

**REGULAR MEETING CITY COUNCIL**

August 2, 2021

The City Council of the City of Albemarle met in a regular session on Monday, August 2, 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.

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Mayor Michael called the meeting to order.

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The Mayor gave the invocation.

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The Mayor announced that the Clerk/Assistant to the City Manager noted to him that a statement about giving the invocation was missing from the July 12, 2021 regular minutes and should be added. He called for a motion to approve the July 12, 2021 regular minutes as corrected and the July 12, 2021 closed minutes as submitted.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, unanimously carried, the minutes of the July 12, 2021 regular meeting as corrected and July 12, 2021 closed meeting as submitted were approved.

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**PUBLIC HEARINGS**

Consider Special Use Permit 21-03 – Cross Community Church

Council conducted a quasi-judicial evidentiary hearing to consider request for Special Use Permit (SUP) 21-03 which is a request by Cross Community Church for a church building and related uses pursuant to 92.094 (C)(1).

The Mayor noted that this is a special hearing where only people with standing can provide testimony and called for any members of the public with standing to come forward. The Mayor swore in Ms. Sheild, Mr. Heath Efird, and Mr. Jeff Williams 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 staff to come and present the Special Use Permit request to Council. Senior Planner Ellie Sheild provided a summary of the application to Council, which included the special

use permit application requirements and Planning and Development Services staff analysis including staff's assessment of the 5 criteria to be considered for special use permits.

Cross Community Church is desiring to build a 83'x200' pre-manufactured building on a 23 acre combined parcel on Rebel Road. She noted that all public hearing notice requirements were met. Also noted was that the parcel in question falls within the Northeast Connector Overlay District and all development considerations related to this overlay have been accounted for in site plan review. Staff is concerned over the amount of clearing that has already occurred onsite and across Rebel Road and suggests that Council consider the conditions specified in the second criteria to address any possible future violations of buffering and parking lot requirements.

Further, staff recommends that Council consider the following conditions in order to satisfy the Special Use Permit criteria:

- Development occur in accordance with approved site plan set 21-14, including the non-paved portion of Rebel Road to the edge of the development (approximately 337 feet) be widened to 26' of paved road with mountable curb and gutter per the subdivision ordinance Section 91.10;
- Adequate buffering along the Northeast Connector remain in compliance with Section 92.108 and be left undisturbed. Should further clearing and encroachment into the buffering occur, it shall be considered part of the "developed" area, and thus necessitate sidewalk/street tree installation;
- Recombination of tax parcels 13008 and 9920 or lot line adjustment be filed with a plat at the Register of Deeds in order to pass final zoning inspection and obtain Certificate of Occupancy
- Any additional gravel laydown or use of off-street parking will necessitate a zoning violation. All future parking needs to meet City Zoning Standards of Section 92.122; and
- Revised site plans be submitted for 21-14 that comply with the NC Fire Code Standards.

Ms. Sheild then described the balance of the SUP application packet, which included various maps and aerial images of the property in relation to the criteria Planning staff itemized and the concerns they noted, as well as the application and certification of public notice.

The Mayor asked if Council had any questions for Ms. Sheild. Mayor Pro Tem Hall asked Ms. Sheild to discuss one of the photographs depicting the already cleared land as it related to Planning's concern about development of the parcel for parking. Ms. Sheild pointed out the area and confirmed that Planning would consider development of some of the undeveloped lot on one side of Rebel Road as a zoning violation. The Mayor Pro Tem Hall asked Ms. Sheild to show where on the map of the area the building was to be placed and where the church .

The Mayor asked if the church were to place parking on the other side of the road would Planning consider that a zoning violation. Ms. Sheild replied that Planning would have to look into that further to see if the Code of Ordinances would allow that side of the street to be developed as a stand alone parking lot.

Councilmember Whitley asked Ms. Sheild to further explain the Northeast Connector buffer. Ms. Sheild noted that a 200' buffer area was needed. Due to water retention issues associated with beavers constructing a dam in that area of the parcel, the developer extended the buffer.

The Mayor asked the applicant to come forward. Mr. Heath Efirm of 29265 Sweet Home Church Road in Albemarle noted that he is representing the church as an Elder and as a member of the church's building committee. He began by thanking Ms. Sheild for all of her help and support during the process, and he stated that the City will miss her and wished her well in her future endeavors. He then asked if he could hand out "before" pictures to Council showing trash and debris on the property when the City put the barricade up to keep away loitering and people going into the facility. The Mayor replied that's exactly the reason the barricade was put up to try to stop that. Mr. Efirm replied "Yes sir."

Mr. Efirm continued his testimony by explaining that the property had been a bootleg joint for a lot of years. He hired several high school kids on one of the teams he coached to remove thousands and thousands of cans as Council can see in the pictures he provided. They hauled 3 or 4 containers in a tractor trailer with a flatbed away from the site. They picked up empty beer bottles and cans and brought in heavy equipment to remove them so they would not be destroyed with glass everywhere. He told folks when they were picking these things up that they were cleaning up a lot of bad decisions. It's one transformation to another. He didn't know a larger transformation you can have from a bootleg joint, trash dump, and warehouse literally to a church where good decisions are made. He thought it's the largest transformation you can make. The property went from one extreme to another.

Mr. Efirm closed his testimony by stating that appreciated Ms. Sheild helping him with the special use permit process, and appreciates Council's consideration of the church's request.

The Mayor asked if Council had any questions. A question was raised about the parcel under consideration and whether development of a parking area in the future would necessitate another Special Use Permit or other request to be submitted. The City Attorney replied that per public notice only the building construction can be considered currently. Creation of parking on the other side of the road would require the developer/church to go through the process again. What if parking was developed off street? Per Planning, stand alone lots are not permitted for residential.

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 special 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 Hall, 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 Dry, seconded by Councilmember Hall, 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 Aldridge, seconded by Councilmember Hughes, 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 Dry, seconded by Councilmember Whitley, 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 Whitley, seconded by Councilmember Aldridge, unanimously carried, Council approved the finding for this standard.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved SUP 21-03.

Mayor Pro Tem Hall asked about the conditions that Planning recommended to be added to the SUP Order - should there be a motion on that? The City Attorney replied that this is at Council's discretion to vote on these conditions, but they will be included in the finalized SUP Order and will stand nonetheless.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved the addition of the conditions defined by the Planning and Development Services Department to be included in the SUP Order, which are as follows:

- Development occur in accordance with approved site plan set 21-14, including the non-paved portion of Rebel Road to the edge of the development (approximately 337 feet) be widened to 26' of paved road with mountable curb and gutter per the subdivision ordinance Section 91.10;
- Adequate buffering along the North East Connector remain in compliance with Section 92.108 and be left undisturbed. Should further clearing and encroachment into the buffering occur, it shall be considered part of the "developed" area, and thus necessitate sidewalk/street tree installation;
- Recombination of tax parcels 13008 and 9920 or lot line adjustment be filed with a plat at the Register of Deeds in order to pass final zoning inspection and obtain Certificate of Occupancy
- Any additional gravel laydown or use of off-street parking will necessitate a zoning violation. All future parking needs to meet City Zoning Standards of Section 92.122; and
- Revised site plans be submitted for 21-14 that comply with the NC Fire Code Standards.

[SUP Order 21-03 – Cross Community Church]

Ordinance 21-32 – Consider Annexation of 54.237 Acres off of Leonard Avenue

Council conducted a public hearing to consider a petition for annexation of 54.237 acres off of Leonard Ave and Henson Street (PIN 654804904100, Tax Record 6276, Deed Book 1352-213). This parcel is currently owned by the petitioner and is contiguous to property of the same ownership and the City of Albemarle City Limits.

Senior Planner Ellie Sheild presented the annexation request to Council including the preliminary plat of the annexation and surrounding area.

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 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 21-32 annexing 54.237 acres off of Leonard Ave and Henson Street.

[Ordinance 21-32 – Annexation of 54.237 Acres off of Leonard Avenue]

Ordinance 21-33 – Consider Map Amendment of Property on Leonard Avenue and Henson Street

Council conducted a public hearing to consider a request by R. Dean and Colton Harrell representing multiple owners for a Map Amendment to initially zone tax parcel 6276 from County R-8/M-2 and rezone tax parcel 28294 from City R-6/HID to City R-6/Urban Residential District [Zoning Map Amendment 21-09]. This area is expected to be developed as a new subdivision which would include a mixture of townhomes, apartments and active adult senior living options.

Senior Planner Ellie Sheild provided a summary of the rezoning request to Council, which included the applicant statement and Planning and Development Services staff's analysis. Pertinent features about the parcels included: they do not currently have utilities set up, and they do not exist in a regulated floodplain or watershed. This rezoning would remove all industrial uses from the parcels in question. There will be a traffic study required, but that would be addressed during the subdivision request. Ms. Sheild noted that the Planning and Zoning Board in its July 6th meeting unanimously recommended that, upon annexation, City Council approve ZMA21-09 with the adopted Future Land Use Map Amendment Statement.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. The petitioner Colton Harrell came forward to provide remarks. The Mayor noted that since Mr. Harrell wanted to present aspects of future development of the land in question that are not pertinent to the rezoning request at hand, he requested that Mr. Harrell allow Council to deliberate on the rezoning request and then after he could offer his remarks to Council.

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

The Mayor asked if Council had any questions. Mayor Pro Tem Hall asked Ms. Sheild to go over on the color coded maps what the different shaded colors represented in terms of the land just annexed that is being rezoned. Ms. Sheild demonstrated the County portions of land which are to be rezoned as well as the City industrial portions which are to be rezoned, all of which will convert to R-6 residential should Council approve the rezoning request.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 21-33 which contains Zoning Map Amendment 21-09, with the Map Zoning Amendment statement:

The Albemarle City Council finds the action to amend tax parcel 28294 from R-6/Urban Residential District and HID/Heavy Industrial District to R-6/Urban Residential District, and the initial zoning of tax record 6276 from County R-8/M-2 to R-6/Urban Residential District, to be inconsistent with the adopted 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.

After the vote the Mayor called Mr. Harrell back up to present the future subdivision to be constructed from the parcels just annexed and rezoned to Council. Mr. Harrell opened his presentation of the proposed Avion subdivision by showing what his development group had similarly done in Indian Trail via drawings of the different proposed residences and community spaces. The Mayor asked what would be the breakdown in the number of units among townhomes, apartments, and active senior living was for the Indian Trail development. Mr. Harrell replied that there are 727 townhome units, 360 apartment units, and 155 active adult living units. For Avion in Albemarle there will be 212 townhomes proposed.

The Mayor asked about road access and Mr. Harrell replied that access would be through Henson Street. Councilmember Dry asked about proximity to the ABC parcel. Mr. Harrell replied that the proposed development would be next to the ABC parcel. Councilmember Whitley asked if the townhomes would be for sale or rental. Mr. Harrell replied that they would be for sale. What would be the timing for the development and completion of the project? Mr. Harrell estimated that groundbreaking would occur in 9-11 months and 5 years for complete build out. Council thanked Mr. Harrell for his presentation.

[Ordinance 21-33 – Map Amendment of Property on Leonard Avenue and Henson Street]

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## **ADMINISTRATIVE REPORTS**

### Departmental Spotlight – Economic Development

Economic Development Director Keith Tunnell came in front of Council to provide a summary of his department. The Economic Development Department's roles and responsibilities include:

- Serves as the City's point for recruitment, marketing, negotiating, and finalizing agreements for new business and industry or expansion of City business and industry.
- Markets & Recruits Industrial Clients
- Markets & Recruits Retail-Commercial Clients
- Conducts Existing Business & Industry Programs
- Overall Marketing & Promotion of City Development and events
- Develops & Implements Strategic Plans For:
  - Downtown Development
  - Industrial Development
  - Retail-Commercial Development

Industrial recruitment and retention strategies involves assisting with the development of an industrial recruitment and retention strategy through marketing existing industrial buildings and properties as well as implementing an existing industry program. That program consists of working closely with existing industry via regular meetings to determine growth and strategies and whether suppliers or customers would be possible targets for recruitment, and ensure that there is City/County/state/federal assistance to help industries stay in the community.

For downtown development, Economic Development and the Main Street Office, which oversees programs for Albemarle Downtown Development Corporation, work in conjunction and cooperation to promote downtown development and assist existing building owners and business owners in the downtown in the following ways:

- Work with downtown building owners to maintain and market existing available inventory of downtown buildings and properties.
- Utilizing the resources of the Albemarle Downtown Development Corporation – a 501c3 non-profit.
- Work with the City leadership to develop and implement initiatives to support downtown business growth (i.e. Wayfinding program; Alleyway project; improved marketing and promotion initiatives, Retail Strategies Downtown program (July 2021)
- Work with City leadership to develop stimulus grants including sign and façade improvement programs as well as a small business grant program in 2021.
- Hosts & Promotes, the annual Outdoorsman's Bonanza, Stanly County Winter Wine Festival, Holiday Tour of Homes, Farmer's Market, and other events.
- Works closely with the City Special Events Committee to support the annual Christmas Parade and Downtown Christmas Open House, and other programs and events as needed.
- The ADDC also oversees and maintains several park properties owned by the ADDC including Courthouse Square, Market Station, and Liberty Gardens.

- Business-To-Business Opportunities, Partnering with Chamber of Commerce, Stanly Small Business Center and other allies.

For downtown commercial development, both Economic Development and ADDC are implementing an existing business program using regular meetings with business owners to determine opportunities for growth and expansion; work closely with local building owners and business owners to assist with any issues in the downtown business district and to implement initiatives to support downtown businesses; work with existing industry to ensure there are no issues the City/County/State/Federal agencies could assist with to ensure companies stay in the community; and work closely with Retail Strategies and Retail Strategies Downtown (beginning in October 2021).

Economic Development team has built a variety of allies to promote the City's opportunities to new industries and businesses, as well as existing ones. Allies include:

- City Departments & City Council
- NC Workforce Agencies
- Stanly County Economic Development
- NC Economic Development Partnership (NCEDP)
- NC Department of Commerce
- Stanly Community College
- Small Business Center
- Workforce Development Center
- Pfeiffer University
- Charlotte Regional Alliance
- NC Economic Developer's Association
- ElectriCities
- Stanly County Chamber of Commerce
- VisitStanly
- NC Parks & Tourism
- NC Main Street Program
- IEDC
- NC Rural Infrastructure Board
- Golden Leaf Foundation
- Local business leaders
- Others including regional network of consultants, attorneys, developers, contractors, engineers, etc.

Mr. Tunnell also noted that downtown support through his department and ADDC includes sponsoring and supporting downtown events and festivals. They are looking to improve attendance at these events.

Mr. Tunnell announced that since his arrival, Ms. Joy Almond, the Main Street Market Manager, has grown tremendously in terms of staff development via training. She has completed 15 courses since January and he is proud of her progress and accomplishments.



Mr. Tunnell then thanked Mr. Charles Brown with the Golden Leaf Foundation for his ongoing support of the City's economic development efforts, as well as Candace Lowder at the County. In terms of City/County partnerships, Mr. Tunnell noted the success of the downtown Pfeiffer campus and joint ventures with Stanly Community College shows that these partnerships are vital to future growth of Albemarle.

The total department budget for FY 2021-2022 is: Economic Development - \$155,966; ADDC - \$230,340; and Main Street/City - \$98,156. Highlights from FY 2020-21 included:

- Improved ABC industrial park plan that saved City more than \$7 million in potential spending.
- Have private sector parties interested in partnering on a speculative building program.
- Completed design and permitting stage for ABC
- Completed and received bids on construction phase of ABC
- Began work on creation of new economic development website to improve marketing of the City to both industrial and retail markets that will also include new digital and traditional marketing initiatives.
- Implemented improved promotion and marketing strategies for existing programs and events.
- Review and assessment of existing programs and services to begin process of creating a detailed strategic plan for all facets of the economic development operation.
- Improved communication and processes to be more inclusive of existing business and industry and assess all programs and events.
- Implemented improved training for staff and implementation of best practices.

Mr. Tunnell took questions from Council. Mayor Pro Tem Hall noted that in consideration of the City's FY 2021-22 budget, there was a line item to fund the Downtown Retail Strategies project via a contract with Retail Strategies. What is the status of that contract? The City entered into a ~~3~~ 4-year contract with Retail Strategies for this program based on Council approval. The contract started on July 1, 2021. The cost of the project is being supported through a grant from ElectriCities. Mr. Tunnell gave a shout out to ElectriCities for this support, as well as their support to supplement the cost of the downtown hotel study. The kick-off for the project will be October 2021.

Councilmember Townsend asked if the City was still set on the approximate date of September 1<sup>st</sup> for the groundbreaking for the ABC. Mr. Tunnell replied that land is being cleared now in advance of that time but the City is still working on securing easements.

Councilmember Hughes asked about the timeline for the new Economic Development website going live. That is dependent on hiring the new Economic Development Assistant and getting the contractor/webmaster's assistance. Has the Wordpress webmaster started yet? Yes. Mr. Tunnell added that once he gets the website test site, he can test and launch it hopefully by early- to mid-October of this year.

Mayor Pro Tem Hall asked about whether fans were purchased yet for the Market Station. The fans have been approved for purchase but have not been purchased yet. For the building itself, currently Mr. Tunnell is awaiting engineering renderings to determine if the structure can support the fans.

Councilmember Hughes asked about the status of the downtown business grant program. The draft is on Ms. Almond's desk now and he will meet about it with the City Manager this week. A policies and procedures document review will occur this month and the hope is to get it in front of Council by September.

Councilmember Hughes asked about the status of the survey of Market Station. Mr. Tunnell replied that there is a question of where the property sits in relation to the railroad.

Councilmember Dry thanked Ms. Almond for dropping off information to local businesses about festivals and events in order to get them involved. Mr. Tunnell added thanks to interim Chief Poston for partnering with him to work through business concerns about safety and security in the downtown area. Ms. Almond handed out a downtown calendar of events to Council. The other side of the handout itemized a list of businesses (existing and new) in advance of the next discussion.

#### Update on New Businesses

Councilmember Hughes requested an update on new businesses. Mr. Tunnell gave a report on new businesses to Council. He noted that once the new assistant comes on board and in conjunction with the new Public Information Officer, he anticipates a list of downtown businesses will be maintained on the Economic Development website along with a list of updated downtown events to plug in with ADDC's website.

Mayor Pro Tem Hall tied in the mention of ADDC events to the Special Events Committee partnership with ADDC to develop the Downtown Christmas event. The group is now vetting vendors, parade entries, and seeking the grand marshal.

Mayor Pro Tem Hall then asked about the status of the new Ashley Homestore on Highway 24/27 – is it open? Mr. Tunnell believed it had opened today but would confirm tomorrow.

What is the status of the new Aspen Dental and Biscuitville openings? The Mayor replied that for Biscuitville it likely will open quicker than the dental office and to look for advertising of hiring as the signal for imminent opening.

Councilmember Aldridge thanked Mr. Tunnell and Ms. Almond for their hard work on this. He noted that this is information that is helpful to them to have on hand as they are fielding inquiries and questions in the community.

Mr. Tunnell thanked Council for their support on the downtown report and Business Park. Councilmember Townsend added that Economic Development and ADDC should target all businesses in the City not just the downtown ones, and noted a couple of new businesses that recently opened such as Cup and Cone and a realtor by Lowe's Home Improvement.

Council thanked Mr. Tunnell and Ms. Almond for their presentation.

#### Status of Minimum Housing Demolition Projects

A request was submitted by Councilmember Hughes for an update on the demolition portion of the minimum housing enforcement efforts. Planning and Development Services Director Kevin Robinson presented the update to Council. He displayed a list of 10 properties that are on the list, 9 of which need abatement. For highlighted properties on the list the department is waiting on asbestos

assessments and bids for asbestos removal. Planning has had to lay out \$36,000 for asbestos assessments which is a big draw on its overall budget. Usually there is a large portion of minimum housing code structures which are slated for demolition rather than abatement. Of those that can be condemned for demolition, some can be burned soon but many others will have to wait due to the volume of structures that are on the list. Planning expects to bring an ordinance to Council soon to approve demolition of the listed structures.

The Mayor asked if Planning was securing assistance to use structures to be burned as training exercises and for asbestos removal. Mr. Robinson replied yes they are planning on that so they are getting better deals on expenses related to those activities.

Councilmember Hughes asked about a property on Fourth Street near Pfeiffer. The house is the second one in from Five Points on Fourth. The Mayor replied that he thought that property was sold, and Mr. Robinson remarked that Planning has a case on the house but that there probably is no room in the department's budget this fiscal year to disposition it.

Mayor Pro Tem Hall asked about a property on Second and Salisbury Streets that was partially burned recently. Mr. Robinson noted that Planning has a case on that property too. How many open cases are there now? There are a lot. But many are for minor things such as a hole in the wall or bad wiring. Some are being fixed. An estimate of 80-90 properties could come in front of Council now.

Councilmember Dry commented that there needs to be an education process for the community around the burning of houses slated for demolition. Mr. Robinson replied that there are a lot of agencies with whom the City deals to get a property burned and so the education process would be complicated.

#### Walk of Fame Committee Update

Clerk/Assistant to the City Manager Cindy Stone provided Council with a brief status update. Draft bylaws and the Walk of Fame Policy were updated after the December 2020 meeting to reflect Council's wish for a 5-person body. The draft bylaws were presented to Council to consider their approval. Ms. Stone also noted that with the approval of bylaws and the previous approval of the policy, Council is encouraged to select designees to the Walk of Fame Committee for full Council consideration and approval at a future meeting.

Ms. Stone asked Council if there were any questions. The Mayor asked if staff had any recommendations for staggering of terms. Ms. Stone replied there are no recommendations to provide now but can be provided once Council brings appointees forward. Council discussed whether to bring appointees as they come available or as a group, and agreed that appointees should be considered as a group.

Upon a motion by Councilmember Townsend, seconded by Councilmember Lowder, unanimously carried, Council approved the Walk of Fame Committee bylaws.

The Mayor added that Council will consider how to stagger terms when they consider appointees in a future meeting.

#### Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for June 2021 prior to the meeting. The Mayor asked if any Council members had any questions or comments. Mayor pro Tem Hall stated that she provided comments separately to department directors. Councilmember Hughes asked a clarifying question of Fire Chief Brewton about the initial rescheduling of the Fire Department trainee graduation, which he answered.

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### **MUNICIPAL CALENDAR**

Mayor Michael and Councilmembers received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar. Mayor Pro Tem Hall announced that the next Special Events Committee meeting will be held on August 18<sup>th</sup> at 6:00 pm in the EE Waddell Community Center.

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### **CONSENT AGENDA**

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

#### Resolution 21-20 – To Set a Public Hearing to Consider a Voluntary Annexation of 54.14 Acres South of Morgan Road

BHR Land Holdings, LLC has submitted to the City a petition of voluntary annexation of 54.14 acres situated south of Morgan Road. The attached Resolution sets a public hearing for September 7 to consider the request.

[Resolution 21-20 – To Set a Public Hearing to Consider a Voluntary Annexation of 54.14 Acres South of Morgan Road]

#### Resolution 21-21 – To Set a Public Hearing for the Request to Abandon the Former Leonard Avenue Right of Way

Mr. Jody Cook came before City Council during the July 12th, 2021 Council meeting to speak on his request to the City to abandon the former Leonard Avenue right of way that runs in front of two homes that he owns. Staff is not opposed to abandoning this right of way due to it not being an active street and having no purpose otherwise. We do recommend the City retain a permanent utility easement for the infrastructure that we currently have inside the former right of way. The hearing can be set for September 7.

[Resolution 21-21 – To Set a Public Hearing for the Request to Abandon the Former Leonard Avenue Right of Way]

#### Consider Road Closures for Community Night Out

The Albemarle Police Department will host their annual Community Night Out event on Saturday, October 9th from 4:00 pm - 8:00 pm in Downtown Albemarle. This event will be in conjunction with the October Downtown Cruise-In. The following roads are being requested to be closed:

- Second St. from South St. to North St.; Main St. from Third St. to First St.

Consider Road Closure for Downtown Autumn Extravaganza

The Downtown Albemarle Autumn Extravaganza will be held on Saturday, October 30, 2021 from 12:00 pm - 4:00 pm. Requests for the following street closures:

- Second St. from North St to Main St.

Consider Road Closure for Downtown Fall Festival

The Downtown Albemarle Fall Festival and Kids Costume Parade will take place on Thursday, October 28, 2021 from 5:00 pm - 7:00 pm. Request to close the following roads to ensure safety of children and parents attending the event. The following roads are being requested to be closed:

- First St. from South to North
- Second St. from South to North
- Main St. from Depot St. to Third St.
- Temporary Closure on Second St. from North St. to Wilson St. for the Kids Parade Line-up.

Consider Road Closures for Downtown Christmas Parade and Christmas Open House

The Christmas Parade and Christmas Open House will take place on Saturday, November 27th from 3:00 pm – 9:00 pm in Downtown Albemarle. The following streets are being requested to be closed:

- First St. from Salisbury Ave to South St.;
- Second St. from Salisbury Ave. to South St.;
- Main St. from Depot to Second St.

Consider Approval of FY 2021-22 Council Budget Calendar

Attached is the draft budget calendar. The draft is based on the dates that the majority of Council members and the Mayor are available. Please note that there are two (2) dates on the budget calendar where three (3) Council members are not available; however, there will be a quorum. Those dates are December 13 and May 18. If staff later determines that some dates are not needed, we will make those adjustments and communicate to City Council.

This year the City will be incorporating strategic plan development into the budget planning process. Once again we are in partnership with Centralina Regional Council to plan and facilitate the strategic planning sessions. A Strategic Plan work group has been developed to bring forth

recommendations at the strategic planning session. The ARP spending plan recommendation will be incorporated into their scope of work as well. Workgroup membership is listed below.

Strategic Planning Workgroup Members:

- Lisa Kiser- Chair
- Martha Sue Hall
- Chris Whitley
- Michael Ferris
- Nyki Hardy
- Pierre Brewton
- Dana Chaney
- Lee Staton
- Keith Tunnell

Workgroup meetings will be facilitated by Centralina. Staff recommends approving the FY22 budget calendar.

Before the vote Councilmember Hughes raised a concern about the Community Night Out event on October 9<sup>th</sup>. She noted that the owner of Off the Square spoke to her about it and wondered if anyone at the City had reached out to them yet. The Main Street Manager replied that she had talked to the owner, who relayed to her that the business would prefer to not have the street closed in front of their business. Mayor Pro Tem Hall asked if Officer Star Gaines was in attendance. Officer Gaines was in the audience and replied that the business was contacted about the event. Councilmember Aldridge added that he thought there would be increased attendance if 2<sup>nd</sup> Street were to be closed only to King Street. Officer Gaines replied that King Street would be open.

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

- Resolution 21-20 to set a public hearing to consider a voluntary annexation of 54.14 acres south of Morgan Road;
- Resolution 21-21 to set a public hearing for the request to abandon the former Leonard Avenue right of way;
- Road closures for Community Night Out on October 9<sup>th</sup>;
- Road closure for the Downtown Autumn Extravaganza on October 30<sup>th</sup>;
- Road closures for the Downtown Fall Festival on October 29<sup>th</sup>;
- Road closures for the Downtown Christmas Parade and Christmas Open House on November 27<sup>th</sup>; and
- FY 21-22 Council budget calendar.

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**UNFINISHED BUSINESS**

Resolution 21-22 – Consider Request to Close and Abandon McAlister Street

Tony Lamonds & Ashley Crisco came before City Council at the June 7th, 2021 Council meeting to speak on perceived safety concerns and to request abandonment of the McAlister Street right of way. Staff recommends against closing and abandoning this section of McAlister Street. McAlister Street is also one of the two streets connecting Reeves Avenue to Morgan Road and the road provides access to residents in the area. If closed, the traffic would then be moved to Ingram Street, increasing traffic on Ingram.

On June 7th, the City Council held off making any decision until the NCDOT could comment on what the future of the intersection of Reeves and Morgan Road (NCDOT) may look like. The NCDOT District Engineering has said the potential for change does not impact their plans. The street serves the City's purposes a great deal more than the State's and they do intend to place a signal at this location.

If Council wants to consider the abandonment and closure, a Resolution is attached to set a public hearing for September 7. If the issue does not move forward, a motion to deny can be considered.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, Council denied Resolution 21-22.

#### Discussion of Compensation Study

This item was requested to be placed on the agenda by Councilmember Hughes. She noted that for the public, she wanted to let them know that after the discussion about this topic in the July meeting, she had followed up with an email with further questions she had, which prompted more questions and so had requested that the discussion continue in this meeting.

HR Director Dana Chaney and Finance Director Jacob Weavil came forward to take questions from Council. The questions and answers are as follows:

- Q: When was the policy of starting employees at a lower hiring rate dropped?  
A: That was phased out in September 2020 after Council approved the new Personnel Policy.
- Q: When did staff realize that the consultant was using the hiring rates rather than starting rates?  
A: The consultant did not provide the spreadsheet with the figures until May 2021. It wasn't until then that staff noticed the consultant was using the wrong rates/salaries. There were further questions on what was provided to the consultant and when. The salary/rate information was provided to him in October 2020 which included the hiring rates. In December 2020 he asked a question about the salaries/rates but there was a miscommunication between him and Ms. Chaney about the minimum rate for salary forecasting.
- Q: Per a question that was first communicated in an email, was every employee given a Cost of Living Adjustment (COLA)?  
A: City Manager Michael J. Ferris replied that there was no across the board COLA for all employees, but that unlike other previous cycles of compensation adjustments, staff decided to

combine the COLA and the compensation study results together to provide some salary/rate adjustment to all employees. Only those employees who were “on point” with the new salary/rate structure received a COLA. There was a follow up questions as to why not all employees got a COLA. Staff wanted to make sure that all employees got at least an amount equal to the cost of living; there were many employees who received more than that in order to bring them up to market rate based on their time in service at the City.

- Q: After reviewing the proposed budget documents, it was stated that the City would not spend more than \$5,000 per employee in salary/rate adjustments. What was the average adjustment?  
A: The average adjustment was 7%.
- Q: Back in budget deliberations, the estimated amount that staff expected to spend on salary/rate adjustments was \$798,000, but then in July the amount totaled \$1.3 million. Can that be explained?  
A: Those figures represent the amount based on positions forecasted during FY 2020-21 versus the positions actually available at the beginning of FY 2021-22. The difference is based on full retention of employees with no vacancies. HR was still working on salary forecasting in May and June.
- Q: So staff did not know figures until the July Council meeting?  
A: HR and Finance were still working through title changes and start dates for positions. Since Ms. Chaney is relatively new to the City, she needed to make a concerted effort to thoroughly modify slated positions and titles. In this effort she thanked department directors and staff for their support and questions to enable her to make the revisions needed to best implement the compensation study.

There was further discussion with Council around how staff combined the COLA with the compensation study implementation.

Councilmember Hughes asked if staff received any feedback about the salary/rate adjustments made. Ms. Chaney read some emails aloud. The emails thanked the City for doing the salary adjustments. Councilmember Hughes replied by stating that the City needs to take care of its staff.

Mayor Pro Tem Hall, Mr. Weavil and Ms. Chaney further discussed and clarified the discrepancy in budget amounts between budget season (May 2021) and July final budgeted amount for the implementation of COLA/compensation study.

Councilmember Aldridge thanked Ms. Chaney and Mr. Weavil for their hard work on this initiative so that the City can retain and keep people.

Council thanked Ms. Chaney and Mr. Weavil.

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**NEW BUSINESS**



Ordinance 21-34 – Consider Speed Limit Change for Portions of Woodhurst Lane and Anderson Road

Per Council action in the July meeting, the City Attorney has drafted an Ordinance for Council's consideration to change the speed limit on City-controlled portions of Woodhurst Lane and Anderson Road from 35 mph to 25 mph based on staff recommendations and analysis discussed in the July meeting. Changing the full lengths of these streets does not meet Council's adopted policy for a speed limit reduction. Council received a copy of the policy prior to the meeting.

A question was asked about whether the road all the way around would be affected by the speed limit change. The City Attorney responded that she confirmed with the Public Works Director that only the full length of City-owned portion of both streets would be affected by the speed limit change.

Councilmember Aldridge asked if speed trailers were placed on these streets to collect data. Yes, 9 speed trailers were placed on those two streets.

Councilmember Townsend commented that he is aware of two police chases down those streets last week. One involved 2 cars racing each other. One of the offenders lives in Anderson Heights but it appears that no one was charged.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 21-34 changing the speed limit to 25 mph on City-owned portions of Woodhurst Lane and Anderson Road.

[Ordinance 21-34 – Consider Speed Limit Change for Portions of Woodhurst Lane and Anderson Road]

Consider Plans for Construction of Pee Dee Avenue Parking Lot

The City Manager mentioned previously that plans were being drawn to redevelop the paved portion of this property into a parking lot. In doing this, the City is being conscious of what could occur with the remainder of the property it owns in this area. There has been discussion of demolition of the former tanning salon building. If that occurs, we want to construct the phase 1 development with a potential phase 2 lot in mind.

Two, 2-phase renderings of the parking lot that offer slight differences were supplied to Council prior to the meeting. Planning staff has said the connection needs to remain for the property the City owns with the buildings to the east. This could also allow the City in the future to eliminate the ability for back out parking onto Pee Dee Avenue from this property, which is not desirable. Option 2 shows this connection. Option 1 does not but has more parking. A possibility is to proceed with the Option 1 design that provides this connection and still provides a larger number of spaces.

Councilmember Whitley commented that backing out into the street is a concern. City Manager Michael J. Ferris replied that the City can potentially eliminate this concern due to access from a common drive.

The Mayor posed a hypothetical question. What if the City takes out the 5 spots in the back in Phase 1 and combines them into Phase 2 elsewhere? Planning and Development Services Director Kevin Robinson replied that there is some flexibility in the options to do that.

City Manager Michael J. Ferris commented that the City does not yet know the cost of demolition of the buildings on the area in question, nor do they know the cost of a no-rise certificate.

Councilmember Hughes asked if it made sense to do all of it at one time. There was discussion among Council and staff about the unknowns of the condition of the old salon building as the reason for phasing in the parking construction. So what is the best approach now? Approve Phase 1 now then see what the cost/benefit analysis will be per space. LKC Engineering, the author of the drawings, took that consideration into mind.

Councilmember Townsend asked if the work would be outsourced or bid out. Mr. Robinson replied that Public Works can do the job for Phase I and that there is a simple permit for this.

Councilmember Hughes asked what the next steps would be with the buildings. The City Manager replied that obtaining a no-rise certificate study and an engineering study on part of the building that is partially submerged in the creek to see what it would cost to pull it out are the next steps. Are the buildings in question marketable? Mr. Robinson replied that the buildings are mostly sound with the exception of some leaking, but there needs to be an assessment done on them.

If City Council will consider and approve an option, Public Works can begin construction.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, unanimously carried, Council approved the Option 1/Phase 1 parking design with a total of 35 spaces to be constructed with the buildings remaining as they are.

#### Discussion of COVID19 Policies

This item was requested to be on the agenda by Mayor Pro Tem Hall. She noted that as the COVID19 variants are circulating, COVID19 cases are increasing since the last meeting. Per the Governor's briefing last Thursday, he mandated that all agencies represented in the Governor's cabinet need to develop lists of staff who are vaccinated or not by September 1<sup>st</sup>. She noted that this already has been done within the Stanly County school system. She requested that the City consider an inventory of staff vaccination status.

City Manager Michael J. Ferris responded that City leadership has already begun discussing the approach to resurgence of COVID19. Effective tomorrow, August 3<sup>rd</sup>, the City will mandate that all employees revert to wearing masks while on shift regardless of vaccination status. Also visitors will once again be required to wear masks inside City facilities regardless of vaccination status. Per Mayor Pro Tem Hall's request, he noted that it would be hard to track vaccination status information, especially if employees do not provide accurate information.

Assistant City Manager Nyki Hardy came in front of Council to provide more detail around how the City is handling its response to COVID19 as an employer. There are challenges the City

could face if it tried to enforce vaccination status reporting or a vaccination mandate. For many diseases there is a mandate to report to the state, but for COVID19 HIPAA rules apply here. The City would need to study the legal ramifications of applying a mandate or requirement. Staff does not want legal actions by employees to occur against the City. She recounted a mandate that the Charlotte-Mecklenburg Health Department tried to enforce an immunization program few years back when she was employed there and how intricate it was to set up. If the City of Albemarle were to make the decision to enforce a vaccination mandate or reporting mandate, a dedicated person would need to be hired to implement this.

Councilmember Lowder suggested that the County Health Department be contacted to conduct training for employees on COVID19. Ms. Hardy replied that for the leadership team meeting the following Thursday this topic will be discussed. Human Resources Director Dana Chaney added that Wendy Growcock with the Health Department did conduct training last fall and she did a good job and could be asked to come in again. Ms. Hardy noted that staff would come back to Council if they had recommendations to share.

#### Consider Request to Locate Construction Dumpster on City Property

The City has received a request from Bert and Colton Baker to place a haul away dumpster in the City parking lot located near the rear of the old Fire building for approximately one week for contractor demolition and cleaning out of the inside of the building.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, unanimously carried, Council authorized the City Attorney to draw up an agreement for the temporary location of a dumpster in the City parking lot near the rear of the old Fire building for one week.

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#### **COMMENTS**

The Mayor announced that Parks and Recreation will be hosting the August Food Truck Friday this coming Friday, August 6<sup>th</sup>. The Carolina Soul Band will be providing live entertainment.

City Manager Michael J. Ferris wanted to thank all who assisted during the recent COVID outbreak in the Fire Department. He specifically noted the Concord, Kannapolis, and CharMeck Fire Departments, the Office of the State Fire Marshal, City of Albemarle employees and all other agencies working in the background to support the AFD. He also thanked Fire Chief Pierre Brewton for his coordination and many hours of work he dedicated to ensuring that the City continued to have Fire Department coverage throughout and to supporting his staff during a difficult time. Multiple Council members thanked all noted as well and requested that thank yous be sent to those entities who supported the City. The Mayor thanked Chief Brewton for getting help for his team quickly.

#### Councilmember Hughes:

- She asked for an update on the AFD COVID situation. Chief Brewton came in front of Council to provide an update. He first thanked all who helped his department to keep them stable and give them an opportunity to rest. He thanked his own team for following guidance in the situation even though they still wanted to help. So per the updates and pressers given, the Chief noted

that 10 personnel in the department had tested positive in late July and some were hospitalized, but all are home now. His analysis of the situation has brought 2 questions forward to use as lessons learned and a starting point for addressing the issue: how did we get here, and what should we do in the future. The department is now using better cleaning methods, and new tools to disinfect such as misters. Councilmember Aldridge thanked all who covered shifts and operations while the AFD personnel were sick and recovering. He asked Chief Brewton what safety measures were in place now at the stations. Chief Brewton replied that at all 3 stations at 7:00 am every morning misters are deployed to sanitize the station, the riding area, and apparatus. All firefighters conduct temperature checks before coming on shift, and a simple question and answer script is followed to check for COVID symptoms. Is AFD currently taking EMS calls? The Stanly County EMS center has modified protocol so that only critical care calls are routing to Albemarle. Mayor Pro Tem Hall had a series of questions about AFD personnel and compensation and leave. There were a group of firefighters who were on shift initially who were asked to go home when the outbreak first started – will those personnel be payed overtime? City Manager Michael J. Ferris replied that since senior City staff made the call to have all personnel leave shift, the City has agreed to provide overtime pay to those individuals asked to leave during shift. When all personnel were not on shift, who covered for the 7-day period? Chief Brewton replied that he sought guidance from the Office of State Fire Marshal (OSFM) to figure this out, and as a result firefighters from Concord, Kannapolis, and CharMeck backfilled shifts during that time. Have there been any AFD personnel who have gone over their COVID19 leave time? Per HR Director Dana Chaney, 9 AFD personnel are now over their COVID19 leave hours and will have to supplement the balance with other leave time. Councilmember Lowder asked what can be done differently by the City to deal with clusters of COVID19 so as to avoid this situation in the future. Chief Brewton replied that communication on both sides of the chain of command is the best ally, and following public health guidelines including getting vaccinated.

Councilmember Townsend:

- Re: AFD COVID outbreak – he gave thanks to Chief Brewton, Mr. Ferris, OSFM, and all the other agencies who helped.
- He gave farewell wishes to Senior Planner Ellie Sheild.

Councilmember Hughes:

- Re: AFD COVID outbreak – she gave thanks to Chief Brewton and the other communities for their help.
- She asked if staff could provide Council meeting agenda packets sooner the prior week before the meeting so that there is more time to read through and digest the information. The City Manager replied that yes this can be done which would advance internal timelines for agenda development.
- Re: City website – she noted that the pictures on the landing page should be updated. On the Economic Development webpage for the documents attached, the descriptions of these documents do not make sense.
- Re: Henson Street pedestrian issue – she noted that by Sonic on Henson Street there is heavy pedestrian traffic – could the City install sidewalks there? City Manager Michael J. Ferris replied

that he had been talking with Planning and Development Services Director Kevin Robinson about this issue. There have been funds accumulating in the General Fund for years, and so it may be possible to use some of those funds to fill in the gaps and make extensions along Henson Street. Staff will come with a recommendation to Council on this at a future Council meeting.

Councilmember Aldridge:

- Re: AFD COVID outbreak – he gave thanks to Chief Brewton and all who helped out.
- He gave a shout out to Police Officer Bernal about taking time out to help a little girl who called asking for ice cream. An article was written about him and posted recently and so he wanted to bring that to people’s attention. You can’t put a price tag on that.

Mayor Pro Tem Hall:

- Re: water issue involving Concord with bad smell – what is the status? Mr. Ferris replied that Albemarle worked with Concord to troubleshoot. On our end we added additives to the water, and also helped Concord. Concord found that the problem was on their end involving not flushing their tanks during maintenance. It also helped Albemarle on our end to look at our system and make changes.
- She spoke to new OT students at Pfeiffer recently and let them know about new businesses coming to downtown which be of interest to them, such as the opening of Badin Brews and the ax throwing place opening soon.
- Re: reminder about Snuggs House all day music festival on August 28<sup>th</sup> – she plugged this event which is a porch front music event at Snuggs House from 10 am – 10 pm that day.
- She noted that 2 robo calls came through on her home phone twice this morning in early hours relating to an amber alert and wanted to get an update. Interim Chief Poston came forward to provide the update. There was a report of a missing elderly man with possible dementia, and so the first robo call went out as per state law. Later the man was found and APD informed Stanly County EMS center of the recovery of the man and to cancel the amber alert. Stanly County EMS misunderstood the instructions and subsequently sent out another robo call. Councilmember Lowder commented that the late night/early morning calls are disturbing and unsettling. Interim Chief Poston replied he understood but that APD needed to weigh protocol or standard with the time of day in order to locate the man quickly.

Councilmember Whitley:

- Re: AFD COVID outbreak – he gave thanks to AFD and other City employees for helping out.
- He commented that all employees should go get vaccinated.

Councilmember Dry:

- Re: AFD COVID outbreak – he commented that it’s a shame that it took a negative situation to get a positive in the way of lessons learned. He thanked AFD for being ready to go and being

supportive of their colleagues. He is glad they are now well and being supported by their families. Hopefully procedures have been put in place to deal with COVID for all COA personnel.

Councilmember Lowder

- She commented to her colleagues that a lot of time was spent in meeting tonight and they could have been done earlier if they weren't fussing at others. Council needs to do better on this.

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**CLOSED SESSION**

The Mayor called for a motion to designate Councilmember Hughes as acting clerk for any occasion now and in the future where Council excuses City staff in closed session. Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Councilmember Hughes as acting clerk under the conditions for closed session noted above.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(5) Real Estate and N.C.G.S. 143-318.11(a)(6) Personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Hughes, 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)(5) Real Estate and N.C.G.S. 143-318.11(a)(6) Personnel. There was nothing to report.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved the shift of publication of the online agenda and associated meeting materials to close of business (i.e., by 5 pm) the Thursday prior to the next scheduled Council meeting.

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Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, the meeting was adjourned to Thursday, August 12th at 6:00 pm in City Council Chambers for a special session to continue discussion of a Personnel item.