

REGULAR MEETING CITY COUNCIL

June 7, 2021

The City Council of the City of Albemarle met in a regular session on Monday, June 7, 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, Chris Whitley, Benton Dry, Dexter Townsend, and Shirley D. Lowder.

Mayor Michael called the meeting to order.

The Mayor gave the invocation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, the minutes of the May 17, 2021 regular meeting and May 18, 2021 special meeting as submitted were approved.

PUBLIC HEARINGS

Consider a Performance Incentive Agreement for Project Foam

This hearing was held to consider a performance incentive agreement for Project Foam with the intent to finalize a deal to create and operate a brewery in downtown Albemarle.

Economic Development Director Keith Tunnell came in front of Council to provide a brief overview of the performance incentive agreement. He first introduced the business owner of the brewery, Colton Baker, and the financiers of the deal, Bert and Tammy Baker, who were in attendance.

The company agrees to invest \$1.1 million over 10 years and create 16 full-time positions in the renovation and retrofitting of old Fire Station 3 on North Third Street for the purpose of operating a brewery. In exchange the City agrees to transfer over the property deed to the company, with the company paying \$25,000 to purchase an adjoining parking lot. The City commits to pay to the Company incentive grants calculated as one hundred percent (100%) of the property taxes paid by the Company to the City, which are attributable to increased property tax valuations on the Site, above the level of assessed valuations of the Site as of the date of the execution of this Agreement; and attributable to property taxes paid by the Company to the City on personal business property pursuant to the City of Albemarle Downtown Area Revitalization Program. This incentive agreement incorporates the Albemarle Downtown Area Revitalization Program as an incentive for Project Foam.

This deal is projected to create a taxable property which will be added to the tax roll and generate revenue of \$575,000 in year 1 to \$1.6 million by year 5.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, with a vote of six Council members for and 1 against, the public hearing was closed. Councilmember Lowder voted against the motion.

The Mayor asked if Council had any questions or comments. Councilmember Lowder asked about mold in the building. Mr. Tunnell replied that yes there is mold on the second floor but part of the deal with the Baker family is that the family would address mold removal as part of the building renovation/retrofitting process. Councilmember Dry addressed his comment to the Baker family. He thanked them for looking at the property and investing in it and the City of Albemarle, which he considers a diamond in the rough. Councilmember Whitley commented that per revisions in the agreement the City does have protections such as the right of first refusal. Councilmember Townsend requested that Mr. Tunnell note the parking lot area that the family would purchase to inform the public about which space it was. Mr. Tunnell described the parking lot segment which the Baker family would purchase as part of this incentive deal.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, with a vote of six Council members for and 1 against, Council approved the incentive agreement for Project Foam. Councilmember Lowder voted against the motion.

Upon the Mayor's request, Colton Baker announced that the family has purchased the old Belk building to help spur the Alleyway Project and as an opportunity to develop another property downtown. As a Charlotte-based realtor, he sees an eclectic inventory here in Albemarle waiting to be developed.

Ordinance 21-18 – Renaming Rebel Road to Salvation Way

This hearing was held to consider the request for a street name change from the Elders of Cross Community Church. Notification was sent to the affected property owners with property adjoining the road under consideration. A letter from Cross Community Church in favor of the renaming, as well as multiple letters from one of the property owners with their lot partially adjoining the road in question in opposition to the renaming were delivered to Council before the meeting.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Ms. Linda Turner Olinger, residing at 49554 Woodland Drive in Norwood, representing a family with property adjoining Rebel Road, came in front of Council to speak in opposition to the renaming of the road. She noted that her brother, who was unable to attend, wrote a letter to City Council about his opposition to the street renaming. Her two sisters are also opposed, one who was also present at the meeting with the other unable to attend but who provided a letter expressing her opposition. The Mayor replied that Council has copies of all of the family's letters.

Ms. Olinger explained her family's opposition to the road renaming. Her family believes that a road name change should be by consensus of all of the property owners on the road. Their property per the deed book was purchased by their grandfather and is situated on Rebel Road. Ms. Olinger went on to state specifically the reasons why the family is not in favor of the proposed name change. The family is not opposed to a name change, but is opposed to a name change that is religious in nature. The proposed name of Salvation Way identifies the road as a private use by a religious congregation but is in fact a public road. The proposed name could also negatively impact future sale of their property. The name of the street should not be confused as a private driveway for the congregation. Typically per street naming conventions, cul de sacs are named with a descriptor that identifies it as a cul de sac, such as adding "Circle" as part of the road name. Finally Ms. Olinger noted that her family is open to the idea of meeting with representatives of Cross Community Church and any other property owners to work out a different name for the road.

Mayor Pro Tem Hall asked Ms. Olinger where exactly the Turner property was on Rebel Road. Ms. Olinger stated that access to their property is by the concrete blocks towards the end of the cul de sac before turning onto Ridge Street. Mayor Pro Tem Hall then asked whose property was across the road. The Mayor replied that Cross Community Church owns tracts of land on both sides of the road on one end of Rebel Road but the Turner family owns property on both sides of Rebel Road on the other end. The City Manager added that there is 1 property owner which has a slice of property in between the church and Turner family tracts. Councilmember Whitley asked if the 3 property owners were notified of this request. The City Manager confirmed that all impacted owners were notified ahead of this meeting.

The Mayor asked if there was anyone else who would like to speak for or against the road renaming. Dr. Rick Walker, pastor of Cross Community Church, came in front of Council to make the church's case for its request to rename the road to Salvation Way. First he noted that while his church has requested the name change, they never wanted to create any issues. Since the church's address would include the road name, there was discomfort around the use of "Rebel Road." The church is not at all opposed to another name, including one with "Circle" in it as Ms. Olinger suggested. It was noted that Cross Circle was not preferred by Stanly County EMS 911 Communications because it was close to another street name and could be confusing.

The Mayor asked if both parties would be amenable to meeting together and jointly recommending another street name. Both parties agreed to this solution.

The Mayor called for a motion to continue the public hearing and discussion about the road renaming at the July 12th meeting.

Upon a motion by Councilmember Whitley, seconded by Councilmember Lowder, unanimously carried, the City Council continued the public hearing to the July 12 meeting.

Consider Conditional Use Permit 21-01 for Stanly Community Christian Ministry
Donation Box

Council conducted a quasi-judicial evidentiary hearing to consider request for Conditional Use Permit CUP 21-01 by SCCM Clothing Closet for a donation drop box per 92.102 (C) (13) to be located at 1324 E Main Street (Tax Parcel 1628) / 1328 E Main (Tax Parcel 26764).

The Mayor asked Planning and Development Services Director Kevin Robinson what prompted this request. Mr. Robinson was not sure what triggered the request. Mr. Robinson provided a summary of the application to Council, which included the conditional use permit application criteria for donation boxes.

The Mayor announced that this was a conditional use public hearing and that people with standing would need to be sworn in before making comments in front of Council. He called for any members of the public with standing to come forward. The Mayor swore in Mr. Robinson, Ms. Heather Kilde, Executive Director of SCCM and Reverend Michael Stovall from Resurrection Community Church located across the street from the Clothing Closet, to provide testimony to Council related to this request.

Ms. Kilde provided remarks about the organization's request for a donation box. SCCM has been noticing increased theft from the front of the Clothing Closet. Items donated are sold at the Clothing Closet or given away to those in need. Up to 60% of SCCM's income comes from the Clothing Closet alone, which helps operate the soup kitchens in Albemarle and Norwood, the food pantries in Albemarle and Norwood, and part of the budget expansion for operations in the northern part of the county. The organization is requesting installation of a metal box with dimensions of 8'x8'x20' which will be secured and locked since people tend to miss the opening in the front of the Clothing Closet building. They hope that with the installation of the donation box there would be less theft. There have been 29 police calls to the building in 2021 so far. They have entered into an easement agreement with the property owner next door to place the box. She also stated that SCCM will have Rylan Furr put artwork on the donation box so that it would match the artwork on the front window of the building which says "Love your neighbor as yourself" and be more welcoming in the neighborhood.

The Mayor asked if Council had any questions. 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.

Mayor Pro Tem Hall asked how long the Clothing Closet had been in the current building. Ms. Kilde replied 26 years. And before then? It was located at Five Points, and before that it was at the church in the late 1980s-early 1990s. Mayor Pro Tem Hall then asked if SCCM or the Clothing Closet ever has had a donation box at their earlier locations in Five Points or at the church. Ms. Kilde replied that during her tenure the organization has never had a donation box, and that before that she understands that SCCM brought a motion to Council requesting that random boxes not be placed around in the county that were not local. There only is one at the Clothing Closet location in the building.

The Mayor called Pastor Stovall to come forward to provide his testimony. The church is located at 1325 East Main Street right across the street from the Clothing Closet and wanted to applaud SCCM for the great work they do in the community. He had some concerns when he found out the drop box was going to be located there. Pastor Stovall noted that there was another box that was located at a VIP service station down the street recently which became so bad that there were clothes and trash

around it that there were a few calls made to clean it up. The church is all for community support, but also has been desirous of maintaining the neighborhood a certain way aesthetically. He had gone to the drop box owner down the street over time to clean it up and maintain it.

The church is fine with the donation box placement as long as it is maintained. The Church now is finding clothes placed on their property across the street and so that is a concern. He understands from the conditional use permit request that there is a 36-hour window for donation box pick up of items and hopes that the box is maintained. The Mayor responded that the City has had a problem with for-profit businesses' donation boxes. Occasionally the City has had to notify businesses to remove the boxes or the City would remove them. The box will be on the property of the nonprofit and so they will be responsible for maintaining it.

The Mayor asked if Council members had any questions. Councilmember Aldridge asked Mr. Robinson if there have been many issues with donation boxes now. Mr. Robinson replied that Planning recently pulled 8 or 9 donation boxes in the last month or so. Councilmember Townsend asked if SCCM plans on placing any other donation boxes at any other locations in the City because he would rather see more SCCM boxes placed for donations benefitting others. Mr. Robinson replied that the way the ordinance is established, there is a requirement of a conditional use permit (CUP) is to have the business be established at the location of a proposed donation box in order to have someone maintain it. If SCCM had another property somewhere else they could place another donation box.

Mayor Pro Tem Hall asked if the \$500 CUP application fee could be waived for nonprofits. Mr. Robinson replied that the fee is an expense incurred by the City for the required advertisement costs and so Planning was not able to waive it.

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.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, unanimously carried, Council closed 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. Mr. Robinson noted that staff had provided some recommendations in their analysis to be considered during Council's consideration of the findings of fact. The Mayor advised Council to look at these remarks when considering the findings of fact/conditions for CUP 21-01.

- 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 Townsend, 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 Hughes, seconded by Councilmember Dry, 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 Hughes, 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 Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the finding for this standard.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved CUP 21-01.

[CUP Order 21-01 - Stanly Community Christian Ministry Donation Box]

Consider Conditional Use Permit 21-02 for Heritage Classical Academy

Council conducted a quasi-judicial evidentiary hearing to consider request for Conditional Use Permit CUP 21-02 by a private school, Heritage Classical Academy, per 92.094 (C) (2) to operate their school at 401 Park Ridge Road in Albemarle, which currently is North Albemarle Baptist Church.

Mr. Robinson provided a summary of the application to Council, which included the conditional use permit application requirements and Planning and Development Services staff analysis. He noted that traffic flow for the school while the school was in session at this location was considered.

The Mayor called for any members of the public with standing to come forward. The Mayor swore in Mr. Jason Phibbs, the petitioner on behalf of Heritage Classical Academy, and Mr. Robinson to provide testimony to Council related to this request. 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.

The Mayor asked if Council had any questions for Mr. Robinson. Councilmember Whitley asked if there is a limitation on the number of classes of students. Mr. Robinson replied that Council can

consider that in its discussion but that staff has not recommended any kinds of restrictions within the building. Mayor Pro Tem Hall commented that the school is not owned by the church and that the church has its own board and asked if someone from North Albemarle Baptist Church signed the CUP application. Mr. Robinson replied that Pastor Jonathan Blaylock from North Albemarle Baptist Church signed the CUP documents and assumes that he is the representative of the church for this petition.

The Mayor asked Mr. Jason Phibbs to come forward. Mr. Phibbs provided the following statements. He resides at 48050 Clodfelter Road in Albemarle. He thanked Council for the opportunity to speak on behalf of the school. He is board president, and along with his wife Amy who is here tonight, is a co-founder of Heritage Classical Academy. Heritage Classical Academy is an inspiring, K-12 private Christian school with a mission to provide an excellent, Christ-centered classical education to students in Stanly County. The school's 5 core values are: Christ-centered, classical curriculum, parental partnership, high expectations, and affordable access. With an income-adjusted tuition they make a private school education available to families from all socioeconomic backgrounds in the community. The Academy just completed its first kindergarten class in May, and will add a first grade class this coming school year. The school is blessed with an exceptional opportunity to lease space from North Albemarle Baptist Church. By doing so it will provide an affordable, high-quality facility that is centrally located near downtown Albemarle with room to grow. On behalf of the school's board, the head of school, and the school's family, they would appreciate Council's authorization of the conditional use of North Albemarle Baptist Church for their private school per 92.074 of the zoning regulations for R-10/Residential District. With support of Planning, he believes that the Academy has met all of the required standards for an affirmative decision. More importantly Council's authorization allows a positive force for good in the community for them to continue to grow.

The Mayor asked if Council had any questions. Councilmember Townsend asked that as the Academy grows, does the school plan to add one grade per year? Mr. Phibbs replied that yes they started kindergarten this year and plan to add 1st grade next year, and will continue to add a grade each year. That will allow them to control and sustain growth as they grow. The Mayor asked how high the school would go. Mr. Phibbs responded up to grade 12. The school knows that it will not be able to be at this proposed location forever, but in terms of how the future looks and how the school plans to manage that will be determined as they go. Right now North Albemarle has tons of space to use and so they are fortunate. Councilmember Whitley asked about the size of the kindergarten class that just finished. There were 13 in that class and they are all planning to come back for first grade later this year. So with that size they will have plenty of room to grow as they add grades.

The Mayor asked again if there were any members of the public with standing to come forward. No one else came forward.

Upon a motion by Councilmember Dry, seconded by Councilmember Lowder, unanimously carried, Council closed the hearing.

The Mayor advised Council to look at staff remarks when considering the findings of fact/conditions for CUP 21-02. 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 Aldridge, seconded by Councilmember Dry, 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 Hall, seconded by Councilmember Aldridge, 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 Lowder, seconded by Councilmember Dry, 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 Hughes, 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 Dry, unanimously carried, Council approved the finding for this standard.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved CUP 21-02.

[CUP Order 21-02 – Heritage Classical Academy]

Ordinance 21-22 – To Consider Annexation of 1.151 Acres off of Anderson Road

A public hearing was conducted to consider applicant Olde South Land Partners LLC petition to annex 1.151 acres off of Anderson Road (Tax Record 587, Parcel ID # 655803306303). This parcel is currently owned by the petitioner and is contiguous to property of the same ownership and the City of Albemarle City Limits.

Mayor Pro Tem Hall commented that in the annexation petition in the legal description of the property (metes and bounds) “Stanly” was misspelled.

Planning and Development Services Director Kevin Robinson presented the annexation request to Council including the preliminary plat of the annexation and surrounding area. Olde South Land Partners LLC plans to recombine this unincorporated parcel with their parcel within City Limits to divide it into 6 buildable lots for single family homes. The property in question abuts Grandview Meadow.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Petitioner David Tibbals representing Olde South Land Partners LLC came forward to make a few brief remarks. First he apologized for the misspelling in the annexation petition. He noted that with the addition of this parcel before Council, they would be able to divide the recombined parcel into 6 single family lots directly off Anderson Road which would allow for larger backyards.

The Mayor asked if there were any other members of the public who would like to speak. No one came forward to speak.

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 Hughes, unanimously carried, Council approved Ordinance 21-22 annexing 1.151 acres off of Anderson Road.

[Ordinance 21-22 - To Consider Annexation of 1.151 Acres off of Anderson Road]

Ordinance 21-23 – Consider Map Amendment ZMA21-05 of Anderson Road Property

A public hearing was conducted to consider a request by Olde South Land Partners, LLC for a map amendment to initially zone tax parcel 587 from County R-20 and rezone tax parcel 17994 from City R-10 to R-15/Conservation Residential District.

Mr. Robinson presented the ordinance and summary of the zoning changes to Council. He related that the Planning and Zoning Board at its May 6, 2021 meeting unanimously recommended that, upon annexation, City Council approve ZMA21-05 with the adopted Consistency Statement. Mayor Pro Tem Hall noted that in the zoning application the lot is listed as 1.2 acres but elsewhere is listed as 1.51 acres – why the difference? Mr. Robinson replied that sometimes there's a discrepancy between the GIS map and the actual boundaries.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward.

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 Whitley, unanimously carried, Council approved Ordinance 21-23, which includes Zoning Map Amendment 21-05, with the adopted consistency statement:

The Albemarle City Council finds the action to amend tax record 17994 (2.36 acre parcel) from R-10/General Residential District to R-15/Conservation Residential District and the initial zoning of tax record 587 (1.15 acre parcel) to R-15/Conservation Residential District to be consistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel to be reasonable and in the public interest.

[Ordinance 21-23 – Map Amendment of Anderson Road Property]

Consider Six-Lot Major Subdivision MJSR21-04 off of Anderson Road

A public hearing was conducted to consider a request by Olde South Land Partners, LLC to consider a six-lot major subdivision of 3.513 acres (Tax Parcels 587 and 17994) off of Anderson Road.

Mr. Robinson presented the ordinance and summary of the zoning changes to Council. Provided the annexation and rezoning are approved by City Council, the final plat will reflect the appropriate setbacks for the R-15 district. All lots will have direct access to Anderson Road. Sidewalks are a requirement which can be done fee-in-lieu. At its regularly scheduled May 6th meeting, Planning and Zoning Board unanimously recommended City Council approve the preliminary plat for MJSR21-04.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved MJSR21-04 for a six-lot major subdivision of 3.513 acres (Tax Parcels 587 and 17994) off of Anderson Road.

Public Hearing on Proposed FY2021-2022 City of Albemarle Budget

A public hearing was conducted to consider the proposed Fiscal Year 2021-2022 budget as required by law.

City Manager Michael J. Ferris presented a quick overview of the budget changes per the May budgeting sessions. The budget was presented at the May 3rd Council meeting, followed by two budget work sessions afterward by Council. Per recommendations made during the budget work sessions, the following changes have been made to the budget after its presentation and advertisement:

- Amending the Public Information Officer funding from contract / part-time services to a permanent, full-time position;
- In the Water and Sewer Fund, the purchase of two vehicles was added due to the fact that the funding was authorized in this current fiscal year and the vehicles were ordered, but the vehicles will not be delivered after July in FY 21-22. Council's approval of this line item in this coming fiscal year budget will not change funding levels and will eliminate the need to go through a budget amendment in the coming fiscal year;
- In the Electric Fund, the purchase of 1 vehicle was added for the same reason as the addition of the vehicles in the Water and Sewer Fund.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Lowder, with 6 votes for and 1 vote against, Council approved the Fiscal Year 2021-22 budget with the changes as noted above and as outlined in Ordinance 21-24. Mayor Pro Tem Hall voted against the motion.

[Ordinance 21-24 – Adoption of the FY 2021-22 Budget]

AGENDA ADJUSTMENT

Mayor Pro Tem Hall made a motion to postpone the Economic Development Spotlight presentation until a future meeting due to the possible length of this meeting. Councilmember Aldridge seconded the motion, which was unanimously carried.

ANNOUNCED DELEGATIONS

Tony Lamonds and Ashley Crisco – McAllister Street Abandonment

Mr. Tony Lamonds and Ms. Ashley Crisco requested to speak in front of Council about safety concerns and the potential abandonment/closing of McAllister Street.

Ms. Crisco and her husband Mr. Tony Lamonds came forward. Her family lives on 420 Morgan Road. They have 3 young children. They are looking to figure out a better way for McAllister Street. They have been working with Jay Voyles in the Planning Department on this issue. They bought their house in 2014 and noticed that the street seems to be very busy considering it is a gravel road. McAllister connects Morgan Road and Reeves Avenue. They are coming in front of Council due to safety concerns, particularly as it relates to their children. Their request to Council is to have them consider the street abandoned and for the family to own the right of way, since they own the field on the other side of the road anyway. They are aware that there are many other roads that can be taken to get to major streets, including Ingram. They understand that there is a City sewer line under their property and so if the City or state ever needs to dig to access that line they would be ok with that.

The Mayor advised Council that this is a different situation than they typically consider in that this street is an open one with a sewer line looking to be abandoned rather than abandoning a closed road. Staff has recommended keeping the street open. It is currently a publically dedicated roadway the City receives Powell bill funding for, it has a low volume of traffic, the City has current and future utility easement needs with this right of way, and closure would force traffic onto other nearby residential street.

The Mayor asked if anyone on Council had questions. Councilmember Aldridge asked Ms. Crisco if there were any other property owners McAllister Street. Ms. Crisco said there were none. He then asked about the daily traffic volume. Ms. Crisco said that since she has been working from home for the past several months she has been available to note traffic patterns/volume. She has estimated that 10-20 cars travel down the street daily.

Councilmember Dry reported that he lives in the area too. The proposed new housing development near there could create more cut through traffic, and personally he would like to see the street closed.

The Mayor stated that this is a private request so far, and asked if other affected property owners had been notified of the request. City Manager Michael J. Ferris replied that **other** property owners have not been notified. He indicated that City Attorney Burch could explain the process if Council wished to pursue closure and abandonment of McAlister Street. City Attorney Britt Burch advised Council that if they wanted to move forward on the request, they could adopt a resolution with the intent to close the street at the July meeting and set a public hearing for the August meeting date. Planning and Development Services Director Kevin Robinson added that his department would also like the developer of the nearby housing development to weigh in on this request.

The Mayor called a motion to delay further discussion or Council action on this street closure/abandonment request until staff can supply a DOT analysis. Upon a motion by Councilmember Dry, seconded by Councilmember Lowder, with a vote of 6 Council members for and 1 against, the motion passed. Mayor Pro Tem Hall voted against the motion.

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 road closure request for the Historical Society and the proclamation honoring the 50th anniversary year for Stanly Community College be taken out of the consent agenda.

Resolution Establishing Annual Street Assessment Rates

Per our Charter, City Council must establish annual street assessment rates. The rates must be based on actual cost. Street Assessment Resolution FY 2021-2022 is attached for approval. The adopted FY 20-21 Assessment rates are included for comparison.

[Resolution 21-12 - Establishing FY 2021-22 Street Assessment Fees]

Resolution Adopting Electric Rates for FY21-22

Council to consider a resolution adopting rates for electric services for FY 21-22. The City Manager's Recommended Budget is constructed around a one percent (1%) rate reduction for electric services in FY 21-22. The proposed schedule (attached) contains the revisions for all rates with the exception of Traffic Signal, Floodlighting, and Outdoor Lighting Services.

Also contained is a new schedule establishing rates for Electric Vehicle Charging Service. The rate charged will be our residential rate and it is shown to become effective June 1, 2021 so we can begin utilizing the Electric Vehicle Charging Stations.

[Resolution 21-13 – Adopting Electric Rates for FT 21-22]

Resolution Adopting Water and Sewer Rates for FY21-22

Council to consider a Resolution adopting rates for water and wastewater services for FY 21-22. The City Manager's FY 21/22 Recommended Budget for the Water & Sewer Fund was built around a 4% rate increase.

[Resolution 21-14 – Adopting Water and Sewer Rates for FY 21-22]

Resolution Adopting Water and Sewer Tap Fee and Water Meter Fees for FY21-22

Council to consider a resolution adopting water and sewer tap and meter fees for FY 21-22. This change is incorporated into the FY 21/22 Recommended Budget and the last increase was July 1, 2009. These fees are included in Article IV-Cost, Section 16 of the Policy of the City of Albemarle Concerning Extension of the Water and Sewage System of the City.

21-22] [Resolution 21-15 – Adopting Water and Sewer Tap Fees and Water Meter Fees for FY

Resolution Approving Salary Schedule/Compensation Philosophy

The City annually approves a formal salary schedule. This year's schedule represents full implementation of the recently conducted compensation study and includes a recommended compensation philosophy for the organization. The FY21/22 Budget provides for funding and is built around these changes.

[Resolution 21-16 – Approving Salary Schedule and Compensation Philosophy]

Consider Easement for 124 South First Street

Joshua Hicks, tenant at 126 N. First St, is requesting an easement agreement with the City of Albemarle to locate HVAC equipment and a fence on the north side of the building, slightly projecting onto property owned by the City of Albemarle. The HVAC equipment has already been installed and projects approximately 24 inches onto City property. Mr. Hicks has obtained a Certificate of Appropriateness for the relocation of HVAC equipment as well as the location of the fence. This easement has also been approved and signed by the registered owner of the property, David Scarboro.

Approval of FY2021 Annual Update to Agency Plan in the Department of Public Housing

The Agency Plan is a comprehensive guide to public housing agency (PHA) policies, programs, operations, and strategies for meeting local housing needs and goals. The proposed changes to the lease and policy in both the Housing Choice Voucher and Public Housing Programs are to assess the housing needs of the community and identify resources available to assist in addressing those needs.

A public hearing was advertised and conducted regarding the Agency Plan Update. There are no changes from the information the City Council was provided with previously.

Adoption of City's Strategic Framework

The Government Finance Officers Association (GFOA) recommends that all governmental entities use some form of strategic planning to provide a long-term perspective for service delivery and budgeting, thus creating a strong link between the approved budget, broad organizational goals, and community priorities. The organization's strategic plan is its blueprint for how it intends to achieve its goals which helps to realize its vision. The budget process should be designed to organize spending plans that cost out the resource needs to support implementation of the strategic plan.

Over the past several years, the City has begun building the foundation for a strategic plan. It began with improvements to the budget process, establishing Council priorities/goals and priority investment opportunities, implementing a community survey, using those results for visioning work during strategic planning sessions, aligning the budget recommendation with Council's priority

investment opportunities, and drafting the strategic framework. The next step towards building a strategic plan is Council's adoption of the City's strategic framework. Staff is also working with Centralina on a multi-year contract to have them support the City's strategic plan development and also manage our approach associated with development of our American Rescue Plan spending plan, since there is a relationship between these two efforts.

Staffs' recommendation is to approve the City's strategic framework. Once adopted, this framework will be placed on our newly launched website.

Consider Road Closures for Tour de Elvis 5K and Cycle Tour

Parks and Recreation will host the annual Tour De Elvis 5K on Friday, September 10th in Downtown Albemarle, and the Cycle Tour on Saturday, September 11th throughout Stanly County. This event is a fundraiser for the Roger F Snyder Greenway. Even though the Cycle Tour does not have any road closures, the event needs to be approved to receive NCDOT approval to use their roads.

Consider Road Closure for Forest Hills July 4th Parade

This neighborhood traditionally holds an annual July 4th parade. This year the parade will be held on Monday July 5th between 9:30 am - 1:30 pm. Road closures requested include **portions** of:

- 7th Street, 8th Street, Azalea Drive, Park Avenue, and East Cannon Avenue

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

- Resolution 21-12 establishing FY 2021-22 street assessment rates;
- Resolution 21-13 adopting electric rates for FY 2021-22;
- Resolution 21-14 adopting water and sewer rates for FY 2021-22;
- Resolution 21-15 adopting water and sewer tap fee and water meter fees for FY21-22;
- Resolution 21-16 approving the salary schedule and compensation philosophy;
- Easement for 124 South First Street;
- Fiscal Year 2021 Update to the Agency Plan in the Department of Public Housing;
- Adoption of the City's strategic framework as presented;
- Road closures for the Tour de Elvis 5K and Cycle Tour on September 11th; and
- Road closures for the Forest Hills July 4th parade on July 5th.

Consider Road Closure for Stanly County Historical Society

Mayor Pro Tem Hall commented that she did not want this to be overlooked due to its placement on consent agenda but rather announced to the public. The Stanly County Historical Society will be hosting International Play Music on the Porch Day at the Historic Snuggs House on Saturday,

August 28, 2021 from 10:00 am - 10:00 pm. The Stanly County Historical Society is requesting the closure of North Third St. from E. Main St. to the south driveway at City Hall.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the road closures on August 28th for the Stanly County Historical Society event.

Proclamation – To Honor the 50th Anniversary of Stanly Community College

Mayor Pro Tem Hall announced that July 15, 2021 is the kick-off for Stanly Community College's yearlong 50th anniversary celebration.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council adopted the proclamation declaring 2021 as the 50th anniversary celebration year for Stanly Community College.

[Proclamation – Recognition of 50-years Stanly Community College]

NEW BUSINESS

Albemarle Business Center Bids

Steven Chambers from Chambers Engineering presented the bid results for the Albemarle Business Center infrastructure development to Council. A bid results document was supplied prior to the meeting. On the original bid date only 2 bids were received. In accordance with NC law, a new bid date was set for June 2 in an effort to receive at least 3 bids. The ideal would be to have more than 3, but 3 bids on the first attempt is the minimum required to proceed with an opening. On the June 2 re-advertisement date, 2 bids were received and opened.

Mr. Chambers took questions from Council. Councilmember Hughes asked for clarification on what the base bid would entail versus the \$750,000 cost for road work. Mr. Chambers noted that the base bid includes a portion of the road paving, sewer connection, Henson Street improvements, and grading out and 12" waterline installation throughout the site. Mr. Chambers and Council further discussed and pinpointed the work to be done under the various bid offerings (base bid plus 3 alternate project bids).

Mayor Pro Tem Hall commented that there were not many bidders for bids 1 and 2 and are various different combinations offered for bid and wondered if Council should hold off until another bid round occurred. She then asked why for both bid rounds there were only 2 bidders for each. Mr. Chambers replied that the construction market is flush right now, and so materials are in short supply.

Councilmember Dry noted that due to the construction market dynamics right now, it might be better if Council decided to move forward with the bid results currently in front of them.

Mr. Chambers summarized the 3 alternate projects for Council using the color-coded plat provided in the bid packet, which are Alternate '100A' (Henson Street connection), Alternate '200A' (16" waterline), and Alternate '300A' (additional sewer).

City Manager Michael J. Ferris gave an overview of the financing for the project. The bids including all the alternates are very close to the estimate for a phased approach that did not include paving of the roadway all the way through the property or as much water and sewer work as is included in the base bid plus all the alternates. The City has the financial ability to move forward with the base bid and alternate if Council desires. The electric portion of the project is not included in this bid and is being addressed through current contracts. We have sufficient funds to pay cash for all of the electrical work. As has been discussed previously, the ARP allows funds to be utilized for water and sewer infrastructure and utilizing a portion of the City's ARP allocation would fully fund the water and sewer work. The road and other General Fund expenses could be paid with a cash contribution from reserves, possibly 50%, and an inter-fund loan for the remainder at approximately 1.5%. We have verified the inter-fund loan does not require Local Government Commission approval. Based on adjustments to the project and our financial planning, the General Fund portion could be accomplished without the needed tax increase that was identified several years ago when this Albemarle Business Center concept was being developed while remaining above the City 20% minimum fund balance level.

Councilmember Whitley noted that if the City waits longer, the project might get more expensive. Mayor Pro Tem Hall added a request for clarification that the bid results in front of Council are the scope of what Council would be deciding on right now, and not fund allocation. The Mayor replied that Council would consider fund allocations at a future meeting.

The Mayor called a motion for Council to approve the 8th choice bid, which is the base bid plus all three alternate projects where the NJR Group was the lower bidder.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, with a vote of 5 Councilmembers for the motion and 2 members against the motion, the motion was passed. Councilmembers voting in favor of the motion were Dry, Whitley, Lowder, Aldridge, and Townsend. Councilmembers voting against the motion were Mayor Pro Tem Hall and Councilmember Hughes.

[insert bid tabulation document]

Consider Approval of Contract with Chambers Engineering

The contract that is contained in the agenda packet is for construction management services related to the development of the Albemarle Business Center. Chambers Engineering has been the City's engineer throughout the process and the proposed contract will extend these services through the construction phase of the project.

Mayor Pro Tem Hall received clarification on billing rates and one of the listed engineers' time on the contract. Councilmember Whitley asked if the contract was reviewed by the City Attorney. Ms. Burch stated that she did review the contract.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the construction management services contract with Chambers Engineering.

Consider Bids to Supply Bulk Chemicals for City Treatment Plants

Council is being asked to consider bids for bulk chemicals (Liquid Alum and Liquid Caustic) utilized at the Water and Wastewater Treatment Plants. PUD received formal bids on May 13, 2021 and is recommending that Chemtrade Chemicals US LLC for 468 dry tons of Liquid Alum @\$292.50/Dry Ton and Univar for 209 dry tons of Liquid Caustic @\$432.00/dry ton be awarded.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, unanimously carried, Council approved the bulk chemical bids as recommended by staff and described above.

[insert bid tabulation document]

Discussion of Possible Changes to the Nuisance Compliance Timeline

Councilmember Aldridge has requested City Council consider reducing the 15-day nuisance abatement period. If Council would like to move forward with changes, the City Attorney can be authorized to draft an Ordinance making this change for formal consideration at the next meeting.

Councilmember Aldridge addressed his remarks to Planning and Development Services Director Kevin Robinson. He first asked for Mr. Robinson to confirm the current process regarding high grass, which is grass growing to 15" in height, then the owner receives a violation letter, and the owner has 15 days from the date of the letter to cut the lawn. He then noted that allowing grass growth for 15 days could be problematic.

Mr. Robinson stated that he sees both sides of this issue. Planning would prefer adjusting the time period between the violation letter and the grass being cut so that it would be less staff intensive for his team and Public Works.

Councilmember Aldridge suggested that he would be ok with keeping the height allowance to 15" but then would request that the time period for compliance be adjusted from 15 days to 7 days. City Attorney Britt Burch replied that reducing the time period to 7 days for a mailed letter does not give the owner or the City much room to maneuver. She would recommend 10 days and would suggest a shorter grass height allowance. Council agreed to the change of time period from 15 days to 10 days.

Mr. Robinson replied that if Council was ok to move forward with the change, Planning can draft an ordinance for Council to consider at the next meeting but would like to add to that ordinance an ordinance change related to abandoned properties and natural vegetated states.

Councilmember Dry asked Mr. Robinson if Planning is also considering addressing shrubbery overgrowth associated with unoccupied dwellings. Mr. Robinson replied that overgrown shrubbery might be a tricky problem to solve and that Planning could look at amending the Code of Ordinances on this issue to specify if shrubbery impedes a right of way or a main walkway then it is a violation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, with a vote of 6 Council members voting in favor and 1 Council member voting against, Council passed the motion to authorize staff to bring back changes as noted above for Council approval via ordinance. Councilmember Lowder voted against the motion.

Consider Surplus Donation to 4 Rivers Consignment

4 Rivers Consignment has requested surplus items stored at the former tanning salon property on Pee Dee Avenue purchased by the City to be donated for their non-profit initiatives with the Nehemiah Project. Pursuant to §160A-280, the City can donate its personal property to a non-profit. A resolution and a public notice is required to authorize this donation. If Council desires to proceed with this request, the City Attorney can draft a resolution and the public notice for Council's formal vote at the July 12, 2021 meeting. The items requested include - pedicure chair, tanning bed, baking display case and hair station.

Mayor Pro Tem Hall stated that it's messy donating City-owned property instead of auctioning it. Councilmember Townsend asked if the former owner had received notice of removing the aforementioned items from the property. Yes the former owner was given sufficient notice. Councilmember Townsend followed up by asking if it is too late now to have the former owner claim the items in question. It is too late now for that to occur. Councilmember Townsend noted that he also is uncomfortable with the City donating these items. Councilmember Hughes noted that she agrees with Mayor Pro Tem Hall and Councilmember Townsend. Councilmember Whitley asked if the City has ever donated surplus to nonprofits. City Manager Michael J. Ferris replied that the City has done so for quasi-government nonprofits like schools and universities.

The Mayor called for a motion to turn down the donation request from 4 Rivers Consignment.

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

The City Manager briefly noted to Council that for items valued under \$5,000, he can declare them as surplus. Anything above \$5,000 would need to be declared surplus by City Council.

Consider Reappointments and Appointments to Boards and Commissions

As of July 1, 2021 for the below listed boards and commissions, the following members' terms are set to expire:

Planning/Zoning:

- Dean Speight (end of 1st term) - Interested in reappointment.
- Kent Harkey (end of 1st term) - Interested in reappointment.
- John Sullivan (end of 1st term) - Interested in reappointment.

Historic Resources Commission:

- Lynn White (end of 1st term) - Not interested in reappointment (vacancy)
- Lynn Plummer (end of 1st term) - Not interested in reappointment (vacancy)
- Rob McIntyre (end of 1st term) - Interested in reappointment.

Parks and Recreation Advisory Board:

- Kristie Bryson - Not interested in reappointment (vacancy)
- Ron Loflin - Interested in reappointment.
- Shawn Baldwin - Interested in reappointment.

Tree Commission:

- Elaine Nelson - Interested in reappointment.
- Daphne Hayer Morris - Not interested in reappointment (vacancy)

The City has received two volunteer applications which have been provided to Council for consideration of vacant positions: Mr. Joshua Brosius whose first interest is in the Parks and Recreation Advisory Board, and Ms. Catherine Breeden for the Tree Commission.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved the 3 reappointments for the Planning and Zoning Board for Mr. Speight, Mr. Harkey, and Mr. Sullivan.

Upon a motion by Councilmember Dry, seconded by Councilmember Lowder, unanimously carried, Council approved the 1 reappointment for the Historic Resources Commission for Mr. McIntyre.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the 2 reappointments for Mr. Loflin and Mr. Baldwin, as well as the appointment of Joshua Brosius for the Parks and Recreation Advisory Board.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved the 1 reappointment of Ms. Nelson, as well as the appointment of Catherine Breeden for the Tree Commission.

The Mayor advised Council to reach out to people they might know so that Council can fill 2 seats on the Historic Resources Commission and 1 on the Planning and Zoning Board. Mayor Pro Tem Hall made an announcement to the public that volunteers are still needed for City boards and commissions and for anyone interested to please fill out an application online.

COMMENTS

Mayor Michael:

- He recognized Fire Chief Pierre Brewton for completing training and certification recently. Chief Brewton announced that he had completed the Fire Service Chief Executive Officer program at Texas A&M last month. It is a rigorous program with applicants from around the world waiting to be selected to participate. Chief Brewton thanked Council for the opportunity to attend. The Mayor replied by thanking Chief Brewton for furthering his education to help improve the department. Council congratulated him.
- He thanked all staff, especially for all they have done over the past few weeks since it has been very busy, and for preparing the lengthy agenda for tonight.
- Re: Charters of Freedom update – cement has been poured by Public Works staff and it looks great. He asked Mayor Pro Tem Hall to give an update on the dedication ceremony. The dedication ceremony date has been set for October 12th at 5:30 pm. The next Charters of Freedom committee meeting is June 10th at 2:00 pm in City Hall. At that meeting the group will look at the agenda for the ceremony and assign folks certain tasks. There is a segment in the concrete in front of the pedestals that was left empty – that is to place pavers. So far 7 4”x8” pavers have been sold and 6 8”x8” pavers were sold. The Foundation Freedom folks are speaking at the local Rotary Club in August and hopefully will obtain some donations there. Any paver order received by September 10th will be placed in the sidewalk in time for the dedication ceremony. Five students who took part in laying the brickwork, who are a mixture of students and recent grads from a few of the area high schools, will get plaques thanking them for their work.

City Manager Michael J. Ferris:

- He noted that with the power outage yesterday, it takes a lot behind the scenes to pull off a power restoration particularly when the problem is not directly a City issue as was the case yesterday. The outage was not the City’s doing but the City has to respond and keep the public informed. He thanked all who helped with the outage issue yesterday. He also noted that coordination with outside agencies and keeping the public informed were priorities he and staff. He added that there are many more Departments and personnel involved in coordinating an

event like this than what people realize. Not only is the Electric Division having to respond to the outage, but there is staff to keep the public informed, answer phone calls, Police to direct traffic, fire to respond to false alarms due to the outage, and many other personnel from around the City to coordinate and manage the entire situation.

Councilmember Hughes:

- She gave a shout out to City staff posting updates about the power outage yesterday on social media and was happy that the City was on top of that.

Councilmember Aldridge:

- Second Street and Old Charlotte Road he has noticed has new striping on the streets – it looks good and gave thanks to Public Works.
- He thanked fellow Council members for moving the agenda along tonight and staff for prepping Council.

Mayor Pro Tem Hall:

- She gave an “attaboy” to Public Works for widening of the road on Montgomery Avenue between Ridge Street and Moss Springs Road.
- Re: Stanly County COG meeting on May 25th - At that meeting County Commissioner Peter Ascutto remarked that the county does not have parks of its own and residents across the county use municipal parks. She added that Commissioner Ascutto wants to send a proposal to each municipality in the county to gauge interest in a county/municipality matching program to enhance local parks.
- She thanked Parks and Recreation for the music at Thursdays at Market Station event and Food Truck Friday.
- She asked on behalf of a 3rd party contact whether a fundraiser can be done on behalf of the Police Department. The Mayor replied that the interested party can offer a tax-deductible donation for Council to consider and approve.

Councilmember Whitley:

- Re: City social media posts – he is happy that these posts are being shared, and that largely the comments to posts are complimentary and appreciative. He was pleasantly surprised and hopes that Public Utilities knows that people are liking what they do.
- Re: Councilmember Lowder South First Street and Second Street request – upon his request, he was given information that the noted intersection over the past 5 years logged 5 rear-end collisions per DOT.

Councilmember Dry:

- He thanked staff for all they do. He knows it’s been a busy time and staff have made things easier for Council to make decisions.

- He is looking forward to Keith Tunnell’s presentation of the Economic Development Department.
- He is excited about the old fire station reuse and sees more to come with the ABC site development. All of the growth will benefit folks moving here, and their children growing up here.

Mayor Pro Tem Hall had one quick announcement. The What a Burger truck will be in Albemarle feeding Pfeiffer staff and students.

CLOSED SESSION

Upon a motion by Councilmember Lowder, seconded by Councilmember Dry, unanimously carried, Council approved moving into closed session pursuant N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry 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)(6) Personnel. There was nothing to report.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, the meeting was adjourned to Monday, July 12, 2021 at 6:30 pm in City Council Chambers.