinance and address any further amendments to these chapters of the Code of Ordinances later on as needed.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, Council approved Ordinance 21-02 as currently amended with the understanding that part G can be addressed and further amended later on, with a vote of 5 Councilmembers for the motion, and 1 Council member against the motion. Mayor Pro Tem Hall voted against the motion.

[Ordinance 21-02 - Amending Multiple Sections to Title IX: Planning and Development Regulations]

#### Ordinance 21-03 – To Reclassify Properties Zoned R8 to R6 Urban Residential

City Council set a public hearing to consider a request for a City-initiated Map Amendment to change all currently zoned R-8A/Multi-Family District parcels to the newly-created R-6/Urban Residential District.

Mr. Robinson presented the proposed ordinance to Council. At its January 7th, 2021 meeting, the City of Albemarle Planning and Zoning Board unanimously recommended with an 8-0 vote that City Council finds the action to amend all presently zoned R-8A parcels to the newly-created R-6 district with the adopted Consistency Statement.

With the change in zoning from R-8 to R-6, the City calculated that over 400 existing properties would be affected by the zoning change. However, all legally existing uses on these properties would be “grandfathered” in and would not have to meet the new requirements involved with the zoning change.

The Mayor asked if this ordinance and the zoning change was consistent with the 2028 Land Use Plan. Mr. Robinson stated that it is consistent.

Councilmember Shirley Lowder entered the meeting.

Mayor Pro Tem Hall asked about the public input period, the methods used to provide public notice, and whether there was any public response. Mr. Robinson stated that the public hearing was advertised in Stanly News & Press and confirmed that the 3-page list of addresses Council received in their packet were mailed notice of the hearing and zoning change to those not living inside the Stanly News and Press publication area. He is not sure how they found out about the hearing/zoning change, but 3 people called about it and spoke with Planning staff. Mayor Pro Tem Hall asked if those people

were concerned about the proposed zoning change. Mr. Robinson replied that as far as he is aware his team answered their questions satisfactorily.

The Mayor called for any members of the public to come forward to provide their comments. No members of the public came forward.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 21-03 reclassifying R-8 zoned properties to R-6 zoned properties with the following Consistency Statement:

The Albemarle City Council finds the action to amend all presently zoned R-8A parcels to the newly created R-6 district to be consistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on these parcels to be reasonable and in the public interest.

[Ordinance 21-03 - To Reclassify Properties Zoned R8 to R6 Urban Residential]

## **ANNOUNCED DELEGATIONS**

### Debbie Bennett, Stanly County Health Department – To Discuss a Health Department Survey

Ms. Debbie Bennett came in front of Council to discuss the Stanly County Health Department's 2021 County Health Assessment Survey, which will be available for completion between January 14 - February 17, 2021.

The Stanly County Health Department is required to conduct a county-wide health assessment every 3 years. The Health Department is due in 2021 to engage in this process again. All County residents 15 years and older are encouraged to complete the health survey. Residents can go to the Health Department or the general County websites to access and complete the survey.

Why is completing the health survey important? The results will tell the Health Department what residents think are important health and community issues. Among health issues raised in the surveys, 3 are picked from the results and the Health Department devotes much of its resources to addressing those 3 issues. Also the results of the survey are posted on the Health Department's website as public information to be used by municipalities, the County and nonprofits to access funding or to create reports.

The report is co-authored by Atrium Stanly and the Stanly County Health Department.

The Mayor requested that when the report is released the City of Albemarle post it on social media and its own website.

Council thanked Ms. Bennett for her presentation.

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## **ADMINISTRATIVE REPORTS**

### Purchasing Policy Update

The City's Purchasing Policy was adopted by City Council on April 1, 2019. At that time, Council authorized the City Manager to make future changes as needed. Over the past several months a committee has worked on updates to the policy. This updated policy includes a Delegation of Authority for Contracts chart that can be used as an easy reference for determining who is authorized to sign and approve contracts. This was developed based on current fiscal policies, past practices, and trends, and State law.

Purchasing Coordinator Linda Lewis came in front of Council to provide an overview of the updates. She summarized the main changes in the policy, among which the biggest is the creation of a chart for delegated authority to sign contracts and agreements. This was not addressed in the earlier version of the policy, and would impact lease agreements, settlement agreements, financial commitment agreements, and the like.

Mayor Pro Tem Hall commented that Council saw this policy 2 years ago; why is it coming in front of Council again? Ms. Lewis replied that procedural issues have arisen recently related to authorization to sign contracts and agreements, and so this policy update now addresses that.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the changes to the Purchasing Policy.

### Departmental Monthly Reports

The Mayor and Council received December 2020 monthly departmental reports prior to the meeting. The Mayor asked if any Council members had any questions or comments about the reports.

Mayor Pro Tem Hall had the following comments/questions:

- Economic Development:
  - Per Chambers Engineering verbal report to City Council the permitting process for the Albemarle Business Center site was to be done in 30 days but the report now says 60 days. Economic Development Director Keith Tunnell replied that the 60-day timeframe was placed in the report to give some leeway in the timing of receipt of the permit in case it went beyond January. The City Manager advised this was the timeline provided during a recent meeting with Mr. Chambers.
  - Has the Tour of Homes assessment been done yet? Not yet.
  - Has the Director had a conversation with Dawn Allen yet? Yes.

- On the last page, “Midtown Sundries” should be changed to “Second Street Sundries.”
- Fire Department:
  - Has Priority 2 – bathroom project been started yet? No it has not.
  - In the recent past the fire station location study has been put off. Per the City Manager, in the Fire Department Information Update agenda item information provided to Council in the meeting packet, the reason why it hasn’t been done is due to other Fire needs being a priority at this point. Are there any plans for the station on Third Street? Chief Brewton replied via phone that there are no plans currently for that fire station.
- Human Resources:
  - For the Fire Department personnel listed who resigned, why is one name listed but the other not? HR Director Dana Chaney replied that it was an error, and she confirmed that both fire personnel did resign in December 2020.
- Public Housing:
  - Is the door project done? Per Public Housing Department Director Lee Staton via phone, the project is more than halfway done, with all interior doors completed ahead of schedule. The entire project is slated for a March or April completion timeframe. The report notes that there were minor deficiencies found – what were they? Mr. Staton replied that when hanging doors, the hinges weren’t cured properly, as an example. Stogner has returned to fix these problems.
- One of the reports mentioned the Charters of Freedom and so an update on project permits was requested. The City Manager replied the last he was advised they were still waiting on permits. Councilmember Hall said she was made aware the permits have been issued.

#### Information – Fire Department Update

In the past twelve months within AFD (Dec. 2019 – Dec. 2020)

- Retirees: 1
- Resignations: 6
- Current Openings: 4

We have 8 candidates in the recruiting/hiring process currently. Next step is written test and oral interview. Process should be complete by end of January and we would be ready to issue offer letters.

As far as the station location study, we have no plans to conduct a study. Chief Brewton has met with staff to receive input and evaluate Departmental needs. The priorities were discussed in the recent Fall Strategic Planning Session. The priority of three additional fire fighters positions was reviewed. It was also noted that apparatus upgrades would be a focus, with the refurbishment of the current ladder truck and the purchase of new Engine. The current fiscal year budget provides for renovations to the bathroom and kitchen, as renovation and expansion of the current Station #2 is something that can be done in conjunction with the other described priorities. A new Station #2 would constrain the Department from addressing the personnel and apparatus needs and there is expansion space and capability at the current location. Chief Brewton has no immediate need for the old building on North Third Street as they address the more basic and current needs.

Information – Status of Environmental Permits for Albemarle Business Center (ABC)

Chambers Engineering advised they anticipate permits being approved in 60 days.

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**CONSENT AGENDA**

The Mayor asked if Council wanted to move any items on the consent agenda.

Consider Agreement for Use of City Parking Lot

Mr. Larry McGuire would like to utilize the City parking lot at the corner of 1st Street and West Main Street as a location for a paper shredding event. It is the City's understanding the event will be free and open to the public and will be held Saturday, March 13<sup>th</sup> from 8:30 am until 1:30 pm. The parking lot is not one of the scheduled properties on the City's facility reservation schedule and is therefore being brought to Council for consideration. Council received a draft agreement prior to the meeting to review and consider.

Ordinance 21-01 – To Establish a Project Budget

This is a project budget ordinance for Streetscape and Wayfinding. Money is budgeted in operations for the current fiscal year and this ordinance will transfer funds to a project budget as the work will not be completed prior to the close of the fiscal year.

[Ordinance 21-01 – To Establish a Project Budget for Streetscape and Wayfinding]

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the following:

- A City parking lot use agreement with Mr. Larry McGuire for a shredding event on Saturday, March 13, 2021; and
- Ordinance 21-01 to amend the budget to create a project budget for streetscape and wayfinding.

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**UNFINISHED BUSINESS**

Consider Appointments to Boards and Commissions

Council considered appointments for the following vacant seats on the City of Albemarle Planning and Zoning Board and the City of Albemarle Historic Resources Commission. Applications were provided to Council prior to the meeting.

- Historic Resources Commission - Currently two seats to be filled. One is vacant and the other is the seat of Sheila Simpson who has an expired term.
- Planning & Zoning – There is a vacancy with the 3rd alternate position.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council appointed John Williams to the vacant seat on the Historic Resources Commission.

Councilmember Townsend noted that he knows of a candidate for the Planning and Zoning Board, and will work with that person to complete a volunteer application in order to be considered at the next Council meeting.

Mayor Pro Tem Hall asked about attendance on the Planning and Zoning Board and Historic Resources Commission, and wondered if absences of members on those two public bodies was related to COVID19. Mr. Robinson replied that attendance on both bodies averages around 75-80%, with very good attendance on the Planning/Zoning Board and a little less so on the Historic Resources Commission. For both bodies quorum is occurring regularly, however.

Mayor Pro Tem Hall then asked about training resources for new board/commission members. Mr. Robinson replied that for new members appointed in fall 2020 Planning is holding off on training for now, but new members on both bodies are given the regulatory/background documents initially, such as the HRC Guidelines or the City of Albemarle Code of Ordinances planning and zoning sections for the Planning/Zoning Board. He also noted that Senior Planner Ellie Sheild also mentors new members.

There was no further discussion or Council action on this item.

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## **NEW BUSINESS**

### Discussion of Downtown Properties

This item was requested to be placed on the agenda for discussion by a member of Council. Council received on their desks prior to their meeting a downtown business contact list provided by the Director of Economic Development. Mayor Pro Tem Hall noted that she had requested this agenda item largely to ask for this contact list and was glad to see it tonight. She hoped to see that both tenants and owners in the location of south and north of Dr. MLK Jr. Drive from First to Fourth Streets were included on the list.

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## **COMMENTS**

The Mayor began by announcing that two Council strategic budget planning sessions would occur in February. One would be on February 9<sup>th</sup>, the other on February 16<sup>th</sup>. Both sessions would begin at 4:00 pm and would be hosted in the Stanly County Senior Center in Albemarle.



The Mayor noted that there was an update on the Charters of Freedom project and asked if Mayor Pro Tem Hall would like to provide that update. Mayor Pro Tem Hall announced that an Open House/Information Session about the Charters of Freedom was held earlier today. Members of the Charters of Freedom team, including Jennifer McMillan, and the marketing and education staff members were in attendance handing out information booklets and answering questions from the public. She handed out booklets to members of Council. She was pleased that a number of City employees came out to the session.

As part of the project, she noted that the opportunity to purchase personalized paving bricks is currently ongoing. Personalized brick pavers are not required but are being offered if anyone in the City or County wishes to do so. The Mayor asked staff to post information about how to purchase personalized brick pavers on social media.

Also of note, the Charters of Freedom education contact is working with Stanly County Schools members to provide information related to the Charters of Freedom to 3<sup>rd</sup> and 4<sup>th</sup> graders in the district as part of their education mission.

#### Councilmember Whitley:

- He gave an update on 115/117 West South Street properties formerly owned by Pinnacle Bank and recently acquired by the City. Ms. Cathleen Turner from the nonprofit preservation group Preservation NC came out to view the property today, along with some Council members and staff. Although there is a lot of water and moisture inside the building, Ms. Turner is excited about the opportunity to preserve this building. She gathered information at this visit to turn over to another appraiser from the Raleigh office to come to formally evaluate the building later on this month. Preservation NC could aid in obtaining tax credits, locate a developer who would want to take on developing the property along with restrictive covenants, and directly transfer the property out to a developer rather than have to bid the process out if they decide to take on the property.

#### Councilmember Townsend:

- He thanked Public Works and Administration for putting the word out on the change in recycling schedule starting next month on social media platforms. He asked if the City or WM was placing any placards or notices at households. The Mayor replied that stickers and tags were being placed at homes, since his own home received this notice recently.
- He expressed regret that he could not attend last Friday's City Employee MLK Jr. Day of Service, but he heard it was a great time, and he thanked all City staff who participated.

#### Councilmember Aldridge:

- He noted that he is seeing more trash than ever these days, pointing out Highway 24/27 and the NE Connector as problem areas. He called on the public to not litter and to help do their part in keeping the City clean and trash free.

Councilmember Whitley:

- He concurred with Councilmember Aldridge's plea about trash pickup, stating that he just picked up a lot of garbage on the bypass last week. He suggested that perhaps Council in its upcoming strategic planning sessions could look at coming up with a long-term sustainable effort for litter pickup.

Mayor Pro Tem Hall:

- Re: recycling schedule changes, is WM tagging households this week? Per the City Manager the recycling changes have been noted on the City website and social media for a few weeks, and flyers are being handed out now.
- Earlier this week she received an inquiry from a resident about stakes in their yard for potential gas line work and communicated that to the City Manager. From that, the City found out that PNG would be doing work in the area soon. Is there a way that we can track this? Planning and Development Services Director Kevin Robinson replied stating that Planning received an email about PNG work at the same time earlier this week. If PNG works in right-of-way areas then homeowner contact would not be necessary, but PNG should be doing that if they plan to work on residents' properties. Mayo Pro Tem Hall noted that she is concerned there seems to be a communication issue between the gas company and residents.
- She asked for an updated community survey completion count since the survey response period is now closed. Assistant City Manager Nyki Hardy announced that 1,500 surveys were completed out of 8,000 notices sent out. That response rate is better than was expected.
- The recently reported potholes on CB Crook Drive are still there.
- She noted that per the email she sent to Council last week, for the NCLM municipalities' policy goals setting process, the Council members who responded largely marked similar goal priorities, with many goals having 4 or more responses out of the 6 members who provided their sheets. She has voted on them electronically and we are now waiting for NCLM to announce the final goals that will be moved over to the General Assembly as municipalities' priorities for this fiscal year.

Councilmember Dry:

- He thanked Councilmember Whitley for bringing up Preservation NC as a resource to aid the City in the building assessment and development process for the newly acquired property on West South Street.

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**CLOSED SESSION**

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council returned to open session.

The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel. There was nothing to report.

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Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Monday, February 1, 2021 at 6:30 p.m. in City Council Chambers.