

REGULAR MEETING CITY COUNCIL

December 7, 2020

The City Council of the City of Albemarle met in a regular session on Monday, December 7, 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.

Mayor Michael called the meeting to order.

Albemarle Police Chaplain Reverend Darryl Medley gave the invocation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes from the November 9th adjourned, November 10th adjourned, and November 16th regular and closed meeting minutes were approved as submitted.

COMMENTS – OUTGOING COUNCIL

The Mayor asked if Councilmember Bramlett would like to make any comments about his tenure on City Council.

Councilmember Bramlett came in front of Council and gave the following remarks. He has enjoyed working with everyone on Council and thought they worked well together. He noted many staff members in turn:

- Public Works Director Ross Holshouser for Public Works’s efforts to fill potholes and perform street maintenance;
- Public Utilities Director Judy Redwine for creating an effective and efficient team and services;
- Police and Fire Chiefs David Dulin and Pierre Brewton for making him and citizens feel safer;
- Planning and Development Services Director Kevin Robinson by noting that enforcing the Code of Ordinances is a tough job but how the job is done is what is important. He recommended that Planning emphasize service.

He advised Council that they should be proactive not reactive, and to consider greater Albemarle, not just those in the City limits. The new Council should consider the following as priorities:

- Finish the gigabyte Internet service project in Albemarle;
- Work on downtown development and target empty and/or underutilized buildings;

- Focus on other higher education projects in addition to Pfeiffer, such as the creation of a culinary arts program as Stanly Community College, which would be well located in downtown Albemarle;
- Consider that location of industries here means that there should be a population that is educated to meet that need for workers;
- Help make further expansion by Pfeiffer University possible (i.e., parking) in order to turn Albemarle's campus into an academic community; and
- Revisit the naming of portion of US Highway 52 after Pfeiffer.

Councilmember Bramlett left the meeting.

AGENDA ADJUSTMENTS

The Mayor requested that the following items be added to the agenda under New Business:

1. Lease Agreement Extension with Southland Timber Company, Inc. for farming a portion of the ABC property;
2. Traffic roundabout at the Five Points intersection; and
3. Add in Closed Session categories N.C.G.S. 143-318.11(a)(3) Consultation with City Attorney, and N.C.G.S. 143-318.11(a)(5) Real Estate to N.C.G.S. 143-318.11(a)(1).

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

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

ORGANIZATIONAL MEETING

Swearing In of Newly Elected and Re-elected Officials

The Honorable Kevin Bridges, Superior Court Judge, came forward to swear in Mayor Michael and Councilmembers Martha Sue Hall, Bill Aldridge, Dexter Townsend, and Benton Dry.

[Oaths of Office – Mayor Michael, Councilmember Hall, Councilmember Aldridge, Councilmember Townsend, and Councilmember Dry]

The Mayor then asked if any of the incoming Councilmembers would like to make any remarks. He began by thanking his family and wife for continuing to allow him to serve. He thanked the citizens of Albemarle. He noted that City staff makes Council’s job easier, and concluded by stating that it is a pleasure to work with his colleagues on City Council.

Councilmember Hall thanked City staff and citizens of Albemarle with entrusting her to a position on City Council again and stated that is a vote of confidence in her. She looks forward to the next 4 years on Council. She recalled former Councilmember Bramlett’s remarks by stating that Council should remember to be proactive.

Councilmember Townsend stated that he shared the sentiments of the Mayor and Councilmember Hall. He offered a special thanks to his wife and daughter. He thanked the citizens of District 1 and noted that he doesn’t take his reelection for granted. He thanked former Councilmember Bramlett for his service, especially as a champion of downtown and an ambassador for the City of Albemarle. He concluded by welcoming back Councilmember Dry to Council noting that he shares the same work ethic.

Councilmember Aldridge thanked his wife Martha for her love and support. He noted that being on City Council is not a few-hours-a-month position and is a unique opportunity to serve the City of Albemarle. He believes that the next 3 years will be a defining time in the City, and he is excited to serve the citizens of District 3 again. He welcomed Councilmember Dry back to City Council. In reference to former Councilmember Bramlett, he stated that he knows that there is no doubt about Dr. Bramlett’s love for the City of Albemarle, and encouraged him to stay involved in City affairs.

Councilmember Dry stated that it is an honor and privilege to serve the citizens of Albemarle again on City Council. He has wanted to stay involved with the City, and thanked the City for placing him on the Historic Resources Commission. He said that the City is blessed to have City staff who cares about the community. In reference to former Councilmember Bramlett, he concurs with Dr. Bramlett’s position he has taken on Council and supported what he brought to Council. He thanked the citizens for their support, and concluded by thanking his colleagues on Council stating that they are the best group of people to work with.

The meeting reconvened with the newly sworn City Council. Mayor Ronnie Michael presided, and the following members were present, to-wit: Councilmembers Bill Aldridge, Martha Sue Hall, Martha E. Hughes, Shirley D. Lowder, Dexter Townsend, Chris Whitley, and Benton Dry.

The Mayor called the meeting to order.

Election of Mayor Pro Tempore

Councilmember Townsend moved to dispense with the written ballot as the method to select the Mayor Pro Tempore. Councilmember Aldridge seconded the motion. Upon a vote, the motion was unanimously carried.

Councilmember Townsend moved to reappoint Martha Sue Hall as Mayor Pro Tem. The motion was seconded by Councilmember Whitley. Upon a vote, the motion was unanimously carried.

Appointment of City Manager

Upon a motion by Councilmember Townsend, seconded by Councilmember Lowder, unanimously carried, Council reappointed Michael J. Ferris as City Manager.

Appointment of City Attorney

Upon a motion by Councilmember Hughes, seconded by Councilmember Townsend, unanimously carried, Council reappointed Britt A. Burch as City Attorney.

Appointment of Other City Officials

The City Manager stated it is his intention to make the following appointments:

- Finance Director – Colleen Conroy
- Assistant Finance Director – Jacob Weavil
- City Clerk – Cindy Stone
- Tax Collector - Richard Lanzillotti
- Deputy City Clerk – Nyki Hardy and Michael J. Ferris

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council voted to leave the appointment of the Finance Director, Assistant Finance Director, City Clerk, Tax Collector, and Deputy City Clerk to the City Manager, and to reappoint City Manager Michael J. Ferris as a Deputy City Clerk.

The Mayor called a short recess.

The Mayor called the meeting to order.

UNANNOUNCED DELEGATION

Ms. Christina Amos residing at 317645 Celeste Drive in Albemarle came in front of Council regarding the item of considering a resolution to set a public hearing for the petition for the assessed installation of curb and gutter on Heritage Court.

Ms. Amos pointed out a few items that she questioned in terms of the public information in the agenda packet relating to this petition/public hearing request. She requested that Council consider removing this item from the consent agenda for the following reasons:

- In the resolution, although the per linear foot assessment cost for curb and gutter installation was set as \$23.21/foot of property, the resolution did not specify that there might be additional costs per property which could be assessed later on. She then pointed out that the resolution specifies that all affected property owners must pay 100% of the assessed cost of the curb & gutter installation but does not provide any specific amount. She does not want to pay any additional cost than the \$23.21/foot.
- In section 3 of the resolution, Ms. Amos said she was not able to locate the local bill allowing Albemarle to offer the fixed assessment rate.

The Mayor stated that the intent of the resolution was to set the public hearing for the petition on January 4, 2021, and that an amended version of the resolution would be considered at that meeting.

ADMINISTRATIVE REPORTS

Economic Development Director Keith Tunnell – To Provide an Update on the Activities of Retail Strategies

Mr. Tunnell came in front of Council to report recent efforts of Retail Strategies to develop business prospects for the City. He distributed a hard copy of his presentation to Council.

Retail Strategies was hired in 2014 to provide retail market analysis and data, as well as retail recruitment plans for the City of Albemarle. Since the City's initial engagement with Retail Strategies, the firm has provided various reports, such as leakage reports, available buildings and properties, building owner/landlord lists, and real estate market analyses, among others. Retail Strategies has relationships with, and markets to over 10,000 unique retailers. Up to the present, Retail Strategies has assisted the Economic Development Director with updated data and demographic reports for the downtown/Main Street area.

Key successes thus far include:

- Recruiting 11 national retail businesses to Albemarle;
- Four potential national/regional businesses are currently in the pipeline that could announce an Albemarle location soon;
- Over 200 jobs have been created;

- Sales tax revenues have increased by more than 43% from 2014-2019;
- Successful recruitment of new retail businesses has also increased revenues for the City's electric, water, and sewer operations; and
- Retail businesses along the corridor support the local community.

Mr. Tunnell noted that deliverables provided by Retail Strategies include: annually updated data analysis reports with the most current retail data available; the annual Albemarle Recruitment Plan; leakage reports which show where the City may be losing potential new businesses and revenue to other communities; market data which is reviewed with City staff to build a retail marketing strategy; and assisting and providing detailed market data for the Main Street/downtown area.

Finally, Mr. Tunnel summarized a series of active Retail Strategies projects in the City of Albemarle as of November 26, 2020. He took questions from Council and addressed them as follows:

- What has Retail Strategies done this year? In addition to work with various retailers for potential development in Albemarle, they have updated the leakage report. Mr. Tunnell passed around the report to Council and stated that he could update them more specifically on other aspects of the latest full report in closed session if Council wished.

Council thanked Mr. Tunnell for his presentation.

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.

CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that the resolution to set a public hearing to consider a petition for the assessed installation of curb and gutter on Heritage Court be taken off the consent agenda.

Street Closure Request – First Presbyterian Church Requests the Closing of North Street for a Church Service

First Presbyterian Church would like to hold its Christmas Eve worship on the front steps of the Church. Closing the North Street between 1st and 2nd Streets will allow the Church to keep

people socially distanced. A special event permit application was submitted to Council prior to the meeting.

2009 Property Tax Write Off

Per NC General Statutes, uncollected property taxes must be written off after 10 years from the date the taxes were due. The debt write off is higher than normal due to the inability to collect property taxes from a business that went bankrupt. In this case, the County can assess fees up to 60% of the tax value to be paid, in addition to the tax. A large portion of the 2009 tax write off amount is related to this one property.

Ordinance 20-32 – Budget Amendments

This Ordinance amends the 2020-2021 operating budget in both Public Utilities and Public Works for two previously approved issues.

- Public Utilities increase is for the City's portion of concrete repairs around the basins at the 52 Water Treatment Plant.
- Public Works billed Dahle Holdings, Gene Starnes, and Martin Yokley LLC for cost of material for alleyway behind property per agreement with the City.

[Ordinance 20-32 – Budget Amendments]

Ordinance 20-31 – To Appropriate Additional Capital Fund Program Revenues in the Department of Public Housing

The City has received an additional \$3,025 in HUD Capital Funds for the 2020 Grant. This amendment increases funding and appropriation.

[Ordinance 20-31 – To Appropriate Additional Capital Fund Program Revenues in the Department of Public Housing]

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

- Request by First Presbyterian Church to close North Street between 1st and 2nd Streets on Christmas Eve for evening worship services outdoors;
- 2009 property tax write off totaling \$89,263.12;
- Ordinance 20-32 amending the 2020-2021 operating budget for Public Utilities for the City's portion of concrete repairs around the basins at the 52 Water Treatment Plant, and for Public Works' billing of Dahle Holdings, Gene Starnes, and Martin Yokley LLC for cost of material for alleyway behind property per agreement with the City; and

- Ordinance 20-31 amending the 2020-2021 budget to increase funding and appropriation for an additional \$3,025 in HUD Capital Funds for the 2020 Grant.

Consider a Resolution to Set a Public Hearing to Consider a Petition for the Assessed Installation of Curb and Gutter on Heritage Court

A copy of the petition received and property owner map was provided to Council prior to the meeting. The hearing can be set for January 4, 2021 with the adoption of the following resolution. Once the hearing date is established, all affected property owners will receive a notice of the hearing via certified mail.

Mayor Pro Tem Hall noted that she pulled it from the consent agenda based on the comments made by Ms. Amos earlier, and wanted to get clarification on the cost differential issue that Ms. Amos raised. City Attorney Britt Burch replied that in the referenced section 3 of the resolution, the method of fee assessment was taken from the City's Code of Ordinances, which does mention the assessment per linear foot. If City Council approves the project with the adoption of a Resolution, the Resolution will include the amount per linear foot assessment rate.

Councilmember Aldridge asked Ms. Burch to respond to Ms. Amos's assertion that the cited General Statute was not available for public search/view. Ms. Burch replied that it was available on the State's General Statute webpage.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved Resolution 20-15 to set a public hearing for January 4, 2021 to consider a petition for the assessed installation of curb and gutter on Heritage Court.

[Resolution 20-15 – Consider Public Hearing to Consider a Petition for the assessed Installation of curb and Gutter on Heritage Court]

NEW BUSINESS

Consider Approval of Morgan Road "Eudy" Subdivision MJSR 20-05

Planning and Development Services Director Kevin Robinson came in front of Council to present the subdivision request. The Morgan Road Eudy Subdivision is a 2.053 acre, 5 lot major subdivision which separates 5 buildable lots from 1 parent tract on Morgan Rd, tax#7702. The proposed lots front an existing state road with existing City utilities. Staff finds the subdivision to meet all requirements of the subdivision ordinance. The Planning and Zoning Board considered and approved this request at their December 4th meeting.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, Council approved the Morgan Road "Eudy" Subdivision request MJSR 20-05.

Consider Payment of Property Damage Claim

Ms. Crystal Morris Archer had her car damaged by a City electric transformer that failed, with parts of the transformer hitting her car. The City's insurance carrier reviewed and denied the claim based on the rationale that there was no prior knowledge or warning of the impending failure. Ms. Morris requesting that the City cover some portion of her expenses. Mayor Pro Tem Hall passed around a packet of documents related to this claim to Council and recommended that Council consider paying the deductible amount shown in the packet.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved payment of Ms. Archer's deductible in the amount of \$250.00 as specified on the insurance property damage claim paperwork.

Electric Vehicle Funding Program

The City Manager reported that the State NCDEQ has announced the opening of the Phase 2, Level 2 Electric Vehicle Charging Program. Funds are available, with the highest level of funding (\$5,000) for charging stations located on property owned by the City. The recommended location is in the City Hall parking lot closest to Second Street, generally across from the drive-thru. The rationale for this location is that while a car is charging, we want people walking through the downtown spending their time and money here. These parking spaces are also the least utilized by City staff, so we would not be taking prime parking locations. Finally, this location has power already in place as well as internet service, which is a requirement of this program.

Jonathan Misenheimer in Public Utilities will be our lead person. He has registered for the webinar regarding the program and has already made contact with ElectriCities and another municipality to prepare for the program. A few decisions we will need from the Mayor and Council are:

- Will we be providing free electricity or will a payment be required?
- How many do we want? Any charging station funded is required to be able to charge 2 vehicles at the same time.
- If we want to apply for a second location, a spot to consider is the City's lot at the corner of First and Main.

This a reimbursement program. If approved, the City will need to make the purchase and install according to program guidelines. After the City submits receipts and other proof of compliance, we will be reimbursed for our cost up to the amount approved in the grant.

Council considered the questions above posed by staff. Council was in favor of having residents pay for the charging service, but debated possible locations and the potential need vs. demand. The Mayor asked Council to call for a motion to specify how many stations the city should request on the grant application.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, unanimously carried, Council approved two charging stations to be requested for the Phase 2, Level 2 Electric Vehicle Charging Program grant application with locations to be determined.

COMMENTS

Councilmember Hall:

- She reminded Council to check their mail slots for the United Way Campaign donation sheet and to send them back to campaign representatives.
- She asked about the lights on at the old Police Department Headquarters building. Police Chief Dulin replied that lights are on for clean out purposes but would check to see if they are on at night.
- Re: Charters of Freedom – she thanked all who came out for the groundbreaking, as well as Public Works Director Ross Holshouser and staff for site prep, and Parks and Recreation Director Lisa Kiser and her staff for groundbreaking event planning and set up. She is working with HR Director Dana Chaney for the January 19th orientation of new City staff committees to be able to show employees the site. Now the Charters of Freedom committee is working on the dedication day ceremony when the site will be about 75% complete. It is not clear when that date will be. She asked the public and Council to see if there is a day in spring 2021 that might be meaningful to bring that information forward.
- She asked Parks and Recreation Director Lisa Kiser to come forward and provide Council with an update from the last Special Events Committee meeting on current Christmas activities. Ms. Kiser stated that this week Tiffany's at the Boardroom solicited residents who have light displays to see if they would be willing to have them on so other people could drive by and see them. Addresses of those homes willing to participate will be posted on Facebook. United Way of Stanly County and downtown businesses are partnering to decorate store window fronts, with an opportunity to vote to be purchased for \$1 with proceeds going to charity.
- Will there be a City employee Christmas event? Per the City Manager, no not this year. However there was Staff Appreciation night back in early October at one of the Food Truck Friday events.

Councilmember Lowder:

- She welcomed Councilmember Dry back to Council and stated she is proud to serve with him.
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Renewal of the Lease Agreement Extension with Southland Timber for Farming Portion of the ABC Property

City Council was asked to renew the lease agreement with Southland Timber Company, Inc., which expired on November 30, 2020. The current agreement Council should consider is for 150 acres of the ABC lot to farm at a cost of \$9,000 for one year. The company understands that if Council approves the agreement extension they could lose crop yield and the land for farming if development on the ABC property commences within the timeframe of the agreement.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, Council approved the lease agreement extension with Southland timber for farming a portion of the ABC property with a vote of 6 for the motion and 1 against. Councilmembers voting for the motion included Aldridge, Townsend, Lowder, Dry, Whitley, and Hughes. Mayor Pro Tem Hall voted against the motion.

Traffic Roundabout at the Five Points intersection

The Mayor updated Council on recent communications he and Rocky River RPO has had with NCDOT about the Five Points intersection and efforts to install a safety feature there. NCDOT told the Mayor that they were considering metal traffic signal poles and pedestrian sidewalks for that intersection. Today NCDOT communicated their interest in revisiting a traffic roundabout for that intersection. That was an idea that the City and NCDOT discussed about 15 years ago. It is not clear right now whether a small roundabout can be created for a 5-way intersection.

Council then viewed a YouTube video demonstrating how different vehicles could maneuver a small roundabout.

Mr. Lee Snuggs, representing Rocky River RPO, came in front of Council to discuss the roundabout idea and field questions from Council.

The Mayor asked Council's interest in agreeing to pursue the roundabout idea further with NCDOT. There was discussion about whether NCDOT could provide more information about whether the roundabout was the appropriate solution for that intersection and how it would work. Council requested that NCDOT provide more information, including a drawing, of the roundabout idea for further consideration.

City Manager Michael J. Ferris announced that a community survey is now "live" for completion by City staff, residents, businesses, and those who interact with the City. There was a news release sent out, and a media campaign has been planned for the next few weeks to encourage survey participation and completion. There will be extra attention paid to provide outreach to parts of Albemarle which normally do not participate. Mailings are going out also.

CLOSED SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, 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, N.C.G.S. 143-318.11(a)(4) Economic Development, 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 Lowder, 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, N.C.G.S. 143-318.11(a)(4) Economic Development, and N.C.G.S. 143-318.11(a)(5) Real Estate.

The Mayor called for a motion to accept the settlement agreement secured with professional judgment for the property at 503 Old Charlotte Road, the owner of which is Sidney Misenheimer.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved the motion.

Upon a motion by Councilmember Lowder, seconded by Councilmember Aldridge, unanimously carried, the meeting was adjourned to Thursday, December 10th at 6:00 p.m. in Council Chambers in City Hall for a meeting about the Albemarle Business Center.