

REGULAR MEETING CITY COUNCIL

September 20, 2021

The City Council of the City of Albemarle met in a regular session on Monday, September 20, 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.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, the minutes of the August 23, 2021 special and closed meeting, the August 30, 2021 special and closed meeting, and the September 7, 2021 regular and closed meeting as submitted were approved.

ANNOUNCED DELEGATIONS

John Scardina et al – To Discuss Sidewalk Ordinance in Neighborhoods

Mr. Scardina, residing at 1514 Holbrook Court in Albemarle, came in front of Council to make his request regarding the City’s sidewalk ordinance. He thanked Council for agreeing to hear his request to them tonight. He stated that he was building a house on Holbrook Court in an older existing subdivision where no sidewalks were installed. He then read aloud the sidewalk portion of the City’s Code of Ordinances and commented that if the purpose of sidewalk installation was for public safety, how could disconnected sidewalks in that area including his neighborhood be considered safe? He added that he thought disconnected sidewalks did not look good either.

Mr. Scardina then noted that he had interacted with Planning and was informed of the fee in lieu program for sidewalk installation at his new home. He questioned why he should pay \$3,000 for sidewalks that would be built in other parts of the City. He requested that Council consider waiving or at least delaying payment for fee in lieu sidewalk installation for his property.

The Mayor responded by stating that Council had adopted the fee in lieu option for sidewalk installation a few years ago. The intent was to have a property owner pay less with the fee in lieu amount than normally would be required to pay if having the installation done as a homeowner, with the benefit of building pedestrian safety throughout the City.

Planning and Development Services Director Kevin Robinson came to the podium to elaborate more on the fee in lieu program. A total of 48 residential and 9 commercial properties have paid fee in lieu for sidewalk installation from that time until the present. The amount collected so far could fund installation of ½ mile in District 3 or ¼ mile in District 1.

The Mayor noted that Marshall Rogers residing at 1520 Holbrook Court had signed in wishing to speak on this issue and asked him to come forward. Mr. Rogers stated that he came here tonight in support of his new neighbor and would be interested to see a City policy that made sense. He agreed with Mr. Scardina that only having the 1 sidewalk installed in the neighborhood would be an eyesore. He would be in favor of Council tweaking the sidewalk ordinance.

Council took no action on Mt. Scardina's request.

Council thanked Mr. Rogers and Mr. Scardina for coming in front of Council tonight.

AGENDA ADJUSTMENT

Mayor Pro Tem Hall noted that three members of the state's Wildlife Resources Commission were in attendance tonight to present about the deer hunting ordinance and made a motion to move the New Business item relating to it to next on the agenda. The Mayor asked for a second to the motion. Councilmember Aldridge seconded the motion, and upon a unanimous vote, Council approved the agenda adjustment.

Discussion of Rules Related to Deer Hunting in the City Limits

This item was placed on the agenda at the request of Mayor Pro Tem Hall. Council received a copy of the most recent ordinance prior to the meeting for review. Mayor Pro Tem Hall asked if the 3 representatives of the state's Wildlife Commission would come forward to dialogue with Council about the deer population and methods to reduce it here in the City. She noted that she asked for this to be on the meeting agenda because she has had some residents come to her about the large deer population that has grown within the City limits and are not sure about the City's requirements in the ordinance about whether they can hunt deer they see with bow and arrow.

Mayor Pro Tem Hall introduced Brandon Barbee, master officer in the Stanly district, Ken Knight, regional supervisor for the Piedmont Region, and Rupert Medford, wildlife biologist for Region 6 which includes Stanly County. For settings like Albemarle, deer culling through hunting is a practical way of keeping the population in control. Archery hunting in hunting seasons like deer hunting season and urban archery season is permissible and encouraged within the requirements established by the state and City of Albemarle Code of Ordinances. The only other measure would be a lot by lot measure such as repellents which is not as effective.

For bow and arrow hunting in a more populated area like Albemarle there are stipulations relating to distance between structures, acreage, and height off the ground the arrow is allowed to be shot. For instance a bow and arrow hunter in Albemarle would need to be 250 feet away from occupied dwellings in order to use that method to hunt deer. For the distance/acreage requirement, a bow and arrow hunter would be able to hunt deer over a distance of 2 acres, but that acreage could allow for 2 lots each an acre but next to each other to satisfy the requirement. So if 2 or

more property owners have the minimum acreage combined side by side they could partner together to remove deer via bow and arrow.

How long is deer season? Deer season lasts for 30 days. Are there any other municipalities doing anything different? Municipal requirements are highly variable with Matthews having the most restrictive deer hunting policy. A recommendation could be for Albemarle to remove all bow and arrow hunting requirements. Another recommendation would be to consider a high density program, which would entail extending the deer season and providing more tags to hunters. However this kind of approach would need to be done by a community rather than a municipality.

Council took no action on the topic.

Council thanked the Wildlife Commission contingency for their presence at tonight's meeting.

ADMINISTRATIVE REPORTS

Stormwater Plan Project Update

WK Dickson provided an update to Council on the status of the stormwater program development project. Discussion around program recommendations, public outreach, cost of service, rate base and potential rate structure, and next steps occurred.

Tom Murray with WK Dickson detailed the different aspects of the prospective stormwater program: program management, operation and maintenance, and capital improvement. Inga Kennedy with WK Dickson then summarized how they sought public input on flooding and stormwater management and what residents would like to see in terms of stormwater management. Results of public input were shared with Council.

Council asked questions directed to Mr. Murray and Ms. Kennedy. Mayor Pro Tem Hall asked what the total number of completed surveys was so far and which method provided the largest volume of surveys. The total number of surveys completed to date are 105 with the bulk coming from canvassing at the most recent Food Truck Friday event.

Mayor Pro Tem Hall then asked about how WK Dickson computed personnel effort needed for managing and executing the stormwater management tasks identified in the presentation. Mr. Murray and Public Works Director Ross Holshouser explained how they estimated tasks throughout the year by cycles in order to obtain the number of personnel needed to handle the program. In response to another question of Mayor Pro Tem Hall's, Mr. Murray clarified that for the prospective program the total number of full time employees includes an extra 5 fulltime employees on top of the current 4 full time employees estimated working on the current program.

Katie Crowell with Raftelis shared with Council current costs for how the City handles stormwater management and the new prospective program's cost which would enhance the current efforts. She discussed how the rate structure would work, by calculating impervious surface on a lot to obtain the base unit of cost, the "equivalent residential unit" or ERU. Ms. Crowell then described how

the overall rate structure would be computed. The total ERU divided by the total stormwater program cost per year would equal the potential fee rate. She took Questions from Council.

Mr. Murray closed the presentation by describing next steps in the development of the program.

The Mayor asked if there were comparable rates. Mr. Murray replied that there is variation and variability in how a municipality can structure funding a stormwater program. Noting that there are municipalities that fund their program from their General Fund rather than a rate structure. Also relevant to program cost is whether the City of Albemarle would just comply with a MS4 designation only, which would cost less to fund. However local variables could impact the cost of the program, such as crumbling infrastructure and the level of local flooding. Mayor Pro Tem Hall followed up by asking when at the state level would the decision to designate MS4 status occur. That decision is likely to be made in 2022 considering Census data release was delayed.

Council took no action on the topic.

Council thanked the team for their presentation.

Public Housing Door Project Final Update

Public Housing Director Lee Staton came forward to provide the update to Council. In the midst of a pandemic, the Public Housing Staff, contractor (HEMCO) and architect (Stogner Architecture) worked very well together to complete the Exterior/Interior Door Replacement Project in a timely manner and under budget. The contractors worked in occupied units during COVID to get the project done. All interior and exterior doors in both locations were completed, which included new hardware and hinge installation, new locks, and in some cases painting.

The original contract amount was \$1,361,217.00 and the final adjusted contract amount is \$1,306,507.99 (\$54,709.01). There was a savings due to 2 change orders resulting in reductions in cost.

Mr. Staton noted that he is appreciative of Kyle Marks, President of HEMCO Properties, LLC, Davis Best, Contract Administrator with Stogner and Tony Poplin, City of Albemarle Maintenance Supervisor for their ability to remain professional, flexible and dedicated to the scope of work, schedule and cost of the project. He also thanked Council for their support of the project.

The Mayor announced that this is Mr. Staton's last Council meeting before he leaves for his new job. He noted that Council has appreciated everything he has done for Public Housing. Mr. Staton thanked Council, the Leadership Team and City colleagues for their support and help during his time here. He noted the Public Housing residents are wonderful.

Recommendation to Change the Retirement Contribution Policy

Human Resources Director Dana Chaney came forward to present the request to Council. The Human Resources team is recommending that the City not require a 90-day waiting period for employees to begin their retirement contribution. This has been the historical practice of our organization but other municipalities do not employ this practice. It creates confusion for employees and also an administrative burden on HR staff.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, Council approved the recommendation to change the retirement contribution policy so that employees can begin to contribute on the first day of the month following their date of hire effective for new hires from this date moving forward.

Departmental Spotlight Presentation – Fire Department

Fire Chief Pierre Brewton came in front of Council to present. Chief Brewton noted that when he came on board he asked Fire Department personnel to help build a vision/mission/values foundation for the department. The Fire Department's vision is: The City of Albemarle Fire Department is dedicated to being a progressive and innovative Fire Department focusing on providing a safe community through effective emergency response and intentional community risk reduction.

The departmental overview is as follows:

- AFD is an Insurance Service Office (ISO) Class 3
- Budget for FY2021-2022 \$5,081,858

There are 3 locations: 1610 E. Main Street, 607 Concord Road, and 209 Northeast Connector.

In terms of vehicles AFD has:

- 3 Front Line Pumpers
- 1 Reserve Pumper
- 1 75' Aerial
- 3 Command Vehicles
- 3 Support Vehicles
- 1 Soft Bottom Rescue Boat
- 1 ATV w/Trailer

For personnel AFD has 43 sworn fire personnel working 24/7/365, as well as 1 civilian. There are 39 personnel in suppression function, 3 personnel in the Office of Community Education and Prevention, and 2 in administration.

Future goals include: Fire Department classification from ISO 3 to ISO 2, Fire Department National Accreditation (CPSE), Fire Officer credentialing (CPSE), Firefighter Advanced certification, and continuation of enhancement of all-hazards community risk reduction efforts.

Council thanked Chief Brewton for his presentation.

Information – Trespassing and Litter on Private Lot

This issue originated with a comment at a recent Council meeting and the Mayor Pro-Tem has requested it be placed on the agenda. To recap, the City determined the issue was actually on the private driveway for Lowe's Home Improvement and involved trespassing on private property. The Police Department was working with the property owner to gain consent to help manage the property. The Police Department is working with Planning to determine the next steps.

The Mayor asked City Manager Michael J. Ferris to provide an update. Mr. Ferris noted that the problem stemmed from a private drive off of Bird Road and from a clearing near a wooded area where a homeless camp was set up. Planning and Development Services Director Kevin Robinson then came forward and added that he spoke with the business owner who committed to removing debris there. The homeless camp has been moved and is no longer an issue. There has been some movement by the owner to begin a cleanup and some of the trash has been gathered.

Council took no action on the topic.

Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for August 2021 prior to the meeting. The Mayor asked if any Council members had any questions or comments.

CONSENT AGENDA

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

Ordinance 21-40 – To Consider Ordinance Changes for Code Enforcement

The City previously approved the engagement of Parker Poe to assist in a comprehensive review of the City's code enforcement practices. Following their review, Parker Poe suggested revisions to our ordinance to better assist us with code enforcement actions. The revisions are summarized in the attached memo and detailed in the ordinance.

[Ordinance 21-40 – To Consider Ordinance Changes for Code Enforcement]

Ordinance 21-41 – To Receive Public Housing 2021 Capital Funds

The City has received its annual capital funds appropriation from HUD. These funds have not been obligated to any specific project(s), yet are designated for capital needs. There is the potential the funds will be used toward rehabilitation of the burned units, but this depends ultimately on the insurance payout. Typically, these funds are obligated and expended for items on the Department's 5-year capital plan.

[Ordinance 21-41 – To Receive Public Housing 2021 Capital Funds]

Ordinance 21-42 – Renaming Rebel Road to Unity Drive

At the September 7th Council Meeting, Council approved the renaming of Rebel Road to Unity Drive. Staff has confirmed that Unity Drive is an available street name and is not in conflict with existing street names.

[Ordinance 21-42 – Renaming Rebel Road to Unity Drive]

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

- Ordinance 21-40 providing ordinance changes to enhance code enforcement;
- Ordinance 21-41 to receive annual HUD Capital Funds appropriation; and
- Ordinance 21-42 formally renaming Rebel Road to Unity Drive.

NEW BUSINESS

McAlister Street Abandonment Request Revisited

At the August 2nd meeting Council considered the item and voted unanimously to deny Resolution 21-22 to set a public hearing to consider abandonment of McAlister Street. This item has been added back to the agenda at the request of Mayor Pro Tem Hall.

Background: 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. 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. Following this meeting the City received feedback from the NCDOT District Engineering who indicated the potential for change on our end does not impact their plans as McAlister is a City maintained street.

Mayor Pro Tem Hall commented that she requested this item be placed back on the agenda because she was contacted after the August 2nd meeting asking about whether the NCDOT report had been received before Council considered the vote. City Manager Michael J. Ferris confirmed that it had been received by City staff, and that the analysis of that report was provided in the agenda item summary in the meeting packet for the August 2nd meeting.

The Mayor added he understands that NCDOT could possibly be adding in a stoplight there for better traffic control.

Council took no action on the topic.

COMMENTS

Councilmember Townsend:

- He recognized the Nehemiah Project's new community garden at the EE Waddell Center.
- He announced that Pfeiffer University's Falcon Night Out is this coming Saturday and that Mayor Pro Tem Hall could provide more details.

Councilmember Hughes:

- She thanked Public Housing Director Lee Staton for his time and service to the City of Albemarle.

- Re: last week's Fire Department recruitment graduation – it moved her to hear them speak, and she is proud of them. She agrees with Councilmember Dry's suggestion to recognize them publicly.

Councilmember Aldridge:

- He recognized the Planning and Development Services Department and Mr. Robinson. That department has to carry out the decisions of Council and that can be difficult. When a citizen like Mr. Scardina compliments the department even though he is unhappy with the policy, it speaks volumes about the department and its leadership.

Mayor Pro Tem Hall:

- Re: Public Housing – with the Public Housing item tonight it reminded her that an email about HUD training for local Councils who manage Public Housing sites is still waiting for a reply from Council members and noted she needs to reply with her training interests.
- She noted that there is a scheduled litter clean up on September 25th and October 2nd at Rock Creek Park.
- This weekend is Pfeiffer University's homecoming weekend and Falcon Night Out.
- She noted that Halloween is coming up and called on Mr. Robinson to think about whether streets needed to be closed off for that night.
- She noted the flyer at Council member's seats and on social media that the Autumn Extravaganza is coming up next month. She gave Parks and Recreation Director Lisa Kiser an "attaboy" for teaming up with the Historical Society for co-hosted events

Councilmember Whitley:

- Re: community garden ribbon cutting at EE Waddell – he is sorry he missed it.
- Re: upcoming litter pick up events – litter pick up will start at 9 am both Saturdays at Rock Creek Park along with Keep Stanly Beautiful.
- The Dinner of Main event last Saturday night was a perfect night. This year the event benefitted ADDC.

Councilmember Dry:

- He congratulated Lee Staton on his new position and noted that people speak highly of him over at Public Housing.
- The last Food Truck Friday will be on October 1st at City Lake Park with a live band.

Councilmember Lowder:

- She had hoped that her colleagues would have been a bit more efficient with the time to conduct business tonight.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, 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)(3) consultation with the City Attorney, 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 Whitley, seconded by Councilmember Aldridge, unanimously carried, the meeting was adjourned to October 4, 2021 at 6:30 pm in City Council Chambers.