

CORRECTED

REGULAR MEETING CITY COUNCIL

December 21, 2020

The City Council of the City of Albemarle met in a regular session on Monday, December 21, 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, Martha E. Hughes, Shirley D. Lowder, Dexter Townsend, Chris Whitley, and Benton Dry.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes from the December 7th regular and closed meetings were approved as submitted.

PUBLIC HEARING

Conditional Use Permit 20-02 – Badin Ridge Cluster Subdivision

Council conducted a quasi-judicial evidentiary hearing to consider request for Conditional Use Permit CUP 20-02: A Request by Badin Ridge, LLC for a 52-lot Cluster Subdivision on Tax Record 30407 per §91.22 of the Code of Ordinances. A cluster subdivision approval does not allow any more lots to be developed than what is permitted as a use by right in the current R10 designation.

The Mayor swore in the following people with standing to provide testimony to Council related to this request:

- Planning and Development Services Senior Planner Ellie Sheild;
- Planning and Development Services Director Kevin Robinson;
- Planning and Development Services Development Coordination Specialist Jay Voyles;
- Robert Patterson – real estate expert;
- Landon Austin – developer for Badin Ridge LLC;
- Derek Lambert – developer for Badin Ridge, LLC;
- Stephen Chambers from Chamber Engineering, PA as engineering expert;
- Glen Alford of 920 Atom Drive;
- Paul and Petra Davis of 1233 Moss Springs Road;
- Robert (Robbie) Gorton of 1219 Moss Springs Road; and
- Karen Moore of 2306 Sandy Lane
- Wayne Davis of 2313 Seymore Avenue

Ms. Sheild provided a summary of the application to Council, which included the conditional use permit application highlights, conditions required, and Planning and Development Services staff analysis. As part of the major subdivision review, the Planning and Zoning Board, supported by Planning staff, recommended the following three conditions to be met, which were addressed in a revised preliminary plat provided to Council for consideration:

1. That the plat reflect the sidewalk on Sandy Lane be extended to the proposed new property line;
2. That lots 17-22 have the standard R10 rear yard setback of 30 feet to provide buffer for adjacent existing residences unless a strip of open space is implemented in the reduced rear yard setback for a cluster development; and
3. That a buffer strip be planted behind lots 1-5 should they front Atom Drive.

Planning staff noted that the revised preliminary plat adequately addressed all criteria for the Conditional Use Permit with the three conditions added by the Planning and Zoning Board.

The Mayor 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.

The Mayor invited the developer to make any statements regarding their proposed cluster subdivision at this time. Derek Lambert came in front of Council and confirmed that it is their intention to establish a 52-lot cluster subdivision called Badin Ridge near Moss Springs Road and Atom Drive.

The Mayor called for any members of the public with standing to come forward to provide their comments. The following people with standing (see above for addresses) came in front of Council to express their position on the conditional use permit for the proposed Badin Ridge Cluster Subdivision:

- Glen Alford: He had a few concerns to bring in front of Council. His first concern is that lots 1-5 might have a buffer placed on the rear of the lot, or the lots could be facing Atom Drive. Either way he feels that there would not be much privacy between those lots and his residence on Atom Drive. Second, he is concerned about the development possibly worsening the flooding problem in the area, particularly near Atom Drive and Seymore Avenue. Third, he wanted the developer to confirm if there was an HOA planned for the subdivision, and if so what type. The developer replied that there would be an HOA and covenants on all homes in the subdivision, and that the HOA would be managed by the residents of the subdivision.
- Karen Moore: She expressed concern about the flooding which occurs throughout the whole area of the proposed subdivision.
- Robbie Gorton: He owns part of the easement near Springhaven Drive. The area floods and if vegetation is torn down by the developers for this new subdivision the flooding will become worse.
- Paul Davis: He also is concerned about flooding. He feels that any buffer created for the subdivision would create a complete river. He also is concerned about increased traffic flow

from the NE Connector and the extension road could congest traffic more. In relation to sidewalk construction, he wondered if the developers would finish connecting the sidewalk as the subdivision is built up since in other recent developments in the area, there is no continuous sidewalk since not all lots have been developed. He later came back in front of Council to inquire about the average lot size of the homes. The developer responded that they are interested in building between 1200-1600 square foot homes.

- The Mayor swore in Barbara Faust residing at 1221 Springhaven Circle. She resides in a log home on a property that is wooded in the back but has a front yard which floods frequently. She is concerned that the new subdivision will increase the flooding problem and decrease wooded land which is home to many types of wildlife.
- Wayne Davis: He has resided in the neighborhood for 29 years and is concerned that the type of subdivision development proposed by the developer for Badin Ridge will increase undesirable elements and crime due to the small house sizes being considered.
- Robert Patterson – real estate expert: In the area recent real estate analysis shows that the median home size is 1850 square feet and sells for between \$200,000-\$250,000. In the neighborhood the recent average sales price was \$167,500. A similar house proposed in Badin Ridge with a size of 1400 square feet would sell for approximately \$210,000. That type of sales price would help the valuation of homes throughout the entire neighborhood. He has worked with the Planning Department for the last 6 months on the development and saw the original plan with the first 5 houses facing Atom Drive, but also noted that the Planning and Zoning Board modified the plan to recommend homes face inward with more green space. The Mayor and Mayor Pro Tem Hall then inquired about the concern of homeowners on Atom Drive and how the arrangement of home fronts for the first 5 homes could address the concern. Ms. Sheild responded by stating that the Planning and Zoning Board was flexible with the orientation of the first 5 homes in relation to Atom Drive and accepted the conditions “as is.” However Council can choose to change the orientation of the first 5 homes to facing Badin Ridge and adding a buffer to the rear of the lots facing Atom Drive.
- Stephen Chambers – engineering expert: Addressing the plat design and residents’ concerns about flooding, Mr. Chambers stated that although there are no phase 2 stormwater requirements for this proposed development, the plat provides for control of water runoff with a balance of pre- and post-construction water runoff configured in the features of the plat. The Mayor asked if the firm was formally engaged by the developer yet. Mr. Chambers replied not yet but if needed will enter into contract with the developer. Councilmember Lowder asked if the engineers have observed the level of flooding in the area as testified to by residents. Mr. Chambers replied that yes they have seen it in the area already. The Mayor asked that in comparison between a standard subdivision design and the cluster subdivision design, which design would offer better flood or water runoff control. Mr. Chambers replied that a cluster subdivision design is better for flood control due to natural drainage features engineered into the plat design. However runoff to the pond that is proposed would not naturally drain there but would need to design in infrastructure to help that process. Mayor Pro Tem Hall asked if there was a creek there. Mr. Chambers replied there is not a named creek there but there are state regulated streams. Councilmember Dry asked if there was water runoff coming from Springhaven into 3 different areas affected by the proposed subdivision. Mr. Chambers replied that there would be.

Other questions asked by Council at this phase of the hearing were:

- Is Planning aware of any complaints from residents about flooding there? Public Works would be the department privy to this feedback but by the Planning Director's own observation there is water that tends to collect in open spaces in that area.
- What would be the distance between Atom Drive and the proposed Badin Ridge Drive? Per the plat it would be between 150-160 feet.

The Mayor asked if the developer would like to present a rebuttal to any testimony provided thus far. The developer declined the opportunity to make remarks at this point in the hearing.

Ms. Karen Moore asked to make an additional comment. The Mayor allowed it. She commented that the road design currently makes two-way traffic tight. Is there a plan to widen surrounding roads to the subdivision? The Mayor replied no there is no current plan to do so.

The developer asked to speak at this point and the Mayor granted the request. They are willing to change the orientation of the first 5 houses facing inward with a buffer added on the back of the lots facing Atom Drive. Mr. Alford then questioned the developer by asking if the buffer really will be a buffer given the lot size. He also asked the developer if the first 5 homes would be part of the HOA. The developer replied that yes those homes would be included in the HOA.

Mayor Pro Tem Hall asked about the history of the buffer strip idea being considered for the subdivision for lots 17-22. Ms. Sheild replied that in the original preliminary plat there was no buffer planned, but the Planning and Zoning Board requested that it be added. Ms. Sheild further commented that Council could consider whether the subdivision should install a Type 2 buffer yard for houses 1-5. Currently per ordinance, lots facing inward would require a 30 foot setback in the rear for an R-10 designation if the lots front both streets. Council could also consider extending the strip of open space down through the first 5 lots near Atom Drive. Planning and Development Service Director Kevin Robinson added his recommendation for common open space, consistent in width requirements for a Type 2 buffer to be extended to the rear of lots 1-5 property lines in order to keep a permanent vegetated buffer from Atom Drive. Mr. Robinson explained that this recommendation would be better because property owners could fully develop their lots and not have to worry about the vegetation on their property.

Mayor Pro Tem Hall asked to clarify if there would be 2 entrances and exits to the subdivision with a proposed stub out? Planning confirmed that was accurate.

Councilmember Lowder asked if there could be a compromise between developers and residents on the flooding issue. Planning replied that the state and civil engineers would need to conform to state requirements for stormwater regulations and permitting and that will be reflected in the civil set.

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.

Councilmember Aldridge asked if a DOT traffic analysis was done for the area, especially for Moss Springs Road. Planning replied that total lot count and trips per day did not necessitate a traffic impact analysis per both the City and NCDOT thresholds. The Mayor noted that a condition can be placed to require that all applicable requirements must be met for streets throughout the subdivision, particularly the intersection of Sandy Lane and Atom Drive.

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

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

Council agreed that the Planning and Zoning Board conditions amended as follows would need to be met:

1. That the plat reflect the sidewalk on Sandy Lane be extended to the proposed new property line;
2. That lots 17-22 have the standard R10 rear yard setback of 30 feet to provide buffer for adjacent existing residences unless a strip of open space is implemented in the reduced rear yard setback for a cluster development; and
3. That lots 1-5 would face Badin Ridge Road with a buffer added.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, 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.

Mayor Pro Tem Hall voiced her concern about house size. Square footage range of 1200 to 1600 for houses in the subdivision is a big difference. She asked for testimony from Mr. Patterson as to what these homes could sell for. Mr. Patterson replied that the average size of a house in this subdivision would be 1300-1400 square feet.

The Mayor asked if the developer would like to respond. The developer stated that the lawyer defined house size would be around 1200 square feet as defined as the minimum house size standard. However, they do not plan on building any houses that size in this subdivision.

The Mayor inquired if it was possible for Council to place a requirement for house size as a condition. Planning and Development Services Director Kevin Robinson replied that the City cannot place a condition on house size.

Councilmember Townsend asked what the average lot size would be. It would be 9200 square feet.

Mr. Wayne Davis requested permission to speak and the Mayor granted it. He asked what the target population is for this type of subdivision, given that the City does not have the type of workforce or industry presence here for folks to afford these homes. The developer responded that there is a housing shortage in Albemarle, particularly for ranch-style 1 story homes so that people can age in place.

Upon a motion by Councilmember Hughes, seconded by Councilmember Whitley, 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.

Council requested clarification on the orientation of the first 5 houses and the buffer condition as recommended by the Planning and Zoning Board. Would it be possible to extend open green space through the rear of those properties and still meet code requirements? Ms. Sheild responded that based on ordinance that open green space could be extended through the rear of lots 1-5 and still meet buffer and rear yard setback requirements.

Upon a motion by Councilmember Hughes, seconded by Councilmember Lowder, unanimously carried, Council approved the finding for this standard, adding the amended condition that lots 1-5 be oriented towards Badin Ridge Road with open green space extended through the Atom Drive side of the lots.

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

Mayor Pro Tem Hall brought forth the issue of flooding raised by residents who testified. Ms. Karen Moore asked to make a final statement and it was granted. She said that she has lived in the neighborhood since 1976 and that a previous homeowner had cut down many trees around that time, and after that a lot more water came around the neighborhood.

Councilmember Dry asked when Council could add in flood abatement conditions in the process. The Mayor replied that could be done when Council makes a motion to approve the conditional use permit overall. When would an erosion control plan be submitted? That would be submitted during the civil set.

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

Upon a motion by Councilmember Lowder, seconded by Councilmember Hughes, unanimously carried, Council approved CUP 20-02 for Badin Ridge Cluster Subdivision with the following conditions to be included in the preliminary plat:

1. The plat reflect the sidewalk on Sandy Lane be extended from the cul de sac to the proposed new property line;
2. Lots 1-5 would face Badin Ridge Road with open green space extending down through the lot side facing Atom Drive; and
3. All applicable City requirements must be met for streets throughout the subdivision, particularly the intersection of Sandy Lane and Atom Drive.

[CUP 20-02 – Badin Ridge Cluster Subdivision]

After the motion Mayor Pro Tem Hall asked for clarification of the number lots as proposed for the subdivision and timing of development of these lots. Ms. Sheild confirmed between the time of the initial application and the hearing in front of the Planning and Zoning Board, the number of lots proposed increased from 48 to the current 52 proposed lots, and that the lots were approved to be built all in one phase.

Major Subdivision Request 20-03 – Badin Ridge Subdivision

Council conducted a hearing for MJSR20-03: A Request by Badin Ridge, LLC for a 52-lot Cluster subdivision on Tax Record 3040.

The Mayor opened the public hearing. Senior Planner Ellie Sheild summarized this request and presented staff and Planning and Zoning Board findings.

The developer asked if sidewalks on the Atom Drive side of the subdivision are still required. Planning and Development Services Director Kevin Robinson replied that they are still required

Councilmember Whitley asked when the second access street was required. That requirement is activated after 15 lots are developed.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council approved Major Subdivision 20-03 for Badin Ridge Subdivision with all of the conditions stated above in the motion for the overall conditional use permit approval be included in the preliminary plat.

AGENDA ADJUSTMENT

The Mayor called for a motion to add an update of the Albemarle Business Center permitting process with Stephen Chambers of Chambers Engineering and a continuation of the Albemarle Business Center discussion from the special meeting earlier on today.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the agenda adjustment.

Mr. Stephen Chambers of Chambers Engineering – To Provide Albemarle Business Center Permitting Update

Mr. Chambers reported that the state and Army Corps of Engineers came to Chambers Engineering with the unprecedented request to provide additional information and resubmit the wetlands permit application. Both entities are now on board with the revised application and are only requesting minor requirements changes for the mitigation plan.

There are 3 avenues for mitigation plans: on site mitigation which the City cannot do; mitigation of the watershed which the City cannot do; and pay into the state's watershed preservation fund, which would cost \$268,000. To manage the third option, the following process would occur: Chambers Engineering would obtain a letter from the wetlands preservation fund bank in Raleigh when the fee is paid and present it to the Army Corps of Engineers. The Corps of Engineers would remit proof of payment and a letter is sent to the City allowing the process to move forward. In the future, City projects would conform to state stormwater control plans.

The Mayor asked based on the process Mr. Chambers just outlined, how long would it take for the City to go to bid for various contracts associated with further development of the ABC site. Mr. Chambers replied that it would take a few weeks. The Mayor asked about the timing to procure the right of way permit. Mr. Chambers replied that the process is already underway to design the plat map. The City Attorney agreed that it was ok to go ahead with requesting the easements for right of way.

Mayor Pro Tem Hall asked how much more time and money would it take to finish the permitting. Mr. Chambers replied that the process was just down to sending a letter to the state, paying the fee, and getting the letter back from the state.

City Manager Michael J. Ferris asked if for future City properties to be developed, there was a "swap out" option available where the City can place in a wetlands bank other City properties that meet the wetlands preservation criteria in lieu of payment of the fee. Mr. Chambers replied that he is not familiar with such an option but he can inquire with the state and Army Corps of Engineers. Mr. Chambers noted that the Army Corps of Engineers would not give credit for stream restoration.

The Mayor asked in general what types of services Chambers Engineering could do regarding City property development. The firm can design plans for the permitting phase, conduct inspections, and perform materials testing. They can manage the development process but cannot act as a project manager.

Can the City go to bid for contracts before March? Per Mr. Chambers the city would be able to do that.

Council thanked Mr. Chambers for his update.

ADMINISTRATIVE REPORTS

Incremental Residential Development Ordinance Amendments

Planning and Development Services Director Kevin Robinson went over a presentation with Council which outlined the concepts behind multiple zoning and subdivision ordinance changes related to residential development. The presentation was made available prior to the meeting.

Staff felt the need for these changes to improve Albemarle's housing options and support more contemporary development and greater development options. This has been expedited ahead of the City's NC General Statutes Chapter 160D amendments going into effect in 2021 so that it can be available for a couple of large developments we have been told are coming to Albemarle very soon.

A summary of changes proposed include:

- Re-organized districts, change names & descriptions
- New R-15 District
- Changed R-8A to R-6 District
- Changed R-4 District to a high density conditional zoning district
- Incremental housing changes: ADUs, townhomes, small apartments
- Incremental changes to lot size (density) and setbacks
- New lot area and dimensional requirements table
- Changes to lot widths, street frontage and lot averaging
- Reduce and clarify open space requirements
- Changes to cluster subdivision ordinance
- Proportional setback reductions for existing non-conforming lots
- Establish minimum buildable lot requirements
- Definition changes for pools and accessory structures
- Minor changes to RV placement and R-4 signage requirements
- Increase Minor subdivision designation from 3 to 5 lots

Based on the presentation, the Mayor asked Mr. Robinson his recommendation on the zoning changes. Mr. Robinson recommended that there be Council-initiated zoning change from R8A to R6. A further question was asked about whether mobile homes can be placed in any of these new zoning categories. Mr. Robinson replied that currently mobile homes are zoned R15 but are allowed in the new City rezoning plan. They would be treated as single family homes.

What is the timeline for Chapter 160D activation? Right now, due to COVID19, the state rolled back activation of Chapter 160D planning and zoning changes to July or August 2021.

Council thanked Mr. Robinson for his presentation.

Departmental Monthly Reports

The Mayor and Council received November 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 made the following comments: it appears both Police and Fire personnel counts are down again; and 95 employees have used either COVID-specific sick or childcare leave, with 14 employees maxing out their leave time.

CONSENT AGENDA

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

Consider Road Closure for Stanly County YMCA Hot Chocolate 8K

The Stanly County YMCA will host their annual Hot Chocolate 8K run/walk on Saturday, January 2, 2021 from 7:30 am - 10:00 am. They are requesting C.B. Crook Drive to be closed from 1st St to 2nd St for the safety of the runners/walkers finishing the race.

Ordinance 20-33 – To Amend the FY 20-21 Budget to Receive CARES Act

Funding

The City received CARES Act funding to help with expenditures incurred during the COVID-19 pandemic. This ordinance appropriates those funds for salaries and wages for employees either dedicated to the COVID-19 response, reassigned to respond to COVID-19, or employees who used COVID-19 leave.

A substantial amount of the City's CARES Act allocation covers expenses for items that were already budgeted, i.e., salaries and wages. Additionally, the City's sales tax revenue is currently trending above projections. This leaves the City with the potential opportunity to address budget items that were removed from the City Manager's FY20-21 recommended budget, due to the uncertainty that COVID-19 would have on the city's revenues.

A budget amendment will be placed on a future City Council agenda to allocate funds for these budget items.

[Ordinance 20-33 – To Amend the FY 20-21 budget to receive CARES Act Funding]

Information – Mayor and City Council Photos will be January 4th at 5:45 pm

The City Manager has scheduled Ms. Janie Mann to take the group and individual photos before the January 4, 2020 Council meeting.

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

- Street closures as specified above for the Stanly County YMCA Hot Chocolate 8k;
- Ordinance 20-33 to amend the FY 2020-2021 budget to receive CARES Act funding; and
- The picture session on January 4, 2021.

NEW BUSINESS

Discussion of External Board Appointments

The following are the City's representatives to external boards and committees. The City can continue with the current appointees without any action.

Centralina Regional Council:

- Martha Sue Hall - Delegate
- Chris Whitley - Alternate

Rocky River RPO TAC:

- Chris Whitley - Delegate
- Martha Sue Hall - Alternate

Rocky River RPO TCC:

- Michael Ferris - Delegate
- Ross Holshouser - Alternate

NC Municipal Power Agency #1 Board of Commissioners:

- Michael Ferris - Delegate
- Ronnie Michael - 1st Alternate
- Martha Sue Hall - 2nd Alternate

NC Municipal Power Agency #1 Power Agency:

- Michael Ferris - Delegate

Stanly County Convention & Visitors Bureau:

- Martha Hughes and Tiffany Dahle

The City Council has not recently made appointments to the ADDC Board of Directors. There is differing language from the agreement with the City and ADDC and the ADDC bylaws that needs to be reconciled. The Mayor, City Manager, and Economic Development Director do all serve on the Board as *ex-officio* members.

Mayor Pro Tem Hall commented that she requested this be included in the agenda because City Council should review appointments from time to time. She asked how the NC Power Municipal Agency #1 Power Agency delegate is chosen and why is a staff member typically given the seat rather than a Council member. The Mayor replied that typically the City Manager is appointed to the lead commissioner delegate seat because that position knows more about the business than any member on Council.

No action was taken by Council so all appointments will remain the same.

Walk of Fame Update

Clerk/Assistant to the City Manager Cindy Stone provided an update to Council regarding changes to the Walk of Fame Policy approved in 2019. Also presented to Council was a draft version of Walk of Fame Committee bylaws for them to review before the future Walk of Fame Committee formally adopts them.

Staff requested that Council approve changes to the Walk of Fame Policy and provide feedback on the Walk of Fame Committee bylaws. Staff recommended that Council think about who they would like to nominate for the Committee based on the eligibility criteria in the bylaws.

Ms. Stone highlighted a staff-proposed change of the number of Walk of Fame Committee members to be appointed from the originally Council-approved 5 members (1 appointee each for the 4 District Council members, and 1 appointee from the at-large members) to 7 Committee members so that each Council member could appoint a Committee member. Council discussed the proposed change and decided to keep the Committee to 5 members only due to the difficulty in recruiting residents to serve on City boards, commissions, and committees already.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council approved the decision to keep the Walk of Fame Committee to a 5-member body appointed as detailed above.

There was no further Council action or discussion of the topic.

Albemarle Business Center Discussion Continued

City Council in its earlier special meeting about the Albemarle Business Center did not have adequate time to discuss the various buildout options or take action. The Mayor noted that there

was support on Council in the earlier meeting to adopt the phased buildout approach or Option 1. However Council needs to take action on the permitting and mitigation plan issues raised in the special meeting and echoed by Mr. Chambers earlier in this meeting. The two motions in front of Council per the Option 1 details are:

1. Approve the partial road business park buildout design and bid for water, sewer, and road buildout, and keep electric infrastructure work as City projects with no pad ready or speculative building added; and
2. Approve the wetlands permit mitigation fee of \$268,000 to be paid by Chambers Engineering to the state.

Councilmember Dry called the motion to approve the partial road business park buildout design, bid for water, sewer, and road buildout, and keep electric infrastructure work as City projects with no pad ready or speculative building added, seconded by Councilmember Whitley.

Mayor Pro Tem Hall confirmed with Council before the vote that they were agreeing to bid out almost \$8 million in contracts, and that \$445,000 has already been spent by Chambers Engineering. There was only \$150,000 in the staff worksheets estimated for Engineering. The amount spent to date is within the adopted project budget..

The Mayor called for the vote on the motion. The motion passed with 5 Council members in favor and 2 against. Voting in favor of the motion were Councilmembers Whitley, Lowder, Dry, Townsend, and Aldridge. Voting against the motion were Mayor Pro Tem Hall and Councilmember Hughes.

The Mayor called for a motion to allow Chambers Engineering PA to pay the wetlands mitigation permit fee of \$268,000 to the state. Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, and unanimously approved, Council approved the motion.

COMMENTS

Councilmember Aldridge:

- He wished everyone a Merry Christmas and to stay safe.

Councilmember Hughes:

- She wished everyone a Merry Christmas and to stay safe.

Councilmember Whitley:

- He wished everyone a Merry Christmas and to stay safe.

Mayor Pro Tem Hall:

- Per a recent SNAP article outlining the Governor’s wish for local municipalities to enforce new COVID restrictions his taskforce outlined in Executive Order 181, she inquired whether the City has received any correspondence from the Governor on this topic. The Mayor replied that he has not seen a letter yet from the Governor.
- She thanked the downtown businesses who participated in the “Christmas on First Street and Beyond” event on Thursday nights this month.
- She asked if City staff could confirm whether there are new hires in the Planning and Development Services Department. A new full-time Code Enforcement Officer Tony Evans has started, with support from James Luster via phone. Ashlie Jones has also joined the department as the new Planning Specialist. Both Tony and Ashlie started about 3-weeks ago.

Councilmember Dry:

- He wished everyone a Merry Christmas.

CLOSED SESSION

Upon a motion by Councilmember Whitley, seconded by Councilmember Hall and unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(1) to prevent disclosure of information that is privileged or confidential, N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, and N.C.G.S. 143-318.11(a)(5) Real Estate.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall and 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)(1) to prevent disclosure of information that is privileged or confidential, N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, and N.C.G.S. 143-318.11(a)(5) Real Estate.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley and unanimously carried, Council approved a new deferment payment agreement with Carolina Treetop Challenge.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, Council approved a donation of the building at 115/117 West South Street from Pinnacle Bank.

Upon a motion by Councilmember Hughes, seconded by Councilmember Lowder and unanimously carried, Council approved up to \$50,000 payment for the parking lot associated with the building at 115/117 West South Street should it be offered by Pinnacle Bank.

Upon a motion by Councilmember Lowder, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Monday, January 4, 2021 at 6:30 p.m. in City Council Chambers.