

**REGULAR MEETING CITY COUNCIL**

October 4, 2021

The City Council of the City of Albemarle met in a regular session on Monday, October 4, 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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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes of the September 8, 2021 special and closed meetings and the September 20, 2021 regular and closed meetings were approved as submitted.

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**PUBLIC HEARINGS**

Ordinance 21-44 – ZMA 21-11 to Rezone a .171 Acre Vacant Parcel on Crowell Avenue from GHBD to R-6

Council conducted a public hearing to consider a request by Lasanukanami Doyin Ogunyomi of All Goodness Enterprises LLC to rezone a vacant parcel located on Crowell Avenue (Tax Record 24079) from GHBD/General Highway Business District to R-6/Urban Residential District in order for the property owner to build a 1250 square foot residential home on the parcel.

Senior Planner Ashlie Jones presented the request and staff analysis to Council. While the surrounding residential parcels are currently zoned R-8/Neighborhood Residential, many of the parcels are nonconforming with the current R-8/Neighborhood Residential ordinance requirements. The applicant had the lot surveyed to determine which zoning district would allow development while still meeting the minimum lot size and setback requirements established by City ordinance. Due to the lot being under the requirements for minimum lot size per dwelling in the Neighborhood Residential Zoning District, the applicant is requesting a rezoning to R-6/Urban Residential District in an effort to be in conformance with current ordinance requirements. The application states the proposed rezoning to be R-8. The property owner changed this to R-6 after submitting his application and speaking with Staff.

The Planning and Zoning Board unanimously recommended that the property be rezoned to R-6 as proposed in its September 2nd meeting using the 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. No one came forward to speak.

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

Upon a motion by Councilmember Townsend, seconded by Councilmember Lowder, unanimously carried, Council approved Ordinance 21-44 which includes ZMA 21-11 with the following map amendment statement:

The Albemarle City Council finds the action to amend Tax Record 24079 from GHBD/General Highway Business District 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.

[Ordinance 21-44 - ZMA 21-11 to Rezone a .171 Acre Vacant Parcel on Crowell Avenue from GHBD to R-6]

Ordinance 21-45 – To Consider Map Amendment ZMA 21-12 to Rezone a .377 Acre Portion of a Parcel Located at 2117 W. Main Street from LID to GHBD

Council conducted a public hearing to consider a request by South Central Oil Company, Inc. to rezone a portion of a parcel located at 2117 W. Main Street (Tax Record 22899) from LID/Light Industrial District to GHBD/General Highway Business District to accompany a subdivision approval.

Senior Planner Ashlie Jones presented the request and staff analysis to Council. The property is currently zoned Light Industrial and is currently used as the offices and warehouse space for South Central Oil. A tenant is interested in leasing 2117 W. Main for use as a salon. This address has been used as a salon, with the most recent use ceasing in December 2020. The salon use ended in December 2020 when the power to 2117 W. Main was disconnected at the request of a previous tenant.

The Planning and Zoning Board unanimously recommended to rezone the property to GHBD as proposed in its September 2nd meeting using the 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. No one came forward to speak.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council approved Ordinance 21-45 which includes ZMA 21-12 with the following map amendment statement:

The Albemarle City Council finds the action to amend tax record 22899 from LID/Light Industrial District to GHBD/General Highway Business 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.

[Ordinance 21-45 - To Consider Map Amendment ZMA 21-12 to Rezone a .377 Acre Portion of a Parcel Located at 2117 W. Main Street from LID to GHBD]

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### **AGENDA ADJUSTMENTS**

The Mayor called for a motion to add a special event permit request from Badin Brews.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the agenda adjustment.

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#### Badin Brews Special Event Request

Mr. Joshua Hicks, owner of Badin Brews, came in front of Council to briefly explain his event and state his request. He is looking to sponsor tailgate events in the City owned parking lot to the side of the brewery for the remaining "away" Carolina Panthers games, which would be October 24<sup>th</sup> and 31<sup>st</sup>, and November 14<sup>th</sup>.

Council discussed and decided to waive the \$25 fee.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, Council approved waiving the \$25 fee and the Badin Brews tailgating events as described.

### **ADMINISTRATIVE REPORTS**

#### Marilyn Wells, Waste Management – WM Update and Discussion of Loose Leaf Collection Season

Public Works Director Ross Holshouser came in front of Council with a message from Ms. Wells stating that she could not make it tonight, so he summarized the loose leaf collection plan on her behalf.

Public Works staff has already met with Waste Management to review the upcoming season. A copy of the loose leaf collection map and schedule was provided in the agenda packet and will be posted to the City's website, social media outlets, and distributed as a utility bill stuffer. The loose leaf collection season will begin on October 18<sup>th</sup> and will last until the end of March.

Mr. Holshouser took questions from Council. The Mayor commented that trash is blowing from WM trucks and is scattered over residential streets. Mr. Holshouser replied that Public Works sent a letter recently to all commercial haulers which use the City of Albemarle landfill to make sure tarps are secured over loads and to check the condition of tarps. He also noted that residents need to remember to bag their trash and not leave it loose in a bin per the City's Code of Ordinances.

Councilmember Townsend noted that he has received complaints that WM has mixed recycling with trash. Mr. Holshouser noted that if the recycling driver finds contaminants in the recycling bin that resident's recycling is left for the trash driver to take both the trash and recycling.

Councilmember Hughes commented that re-education of residents about trash and recycling dos and don'ts would be advisable. City Manager Michael J. Ferris replied that this can be done again as social media campaigns have been done to remind residents periodically over the past year.

There was no action taken by Council.

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### **MUNICIPAL CALENDAR**

Mayor Michael and Council members 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 noted that the Charters of Freedom dedication ceremony will be next Tuesday October 12<sup>th</sup> at 5:30 pm. She and the Mayor announced that flyers about the ceremony will be placed around City facilities and other public spaces to advertise the event over the next week.

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### **CONSENT AGENDA**

#### Consider Closing Pee Dee Avenue on October 31, 2021 for Trick or Treating

Council considered closing Pee Dee Ave on Halloween from 5:00 – 9:00 pm for trick or treating. Council received confirmation prior to their vote that there are no changes to logistics for the street closure from last year.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, unanimously carried, Council approved closing Pee Dee Avenue between 5:00 pm and 9:00 pm on Sunday, October 31<sup>st</sup> for trick or treating.

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### **NEW BUSINESS**

#### Introduction of Police Chief Jason Bollhorst

City Manager Michael J. Ferris introduced the new police chief. He noted that today is Chief Bollhorst's first day. Chief Bollhorst comes to the City from Newport News Virginia after a long career. Chief Bollhorst's hiring is the result of a national search which involved multiple seasoned

candidates. Chief Bollhorst’s level of experience, interpersonal skills with officers and the community, and a desire to serve this community separated him from other candidates.

Chief Bollhorst came in front of Council to say a few words. He noted that he has had a busy first day transitioning to the job. He is excited about residing here in Albemarle. He looks forward to being part of the City of Albemarle team moving forward. He spent time with Fire Chief Brewton already today to discuss ways to improve public safety in the City. He and his family made multiple trips here to Albemarle prior to his hiring and love Albemarle and feel like it is home.

Council warmly welcomed Chief Bollhorst and stated that they look forward to working with him in the future.

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The Mayor called for a motion to change the Council member charged with acting clerk duties for personnel discussions where staff are not present from Councilmember Hughes to Councilmember Whitley from tonight moving forward.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, unanimously carried, Council approved the change in acting clerk from Councilmember Hughes to Councilmember Whitley.

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### **COMMENTS**

#### Mayor Pro Tem Hall:

- A reminder that October 9<sup>th</sup> is the National Night Out event.
- She gave accolades to Parks and Recreation staff and Director Lisa Kiser for Food Truck Fridays. There has been 7 months of music, food and fun thanks to them. She also thanked Councilmember Dry and others for their financial assistance in underwriting Food Truck Fridays.

#### Councilmember Dry:

- He gave a shout out to Public Utilities Assistant Director Dan Worl for helping a family member out today.
- He welcomed Chief Bollhorst.

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### **CLOSED SESSION**

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

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### **RETURN TO OPEN SESSION**

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

Mayor Pro Tem Hall reminded Council that the Pubic Power Day of Caring that Public Utilities is hosting is this coming Wednesday, October 6<sup>th</sup> starting at 8:30 am.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Lowder, unanimously carried, the meeting was recessed to Monday, October 11th at 6:00 pm in City Council Chambers to continue discussion in closed session of a Personnel item.