

REGULAR MEETING CITY COUNCIL

October 18, 2021

The City Council of the City of Albemarle met in a regular session on Monday, October 18, 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 Townsend, seconded by Councilmember Dry, unanimously carried, the minutes of the October 4, 2021 regular and closed meetings as submitted and the October 11, 2021 special and closed meetings as submitted were approved.

PUBLIC HEARINGS

Consider 134 Lot Cluster Major Subdivision MJSR 21-06 along the Northeast Connector

Council conducted a public hearing to consider a proposal for a 134 lot major cluster subdivision on the east and west side of the NE Connector. It was later clarified the proposal had been increased to 141 lots. The current zoning for this area is R10 Single Family Residential and the subdivision does not alter the zoning classification or the maximum number of buildable residential units in the area. It allows for the development to be clustered.

Planning Coordination Specialist Jay Voyles presented the request and staff analysis. He handed out materials to Council in session and explained that Council was receiving the most recently updated plat for the subdivision in question per Planning and Zoning Board recommendations. As of tonight, the developer has completed all of the recommendations requested by staff and the Planning and Zoning Board with the exception of a traffic impact analysis to be conducted by NCDOT.

Council asked a series of questions about stub outs for the proposed subdivision, as well as who would bear the responsibility of providing the utilities infrastructure for it. Mr. Voyles and Planning and Development Services Director Kevin Robinson provided responses. The proposed stub outs needed to be spaced throughout the subdivision to provide multiple access points to the Northeast Connector, and both run through private property. The developer will be responsible for providing utilities to the subdivision but it's unclear whether they will extend utilities beyond the subdivision since they will not be required to do so.

What will the final lot count be for the subdivision? The developer in the latest plat provided today will construct a maximum of 141 lots. Is this consistent with the City's R-10 designation? Yes it is consistent with the lot density requirements for this designation and will conserve some of the pockets of wetland in this area, which is a consideration specific to R-10.

Council then discussed a concern about how City services such as Fire and Police might be impacted by the addition of this subdivision in the area. Planning Staff noted that the proposed road improvements should improve access to the surrounding area and lower response times. City Manager Michael J. Ferris noted that this concern would be addressed typically in the annexation phase of development, but this is infill development of property currently inside the City.

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 Hall, unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and amended and unanimously carried, Council approved Major Subdivision MJSR 21-06 as a 141-lot cluster subdivision with the understanding that the revised plat presented tonight meets the Planning and Zoning Board's standards, and per the condition that the developer meets the NCDOT requirements as well as City staff's conditions as specified in the applicant packet.

Ordinance 21-46 – To Consider Annexation of 135 Acres at Highway 52 and Highway 138

Council conducted a public hearing to consider the adoption of an ordinance annexing 135+/- acres into City Limits. If approved, a subsequent public hearing and consideration for zoning the property shall be held. This tract consists of 2 tax parcels....#23373, a 14.66+/- acre parcel which is primarily located in the County and #7671, an adjacent 129 +/- acre parcel that is entirely in the County. The applicant had previously proposed this site be annexed into the City so that a commercial center can be developed along with a mix of high density residential including apartments. The applicants were now requesting the site to be all residentially zoned for R-8 once annexed, consistent with Planning Board's recommendation to exclude the GHBD zoned, commercial center near the intersection with Hwy 138.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis. Staff has several concerns about the impact of annexing new properties along Hwy 52 further south than City limits currently lie. Along with the impacts of residential traffic from this development, the City's ability to provide sewer, fire, police and other services to this area are undetermined. While R-8 level densities and commercial are generally encouraged by City Staff, development at this level has the potential to add up to 1,175 units once built out. Even under a less dense, R-10 build-out scenario there is potential for between 600-800 units on this property. The applicant was proposing 250 single family detached homes and 250 single family attached townhomes, however Mr. Robinson recommended that the total capacity of the site under R-8 zoning be considered since there was no formal subdivision plat being considered at the meeting. It was noted that the City cannot approve only specified numbers of homes and prevent the maximum number of lots allowed from being developed if all requirements of City ordinance are met.

Provision of sewer to both this and future properties in the vicinity is also a concern. City sewer infrastructure currently terminates on the west side of Hwy 52 near Marlbrook Dr. across the street from the northern tip of this large property. While there may be some capacity on the existing line on Hwy 52 which can be accessed, the majority, if not all, of the property will not be gravity fed and will require pumping to reach this existing line. This is not ideal, especially for larger developments. South Albemarle, south of Hwy 24-27 bypass contains some of the most disconnected road networks and sparsest levels of infrastructure in the city. With a heavily used railroad bisecting and cutting off access to other parts of the City both east and west and no plans that Staff is aware of from DOT to improve this all traffic in this area will funnel onto Hwy 52 for most daily trips.

Council and City staff discussed the large amount of annexation requests for potentially very large developments and their potential impacts on City services. The volume the City is seeing in the last year may also expedite the need for undertaking a comprehensive review of the development and growth of the City and to analyze growth areas, service provisions, costs, and other issues. Moving into the future, City staff will need significantly more time to review requests. For this annexation request, Mr. Robinson noted that staff will need more time to conduct analyses of services needed for a future development this size.

Mayor Pro Tem Hall called for a motion to hold the public hearing open to another date and asked the City Attorney to weigh in. Thirty days would be the maximum time out to hold the public hearing date open – outside of that period of time would require the City to re-publish public notice.

The Mayor asked if the developer would like to come forward and provide remarks to Council. Mr. Ricky Yeoman with Grimes Yeoman LLC representing the developer Exponential Development LLC came forward. Mr. Yeoman indicated that Mr. Brandon Maxwell and Mr. Yomesh Dalawala from the company and Beth Bailey from McKimrey Creed were also present at tonight's meeting. Mr. Owen then read a statement from the company owner Mr. Hamal Badiani aloud to Council specifying the company's efforts and willingness to work with the City to alleviate concerns and facilitate growth in Albemarle in line with City ordinances and requirements. Mr. Yeoman and the Mayor discussed what the developer would do for sewer and water service set up for the development.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic.

Mr. Barrett Eatman, residing at 25152 Cabin Ridge Road in Albemarle, came forward to speak. He noted that his property is separated by the parcel being considered by 1 neighbor. He voiced concerns over developing in a wetlands area, increased population that the proposed subdivision would bring and impacts to traffic, City services, schools, and other area of life. He hoped that Council would consider this rezoning request as responsible stewards of growth in the City.

Cecilia Nash, residing at 103021 Sycamore in Albemarle, came to speak. She and her husband have lived on their property for years, and her family has resided in Albemarle for many years. She stated that she and her husband are not against change but are concerned about the affected property owners having a chance to consider and respond to this request for development. She noted that there was only 1 sign which was hard to see from the road placed about the proposed development and wasn't sure how many of her neighbors knew about this request in front of Council tonight. She felt

like the notices weren't public enough to alert affected owners know and mobilize around this request for development of a large piece of land which would affect them all. She is concerned whether the City can sustain growth such as this proposed development and the Morgan Hills subdivision.

Danny Barbee, residing at PO Box 986 in Albemarle, spoke on behalf of the company Structural Building Homes, which operates in this vicinity and can produce loud noise. He suggested that the City consider adding in more green space to absorb sounds coming from the nearby company. Mr. Robinson replied that while the developer may choose to set aside large acreage as a buffer from the facility it cannot be a requirement by the City as the R-8 zoning district does not allow for conditional zoning. However theoretically there are other zoning districts that could potentially be considered to accomplish this.

Wayne Rummage, residing at 36109 Davis Road in Badin and who owns 30 acres on Jana Road, came forward to speak. He noted that he had just found out about the annexation request that day. He thought that per the logistics the land is not well developed and so there are concerns about infrastructure out there, such as water and sewer. He expressed his concern over having a development that big drawing in people from outside the County who don't understand the culture here.

Based on the speakers who came in front of Council with concerns about the annexation and the City's request to be granted a little more time to analyze the impacts of such a large annexation on City Services Council agreed to hold off on making a decision tonight.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council approved this public hearing for annexation of 135+/- acres into City Limits by Highway 52 and Route 138 and the rezoning request for this property to be continued at the November 15, 2021 Council meeting.

Ordinance 21-48 – To Rezone a 135 Acre Property at Highway 52 and Highway 138

This public hearing will be continued at the November 15, 2021 Council meeting pending Council's decision at that meeting on the annexation request.

Ordinance 21-47 – Consider Annexation of 85 Acres on City Lake Drive

Council conducted a public hearing to consider adopting an ordinance approving the petition to annex +/- 86.84 acres of tax record 13976 on City Lake Drive. If approved a subsequent hearing to rezone the property shall be conducted. The applicant contends that more residential homes along City Lake Drive will be available should the City approve annexation.

Senior Planner Ashlie Jones presented the request and staff analysis. The 85.53 acre City Lake Drive property is a vacant parcel that is contiguous to our current City Limits that encompasses Stanly Community College, Phases I & II of the Parkwest Subdivision and another vacant parcel that fronts Poplin's Grove Church Road & City Lake Drive. The property being petitioned is currently zoned County Residential Agriculture. The zoning district that is being applied for is City R-10, General Residential.

On October 7th, 2021, the City Planning and Zoning Board made a unanimous favorable recommendation to City Council that if the property were to be annexed, that it be initially zoned into the R-10, General Residential Zoning District. This property will be primarily accessed from City Lake Drive, which feeds onto both Hwy 73 and Poplins Grove Church Rd. Secondary access will be available to the Parkwest neighborhood. A traffic impact analysis will be required prior to subdivision approvals and development occurring on site and improvements to City streets and DOT will be required as indicated. Staff does not otherwise believe there to be any major concerns of traffic impacts on the surrounding area.

The Mayor called up James Gaskins representing the developer Smith Douglas Homes to speak to Council. Per the Mayor's inquiry Mr. Gaskins affirmed that the developer plans to extend water and sewer past the boundaries of the proposed subdivision. He noted that this proposed development is a continuation of Parkwest Phases I and II. They plan to build out 4 stub outs in this proposed development, 2 at a time per phase.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic.

Helen Simonsen, residing at 6701 Lakeside Drive in Charlotte, came to speak in front of Council and announced that she was speaking in the capacity of a wetland scientist about the potential impacts of the proposed annexation and development of the land on wetland conservation and flooding. She noted that she believes that climate change has impacted the area in question in relation to the frequency and amount of flooding occurring. She stated that residents have identified 3 locations on City Lake Drive which currently are prone to flooding: by Highway 73, near Poplins Church Road, and along a steep curve in the road. She questioned the impact of development on the amount of impervious surface area in the area, as well as downstream effects to other communities.

Paige Emerson, residing at 35796 City Lake Drive in Albemarle, came forward to speak. She has been a resident of this area since 2016 and has noted the increase in flooding issues on the road which have impacted hers and family member's properties multiple times since 2017. She is concerned about the flooding issue as a result of the development being proposed tonight.

Carla Weyrick, residing on City Lake Drive, came to speak to Council. She has been a realtor in the area for 22 years and also resides in Albemarle. She keeps up with regional trends which impact land use and real estate, including flooding. She noted that Charlotte addressed the issue a certain way which has proven to be ineffective in controlling flooding. Here in Albemarle she and her family have experienced flooding in multiple years from 2018 to present. She is concerned that with new development here in Albemarle without a stormwater management plan set yet, flooding will become worse before getting better.

Jim Lowder, residing 35737 City Lake Drive, came in front of Council. He stated that the property under consideration floods worse now than it has over the 50 years he has resided in the neighborhood. He noted that there are no good controls for water and that the City should provide water control if they decide to develop the land.

Mr. James Gaskins came back in front of Council to present the developer's request and to respond to residents' concerns. They have had conversations with the engineer about runoff, but noted that this area does not require special conditions for water control. The developer as part of post-

development activities, would try to improve the water runoff situation He then took questions from Council.

Council raised issues related to drainage concerns. Planning Coordination Specialist Jay Voyles answered specific questions about his observations of the site related to drainage when he visited the site in question. Mr. Voyles noted that the developer would be required to submit an erosion control plan to the state during the design phase.

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 Townsend, and carried with a vote of 6 Council members for the motion and 1 Council member against, Council denied Ordinance 21-47 for the annexation of 85 acres on City Lake Drive. Council members voting for the motion included: Hall, Townsend, Lowder, Dry, Hughes, and Aldridge. Councilmember Whitley voted against the motion.

Ordinance 21-49 – To Rezone a 85 Acre Property off of City Lake Drive

This was not presented due to the denial of the annexation request by Council.

ADMINISTRATIVE REPORTS

Update on the Census 2020 Redistricting Analysis

City Manager Michael J. Ferris presented the update to Council. Following each decennial census, the City must look at the results to determine if adjustment to the City's voting districts are needed. As was the case with the 2000 and 2010 Census, the City has engaged Centralina Regional Council (formerly COG) to assist us with the project.

The City must first ensure that the population within each Council voting district remains balanced. Since we have 4 voting districts, the total population is divided by 4 which is the ideal number of residents in each district. We are permitted to have a variance of plus or minus 5 percent. We are also required by a court settlement to maintain a majority black district. We are not a jurisdiction that is mandated by the Department of Justice to have such a district, but the City entered into a settlement agreement with the NAACP in 1988 to move to district representation for a portion of the Council seats, and that one district would maintain a majority black population. The first City election with district representation was held in 1991.

The preliminary timeline is to have the project completed by April 2022. The data may show there is no need for a change in our voting districts as it did in 2010. It may also show a need to adjust the districts, as was the case in 2000. Updates will be provided throughout the process but we wanted to provide this overview of this matter and the requirements that must be met following an analysis of the Census data.

Update on the Development of the Albemarle Business Center

City Manager Michael J. Ferris and David Tibbals, working as a land agent managing the easement acquisition process for the City, co-presented this item to Council. The City is currently awaiting the easements for the sewer to be secured. The contractor wants all the easements in hand prior to beginning the clearing and grubbing activities so they can start and finish this process as quickly as possible and with only one mobilization. NJR is aware we are awaiting the easements and has informed Chambers Engineering they are fine with this adjustment in the project start time. This will require a change to the contract to adjust the completion date to reflect the later start date.

Economic Development Director Keith Tunnell and Mr. Tibbals are working on acquiring owners' agreements to the easements. From staff's understanding there are 5-6 easements which are in process currently.

Mr. Tibbals came forward to provide an update and take questions from Council. He has been working on initial outreach to owners with land requiring easements with the City. One owner, JTG Holdings has been difficult to reach and he is waiting to hear from them. He has been able to have 2 owners preliminarily agree to the easement, 1 owner would like to tweak the easement agreement, 2 other owners are negotiating the easement, and the 1 owner previously mentioned has not responded yet. The three in process Mr. Tibbals believes should be finalized in the next couple of weeks.

Spotlight Presentation – Human Resources

The Human Resources (HR) Department, led by Director Dana Chaney and including Leslie Kinley and Tanya Luther, presented their department to Council.

The HR Department has been led by her since 2019, and strives to excel in 4 areas: recruitment, retention, rewards, and restructuring of HR processes. Over the last 10 years the HR Department has increased the volume of personnel to be hired, with an all-time high this year so far of 79 personnel hired. HR has updated recruiting brochures, extended recruitment into outside resources such as LinkedIn, and for leadership positions developed a specialized recruitment insert.

Tanya came forward to detail the switch from paper-based position application process to an online applicant tracking and management tool called NeoGov. The department went live with NeoGov on September 28, 2021 and has managed 100 applicants in the system so far.

Leslie came forward to recount how the City moved from only 1 healthcare insurance plan to an additional one rolled out this most recent enrollment cycle for a high deductible, dependent based plan to meet the need of many employees. She also reported that all benefits are on one cycle, which is easier to coordinate and track. Finally with Council's recent approval, HR has lowered the waiting period to vest in the retirement plan from three months to the 1st day of the month subsequent to an employee's start date.

In terms of retention, currently the City has an 11% turnover rate, but compared to the national rate of 25%, the City is much lower. Ms. Chaney credits high employee retention to the Council-staff partnership with the implementation of the compensation study earlier on this year. Other

programs which contribute to employee retention include: the Leadership Institute held and taught at Stanly Community College; the Employee Action Group; and the training management system.

In terms of rewards, the team discussed methods they have instituted to reward and incentivize employees. Those include: the employee newsletter City Connection and a focus on career development using tools like NeoGov's performance tracking system.

HR summarized their recent efforts to date to restructure their processes for more efficient workflows and better service to employees. These efforts include: the employee self-service portal through MUNIS; Employee Navigator, which is the employee self-service online benefits management system; providing outgoing employees with an online exit interview option if they prefer not to hold an in-person interview; an online hiring center which hiring managers will be able to use to monitor and manage employee hiring processes; and implementing a drugs utilization application to look for best prices for covered drugs under the City's benefits plans, as well as a prescription application where employees can monitor their prescriptions online via the plans and see other City employee related documents instead of relying on HR to provide that to them.

Ms. Chaney concluded the presentation by stating that HR and Finance have partnered to track spending on employee-related line items. Per the reports that Finance has run thus far, the City is trending lower in expenses related to wage and salary adjustments as a result of the compensation study rollout from time of implementation through the end of September.

Council thanked the HR Team for all that they do for City employees and them.

Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for September 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.

Consider Road Closure for a Fundraiser

Hall House & Gardens is hosting a fundraiser for Keegan Reville, who was diagnosed with leukemia in July of this year at the age of 14. Event will be held from 6pm - 10pm on Saturday, October 30th. Event will consist of bluegrass music, barbecue, and beverages.

They are requesting the closure of Second Street from Wilson Street to Montgomery Avenue. It is also not known if this is a non-profit, which is what an organization is required to be in order to close a public street. This is a fundraiser so therefore does appear to be a not for profit activity.

Property Tax Write Off

North Carolina General Statute 105-378(a) establishes a 10 year limitation on the City's ability to collect on property tax. After a particular levy year has passed the statute of limitations, it must be written off by Council as funds cannot be collected. This year we are writing off the 2010 property tax levy. The property tax collection rate for the 2010 taxes was 99.53%.

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

- Road closure for a fundraiser to be held on Saturday, October 30th; and
- Property tax write-off for 2010.

NEW BUSINESS

Ordinance 21-43 – Budget Amendment to Appropriate Drug Seizure Funds

The drug seizure funds provided can only be utilized by the Police Department for specific uses. As the funds accumulate, we identify projects to use the funds. Please see the attached memos regarding the use funds. These are identified needs that we have waited on until a permanent Chief was in place.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved Ordinance 21-43.

[Ordinance 21-43 – Budget Amendment to Appropriate Drug Seizure Funds]

Introduction of Assistant Finance Director Kimber Hurlocker

City Manager Michael J. Ferris introduced the new Assistant Finance Director. Kimber Hurlocker started her employment with the City on September 20th, 2021. He also requested Council's approval to designate her as Deputy Finance Officer, as the City has done with previous Assistant Finance Directors.

Finance Director Jacob Weavil briefly noted to Council that it has been fantastic having her in the department over her first few weeks. She has hit the ground running, and is getting along well with the rest of the Finance team.

Ms. Hurlocker came in front of Council to introduce herself. She and her family are natives of Mount Pleasant and she most recently came to the City from the Cabarrus County School District. She gave Human Resources a shout out for the thorough orientation she received and said it was great working with them. She also praised the IS department for their support in getting her acclimated to the systems and applications needed to perform her job. Finally she said that she really is getting along well with the rest of the Finance team and they have made her feel at home.

Council welcomed her to the City of Albemarle.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council adopted Resolution 21-28 designating Ms. Hurlocker as the Deputy Finance Officer.

[Resolution 21-28 - Designating Deputy Finance Officer]

COMMENTS

City Manager Michael J. Ferris

- Re: Charters of Freedom Dedication Ceremony – He reiterated that many departments and staff from the City had a hand in the preparation of the site and with event support, such as Public Works conducting sidewalk prep and bricklaying work, Public Utilities rerouting electric and water lines, Information Systems installing a video feed trained dedicated to the site and videoing the dedication event, etc.

Councilmember Hughes:

- Re: Charters of Freedom Dedication Ceremony – She attended but also watched the video of the ceremony. The ceremony was wonderful and went flawlessly. She thanked Mayor Pro Tem Hall for all her work on the Charters of Freedom, as well as City staff who played a role.

Councilmember Aldridge:

- Re: Charters of Freedom Dedication Ceremony – He noted that it was a touching event, and applauded the hard work of Mayor Pro Tem Hall, the Mayor, and City staff. The Charters of Freedom site is a beautiful monument for all to enjoy.

Mayor Pro Tem Hall:

- Re: Charters of Freedom Dedication Ceremony – She appreciated the gratitude from her colleagues. She noted that per the weekend SNAP article about the event she had to submit a correction to correctly identify the flyover squadron. She announced that she was distributing copies of the event program and an information sheet to be available throughout City Hall. The local TV Channel 21 will air a rebroadcast of the ceremony soon, and that Foundation Forward also videotaped the ceremony and has added it to its own webpage. She challenged residents in the City and County to take their kids and grandkids there to discuss the foundational documents with them.
- She noted that she researched a tidbit from a presentation by the NC Treasurer’s office about claiming “lost” funds, and distributed calling cards with the information on them for anyone wishing to see if they have unclaimed money which can be retrieved from the State.

Councilmember Whitley:

- Re: Police Community Night Out – He thanked and congratulated the APD for hosting this again, and noted that it was a great event.

- This month is Breast Cancer Awareness Month. His wife is a breast cancer survivor and so he encouraged the public to schedule their mammograms. Early detection is key.

Councilmember Dry:

- He congratulated the Planning and Development Services Department with staffing and managing a volume of development requests as witnessed tonight, including aiding Council in understanding the issues related to the requests being brought to them.

The Mayor noted that Interim Chief David Poston's last day with the City of Albemarle is today, and thanked him for his leadership while the City conducted its Police Chief search. Chief Poston replied that it was an honor to serve the City and he appreciated the opportunity.

CLOSED SESSION

Upon a motion by Councilmember Hughes, seconded by Councilmember Whitley, unanimously carried, Council approved moving into closed session pursuant N.C.G.S. 143-318.11(a)(4) Economic Development and N.C.G.S. 143-318.11(a)(5) Real Estate.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Lowder, 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)(4) Economic Development and N.C.G.S. 143-318.11(a)(5) Real Estate. There was nothing to report.

Upon a motion by Councilmember Hughes, seconded by Councilmember Lowder, unanimously carried, the meeting was adjourned to Monday, November 1, 2021 at 6:30 pm in City Council Chambers.