

**REGULAR MEETING CITY COUNCIL**

November 15, 2021

The City Council of the City of Albemarle met in a regular session on Monday, November 15, 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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Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, unanimously carried, the minutes of the November 1, 2021 regular and closed meetings as submitted were approved.

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**PUBLIC HEARINGS**

Ordinance 21-50 – To Rezone 649 McKee Street to R8/Neighborhood Residential

Council conducted a public hearing to consider a request by David Earnhardt to rezone an +/- .44 acre property located at 649 McKee Street (tax record 3581) from split-zoned R-8/Neighborhood Residential District and R-10/General Residential District to R-8/Neighborhood Residential District.

Senior Planner Ashlie Jones presented the rezoning request and staff analysis to Council. The property located at 649 McKee St is split zoned with the majority of the property being zoned R-10/ General Residential District and a small portion of the southern portion of the property is zoned R-8/ Neighborhood Residential District. The applicant is requesting that the entire parcel be zoned R-8/Neighborhood Residential to keep with the character of the neighborhood to the south and west of the property. The Planning and Zoning Board held a public hearing at the November 4th meeting and it was the recommendation of the Board that the request to rezone to R-8/Neighborhood Residential District is consistent with the future land use plan and should be granted.

The Mayor asked if Council had any questions.

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 Dry, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 21-50 which includes Map Amendment ZMA21-15 with the following consistency statement:

The Albemarle City Council finds the action to amend Tax Record 3581 from split-zoned R-8/Neighborhood Residential District and R-10/General Residential District to R-8/Neighborhood Residential District to be consistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel to be reasonable and in the public interest.

[Ordinance 21-50 – To Rezone 649 McKee Street to R8/Neighborhood Residential]

Ordinance 21-51 – Text Amendment Request to Revise the Maximum Non-Residential Building Height in the General Highway Business District

Council conducted a public hearing to consider a request by petitioner Vaishno Devi Investment, LLC for a Text Amendment to City of Albemarle Ordinance Section 92.120 "Area, Yard and Height Requirements" to revise the maximum height of a non-residential structure located in GHBD/General Highway Business District from 50' to 65'.

Planning and Development Services Department Director Kevin Robinson presented the text amendment request and staff analysis to Council. Based on the intent of the commercial designated areas and the intent of the General Highway Business District use, staff believes that this request is consistent with the land use plan and the ordinance. The Planning & Zoning Board considered this request on November 4th, 2021. They recommended that City Council approve the text amendment with the consistency statement.

The Mayor asked if Council had any questions.

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 Townsend, unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Ordinance 21-51 which includes Text Amendment 21-03 with the following consistency statement:

The Albemarle City Council finds the action to amend the text of the City's Zoning Ordinance to increase the permissible height in the GHBD commercial district from 50 to 65 feet to be consistent with the goals

related to commercial use in the adopted 2028 Land Use Plan. Council finds the proposed height in this district to reasonable and in the public interest.

[Ordinance 21-51 – Text Amendment Request to Revise the Maximum Non-Residential Building Height in the General Highway Business District]

Ordinance 21-52 – Text Amendment Request to Allow Indoor Climate Controlled Storage in the Central Business District

Council conducted a public hearing to consider a request by petitioner John Carr for a Text Amendment to Section 92.100(C) to allow “indoor, climate-controlled storage utilizing pre-existing construction with indoor parking to accommodate projected visitors and employees.” The Mayor noted that a group wishing to speak about this text amendment regarding the building in question had indicated they would not be present tonight, but he asked that staff present the request anyway in the event that there was any member of the public wishing to come forward tonight as part of the scheduled public hearing.

Planning and Development Services Department Director Kevin Robinson presented the text amendment request and staff analysis to Council. Staff recommends that if the request is granted that the language of the text be amended to:

“(8) Indoor, climate-controlled storage facilities which are accessory to and secondary in both location and size to the primary uses of pre-existing buildings with on-site parking to accommodate projected visitors and employees. Signage and exterior changes to the building shall not significantly alter the building or site and shall be approved by the Historic Preservation Commission or City Council, when not located in the local historic district.”

On November 4th, 2021, the Planning Board heard this request. The Planning Board recommended approval of the above text amendment to 92.100(C) Central Business District to include the above use as a Special Use within the zoning district. They did recommend that City Council create a specific hours of operation condition with the use, with the hours of use being determined by City Council.

The Mayor asked if Council had any questions. Will there be a special use permit request as part of this process? Mr. Robinson confirmed that this would be the next step should Council approve this text amendment request.

Council discussed whether to continue the public hearing until the December 6<sup>th</sup> meeting or close the public hearing tonight noting that not all parties who wished to speak on the topic were present tonight.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved continuing the public hearing on Ordinance 21-52/Text Amendment 21-04 at the December 6, 2021 Council meeting.

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

Council continued a public hearing to consider the adoption of an ordinance annexing 135+/- acres into City Limits. 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 updated staff analysis and a recap of this request to Council. This issue was held over from the October 18<sup>th</sup> meeting. A team of employees from Administration, Fire, Police, Finance, Planning, Public Works, and Public Utilities met to review and discuss potential costs, revenues, and other issues associated with this proposed annexation and development, and were able to develop a high-level analysis of the impact on major services and potential revenues. Council received this analysis prior to the meeting.

The Mayor asked if Council had any questions. Mayor Pro Tem Hall first commented that she appreciated the new staff analysis and noted that it is a good step to take for future annexation requests.

Based on questions from a few residents who reached out to her, Mayor Pro Tem Hall asked if the Fire Department response time would be changed with the addition of a development this size. She noted that in materials provided 1 document indicated a response time of 5 minutes, while another noted 4 minutes. Fire Chief Pierre Brewton came in front of Council to respond. Per NFPA standards which define best practice, the turnout time (time firefighters take getting prepared after the emergency dispatch is received) and travel time (time from leaving the fire station to the 1<sup>st</sup> shift arriving on scene) together equals total time to respond. The total time they can respond is 5 minutes (80 seconds turnout time plus 4 minutes travel time). Right now AFD does not see any additional time needed for response given the current location of fire stations and personnel.

Council, Mr. Robinson, and City Manager Michael J. Ferris had a discussion about the staff analysis and City services capacity. Mr. Ferris thanked Mr. Robinson for compiling the information and staff participation in providing that information. Water and sewer flow capacity information shows that the city can handle the extra draw that this new development would create. For Police and Fire response, Mr. Robinson noted that infrastructure and City inputs would be proportional to the size of the development created.

The Mayor called for the public hearing to be opened. Per the request to speak forms provided, the Mayor called Danny Barbee forward. Mr. 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 again asked if the green space requirement would be enforced. The Mayor indicated that a representative from the developer group respond. Mr. Ricky Yeoman with Grimes

Yeoman LLC representing the developer Exponential Development LLC came forward. Mr. Yeoman stated that the developer has written this into documentation for the development.

The Mayor called Wayne Rummage to the podium. Mr. Rummage, residing at 36109 Davis Road in Badin and who owns 30 acres on Jana Road, came forward. He stated that his son and his son's wife are planning to move onto property on Jana Drive and wrote a statement that he was asked to read in front of Council. The letter noted that his son and daughter-in-law had sent a public record request about police and fire calls volume, but realizing that this request might take some time to compile, wanted it to be asked during this public hearing also. Both he and his son are concerned about the housing density that would occur if the development was built, which would impinge on their enjoyment of the current spaciousness and low housing density of the area.

The Mayor called Barrett Eatman forward. Mr. Eatman, residing at 25152 Cabin Ridge Road in Albemarle, first made a disclaimer that he is an employee of NCDOT, but that his remarks here tonight are in no way representative of NCDOT but rather his own as a resident. He made a series of remarks which he noted seemed counter to the City's claims that Albemarle would be an area with plenty of natural resources and services per the City's mission and values statements on the website. He lives in the neighborhood and would prefer the peace and quiet and isolation rather than development.

The Mayor called for the developer to come forward to make remarks if they so wished. Mr. Ricky Yeoman came forward to speak on behalf of the developer. He first noted that he was part of Grimes Yeoman LLC, located at 179 Gasoline Alley, Suite 10210A in Mooresville, NC and that his company represented Exponential Development LLC which is the applicant in this annexation request. Mr. Yohan presented the developer's case, addressing the residents' concerns, in a slide presentation to Council. Highlights he noted included:

- The developer only plans to build a maximum of 500 homes;
- The development will occur in stages over a period of time allowing the City and neighborhood to adapt to the growth;
- They are working to address residents' concerns, such as the green space issue and setting proposed conditions, engaging NCDOT to conduct a traffic impact analysis study, and allaying fears about City water and sewer by extending water and sewer lines to the boundaries of the proposed development;
- They want to work in partnership with the City of Albemarle;
- They will conduct all required environmental impact and hydrologic studies; and
- They see this as increasing the City's tax base by a projected \$1.2 million annually upon full development.

The Mayor closed this portion of the public hearing by stating to Council that he knows this is a tough decision for them and recognized that the City will need more personnel and infrastructure to handle the growth, but it would be paid for with increased tax revenue.

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

Mayor Pro Tem Hall made a motion to deny Ordinance 21-46 annexing 135+/- acres into City Limits. The motion was seconded by Councilmember Dry. Mr. Yohan interjected to withdraw the developer's annexation petition.

Council asked the City Attorney to clarify the developer's withdrawal request. It is appropriate for the developer to withdraw the annexation request so long as Council did not finalize the vote and there was no discussion.

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

This public hearing was not held due to the withdrawal of the annexation request.

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**ADMINISTRATIVE REPORTS**

Mr. Durham Lewis – To Present the Fiscal Year 2020-21 Albemarle ABC System Audit

The Mayor announced that Mr. Lewis would not be present tonight and so his report would be moved to the December 6<sup>th</sup> meeting.

Spotlight Presentation – Police

Police Chief Jason Bollhorst presented the Police Department to Council along with Sergeant Daniel Myers and Sergeant Captain Joshua Laws.

Chief Bollhorst began the presentation to Council going over strategies they are engaging in, including how they are addressing communication in the department and the community; building and fostering trust in the community; building a safer community free of fear of criminals; maximizing technology to be more efficient and effective; and building leadership in the department through education.

Chief Bollhorst turned the presentation over to Sergeant Myers and Captain Laws to summarize the department's staffing levels. Both summarized day and night shift coverage, as well as investigations and other personnel staffing areas. Sergeant Myers and Captain Laws noted that there was adequate coverage for both day and night shifts, although Police would welcome more officers so as to not have officers work 12 hour shifts as much as they currently are doing. Chief Bollhorst added that the department has spread out the staff shortage to make sure there is coverage in the community for police on patrol.

Council and the Police team engaged in discussion about Police staffing shortages. Chief Bollhorst noted that the department is currently down 4 officers on both day and night shifts but they are working with different options to maintain adequate coverage. Examples of options used include staffing more officers on high call volume shifts and decreasing officer staffing on low call volume shifts, and asking if any officers want to work overtime, with the expectation that they should be given time off too to recharge. The number of authorized sworn personnel is 53, which is slightly above the national average for sworn officers serving in police departments.

Council and the Police team also discussed recruitment strategies including working with Stanly Community College and Chief Bollhorst talking with other area police chiefs and sheriffs about how they recruit.

Chief Bollhorst emphasized that he is continuing a process begun under Interim Chief Poston to encourage officers to share ideas about how to better the department with their next in chain in command, whether it be a sergeant, captain or other leadership.

The team closed their presentation by discussing methods of recruitment both internally to advance personnel to higher positions, as well as externally. Chief Bollhorst noted that the best recruitment strategy is to begin recruiting at a young age. He shared that he recently handed out a pamphlet to a 6 year old. That is the age to begin sharing what it's like to have a career in law enforcement.

Council thanked the Police for all they do and said they appreciate the sacrifices the Police are making to keep Albemarle safe. Mayor Pro Tem Hall added an "attaboy" for APD for their drug takeback haul so far this year.

Captain Laws commented that with Interim Chief Poston and now with Chief Bollhorst, there is an effort to make changes in the department for the better, and also thanked Council for their support. This will help with recruitment.

#### Discussion of Radio Needs

City Manager Michael J. Ferris presented this item to Council at the request of the both the Police Chief and Fire Chief. He recently met with each of them as well as others on their staffs recently regarding radios. Motorola is making network communications changes and consequently service and support decisions that will impact all the radios we currently have in those two departments (as well as a few in non-public safety Departments). There are options to address the changes and none are ideal. There are also service deadlines and operability deadlines approaching. Some of these come into play at the end of 2021, with others in 2024.

The City will need to determine how to address this issue now to plan for the Motorola changes. As currently configured, none of the radios will work as of January 1, 2025. There are caveats to this and things we can do, but the options are not ideal. These changes ultimately require replacement or upgrades of the radios. If we were to replace everything we have across all Departments, the estimate is \$1.1 - \$1.2 million. The purpose of this discussion is to inform City Council of the issue and our options to address. This is a tremendous expense. ARPA tranche #2 appears to be an option and does appear to be ARPA eligible. Given the size of this expenditure, the critical radio issue, and the timing, ARPA could be the best path for this issue, not only for public safety, but for the future budgets of other General Fund departments. It will help avoid a potential \$1.2 million General Fund impact.

Council discussed their concerns with Mr. Ferris about the cost and their perception of the short lifespan of the radios. Mr. Ferris commented that the City could repair the radios when they break down, but that there will be no support from Motorola for that process. Also, the updates for split channel operation, which is critical for both Fire and Police, would not be available moving forward with the Motorola radios the City currently owns. Updates to radios could still occur but ultimately they all will have to be replaced in the next few years.

Staff concluded their information update and there was no Council action. The issue will be presented to the ARPA Workgroup and a recommendation made back to the Mayor and Council concerning the use of the ARPA funds for this endeavor.

#### Departmental Monthly Reports

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

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#### **CONSENT AGENDA**

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

#### Consider Request from Piedmont Natural Gas for a Temporary Construction and Permanent Utility Easement

Piedmont Natural Gas is requesting both a temporary construction and permanent utility easement through City owned property. This involves property owned fee simple by the City and PNG is proposing compensation of \$2,364. The attached memo also explains that PNG is working with us to meet the timing and needs of the alleyway project.

#### Solid Waste Facility Holiday Schedule Changes

Public Works Director Ross Holshouser has requested that Council consider minor schedule changes for the Solid Waste & Recycling Center over the Christmas and New Year's Holiday.

#### Request to Approve Incentive for United Way Donations

Over the past three years, the City of Albemarle City employees have personally donated over \$80,000 to the United Way to support health, education, and poverty relief programs in Stanly County. Our employees consistently demonstrate their commitment to the community through this effort.

The City of Albemarle traditionally provides an incentive of 1 vacation day (United Way Day) for those employees donating their "Fair Share" contribution to the United Way. A "Fair Share Giver" contributes one hour's pay per month for twelve months. We request that Council approve the United Way vacation day incentive for those employees who make a "fair share" donation during 2022.

The HR Department along with the Finance Department are coordinating the City's campaign this year.

#### Consider Road Closure for OASIS Luminary Walk

OASIS will host a luminary walk on December 11, 2021 from 5:30 pm - 8:30 pm at the YMCA Park. OASIS is requesting a road closure of CB Crook Dr. from N. Second St. to N. First St. for food truck parking.

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

- The temporary construction/permanent utility easement request from Piedmont Natural Gas;
- Solid waste facility holiday schedule changes as recommended by Public Works;
- An incentive of 1 vacation day for any City employee who contributes a “Fair Share” donation during the City’s United Way giving campaign; and
- Road closure for the December 11<sup>th</sup> OASIS luminary walk.

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## **NEW BUSINESS**

### Recommendation for the Acquisition of a New Fire Pumper

Fire Department Apparatus Committee members Battalion Chief Patrick Stone and Engineer Eric Rummage reviewed the process with Council via a presentation seeking approval for their recommendation.

The City budgeted for the replacement of a fire pumper in the FY 21/22 Budget. Chief Brewton assembled a team within the Department to review, evaluate, and make a recommendation concerning a pumper replacement.

As a result of their process, which included developing specifications for the apparatus they needed, looking at pumper options in other area municipalities, and getting information from different manufacturers, the Apparatus Committee is requesting that Council consider approving the purchase of a 1500GPM Smeal Pumper, with the balance of the budgeted amount to go towards purchasing equipment and other materials to outfit the pumper which are not included in the acquisition of the vehicle.

Council asked questions about which of the remaining pumpers would be AFD’s reserve apparatus, breakdown of the cost of the vehicle, and whether the City considered buying “in bulk” with other fire departments in the area. Council thanked Battalion Chief Stone, Engineer Rummage, Chief Brewton and the Apparatus Committee for their work and clear process and presentation.

The Mayor asked if the Finance Department wanted to make any remarks to Council. Finance Director Jacob Weavil came up in front of Council to thank the Fire Department for their hard work and looping Finance into the process.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved the purchase of a 1500GPM Smeal Pumper for the Fire Department.

Consider Approval of Sewer Easement Acquisitions for the Albemarle Business Center

The Mayor asked if Council should consider this now before going into closed session. The City's land agent for this process David Tibbals replied that he wanted to provide an update to Council in closed session first. This item was not discussed pending information provided in closed session.

Update on COVID19 Status

Human Resources Director Dana Chaney provided an update to Council on the City's COVID19 response. This will include the City's vaccination status, mask mandate, search for a Risk and Safety Officer, and plans to comply with the recently released OSHA Emergency Temporary Standard (ETS).

As of today, 95 City employees have been fully vaccinated, which is 35% of all employees. Per the City Manager's email to all staff last Friday, the mask mandate is still in effect until the weekly positivity rate falls below 5%.

Per the OSHA standard which recently came out about COVID, the federal government is requiring employers with 100 or more employees to mandate either vaccination by January 4, 2022 or weekly COVID testing. In NC this mandate falls to the Department of Labor to assess and set state requirements, so employers in the state are awaiting further guidance. There has been a conversation with Atrium Stanly about this potential requirement for weekly COVID testing.

If the weekly testing requirement goes into effect, will rapid tests be used? Yes they will.

There was no action taken by Council.

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**COMMENTS**

The Mayor reminded Council that the Saturday after Thanksgiving is the Christmas Parade/Christmas Open House. The parade starts at 4:00 pm. He asked for Council members to indicate if they were planning to ride in the parade. Almost all members indicated they would be in attendance, with Councilmember Whitley unsure about his attendance. The Mayor requested that the City Manager arrange for a vehicle for Council to ride in, and advised Council that they should arrive by 3:30 pm.

City Manager Michael J. Ferris

- He wished everyone a happy Thanksgiving.

Councilmember Hughes:

- She wished everyone a happy Thanksgiving.

Mayor Pro Tem Hall:

- She thanked the City staffer who called into NCDOT about right of way maintenance. The right of way at 2<sup>nd</sup> Street and Highway 52 was finally taken care of. City Manager Michael Ferris stated that Public Works Director Ross Holshouser was the person who made the call to NCDOT.
- The Stanly County Concert Band will be holding a Christmas concert on December 9<sup>th</sup> at 7:00 pm in Central Methodist Church. This is a free event. This is the band that played at the Charters of Freedom dedication ceremony.
- She noted that on Snuggs Street by JT Russell & Sons there is a speeding issue at the hill part of the street. Cars can go airborne there.
- The timing of the stoplight at the intersection of Old Charlotte Road and Highway 52 is off.
  - Mr. Ferris replied that City staff will share this light issue and the speeding on the hill issue with NCDOT.

Councilmember Dry:

- He wished everyone a happy Thanksgiving and hoped they stayed safe.

The Mayor announced the Christmas Parade and Downtown Christmas will be held on Saturday, November 27<sup>th</sup> starting at 4:00 pm.

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**CLOSED SESSION**

Upon a motion by Councilmember Lowder, seconded by Councilmember Dry, unanimously carried, Council approved moving into closed session pursuant N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of confidential or privileged information, 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 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)(1) to prevent the disclosure of confidential or privileged information, 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.

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