

REGULAR MEETING CITY COUNCIL

January 3, 2022

The City Council of the City of Albemarle met in a regular session on Monday, January 3, 2022 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.

The Mayor gave the invocation.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, unanimously carried, the minutes of the December 13, 2021 strategic planning session and closed session, and the December 20, 2021 regular and closed meetings were approved as submitted.

AGENDA ADJUSTMENTS

The Mayor called for a motion to remove the Announced Delegation item FY 2020-21 financial audit results, and add a resolution for Council adoption for additional utility easement agreements for the construction and development of the Albemarle Business Center after the consent agenda.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, unanimously carried, Council approved the agenda adjustments.

Finance Director Jacob Weavil came in front of Council to explain that the auditor representative was unable to present the audit findings this evening due to a personal issue, but is expected to present at the January 18th Council meeting. He did note that the City of Albemarle received a clean audit for FY 2020-21 and that it was accepted by the state’s Local Government Commission (LGC). The 2020-21 fiscal year was a busy one with the addition of 5 grant projects due to the ARPA, and 16 capital improvement projects continuing or beginning.

Council thanked Mr. Weavil for his quick overview.

ADMINISTRATIVE REPORTS

Update on Census 2020 Redistricting Project

Development Coordination Specialist Jay Voyles presented the update to Council. City staff continues work on this project with the assistance of Centralina Regional Council. Mr. Voyles provided a quick recap and reviewed the timeline and study criteria.

The original timeline had been to have the project completed by April 1, 2022. This date was acceptable to the Board of Elections. However, the City recently received a letter from the Board of Elections impacting our timeline, which has now been adjusted in an attempt to be completed by March 1. This significantly compresses the timeline to have this completed, but it is still feasible.

City Manager Michael J. Ferris noted that the Mayor and City Council need to provide input into the redistricting process. City staff have arranged January 26th from 9:00 am - 1:00 pm for sessions for elected officials to review and provide input on options that will be developed. This will allow the two regular meetings in February to be used to finalize the districts and submit the new boundaries to the Stanly County Board of Elections. Mr. Ferris will provide a sign-up sheet to select a 30 minute time slot to meet to review the project with City and CRC staff. Multiple elected officials can select the same time, as long as a quorum is not reached.

Staff took questions from Council. Mr. Ferris and Council discussed the rationale for the selection of the January 26th Council input on redistricting options. Councilmember Townsend asked about the consent decree for District 1 and how the population is counted. Mr. Ferris noted that the consent decree does not take into account the age of voters, and that Council would need to set parameters for this district if they wished to do so.

The Mayor called for a motion to adopt the timeline for redistricting as presented by City staff.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council adopted the redistricting timeline and criteria set forth in the presentation by City staff.

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.

CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that Ordinance 22-01 should be moved to be voted on separately.

Consider Line Item Transfer of Funds for Water and Sewer Division

Funds are requested to move from the intended purchase of a vehicle in Water & Sewer Systems Division to the account lines related to supplies and materials. The attached email explains the issue with the vehicle and the need to redirect the funds.

Ordinance 22-02 – To Close Carolina Treetop Project Budget

The Carolina Tree Top Challenge project budget was established in May of 2018 and was funded entirely with General Fund reserves. The project was completed under budget, with savings of \$32,500 that were transferred back to the General Fund.

[Ordinance 22-02 – To Close Carolina Treetop Project Budget]

Ordinance 22-03 – To Close Firefighter SCBA Project Budget

The Firefighter SCBA Equipment Grant project budget was established in June of 2020 and was funded primarily with grant proceeds, but also had a small 5% match funded by the General Fund. Additional equipment was purchased using the Fire Department’s operations budget, and a small amendment was made to move these funds to the project budget for the purposes of capitalization. The project was completed on budget.

[Ordinance 22-03 – To Close Firefighter SCBA Project Budget]

Ordinance 22-04 – To Close Landfill Gravity Line Project Budget

The Landfill Gravity Line project budget was established in May of 2018 was funded entirely with Landfill Fund reserves. The project was completed under budget, with savings of \$93,000 that were transferred back to the Landfill Fund.

[Ordinance 22-04 – To Close Landfill Gravity Line Project Budget]

Ordinance 22-05 - To Close Landfill Leachate Force Main Project Budget

The Landfill Leachate Force Main project budget was established in March of 2015 and was to be funded primarily with loan proceeds. The project was delayed due to the hired contractor not completing the project. Ultimately the project was completed under budget which reduced the long-term debt in the Landfill Fund by approximately \$620,000.

[Ordinance 22-05 - To Close Landfill Leachate Force Main Project Budget]

Ordinance 22-06 - To Close Police Headquarters Project Budget

The Police Headquarters project budget was established in February of 2018 and was funded primarily with loan proceeds, but also partly funded with General Fund reserves. The project was completed under budget, with savings of \$207,000 that were transferred back to the General Fund.

[Ordinance 22-06 - To Close Police Headquarters Project Budget]

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

- A line item transfer of funds for water and sewer division;
- Ordinance 22-02 closing out the Carolina Treetop Challenge project budget;
- Ordinance 22-03 closing out the Fire Department SCBA equipment project budget;
- Ordinance 22-04 closing out the gravity line project budget;
- Ordinance 22-05 closing out the leachate force main project budget; and

- Ordinance 22-06 closing out the Police Department Headquarters relocation project budget.

Ordinance 22-01 – Senate Bill 300 – Decriminalization of Certain Ordinances

This is the required second reading of the Ordinance, which passed unanimously on first reading on December 20th. As a result of Senate Bill 300 passing in fall 2021, municipalities are required to amend their Code of Ordinances to remove any criminal misdemeanor penalties associated with sections of their Code. This can be accomplished via ordinance. The ordinance accomplishes the following: (1) Eliminates the misdemeanor penalty for certain ordinances in compliance with Session Law 2021-138, (2) Retains the misdemeanor penalty for ordinances for which imposition of a criminal penalty is still permissible, and (3) Enforces civil penalties for ordinances that can no longer be enforced criminally.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved Ordinance 22-01 decriminalizing certain local ordinances as outlined in the summary provided by the City Attorney as part of the agenda materials.

[Ordinance 22-01 – Senate Bill 300 – Decriminalization of Certain Ordinances]

UNFINISHED BUSINESS

Consider Approval of Major Subdivision 21-09 – S Bell Townhomes Cluster Subdivision

Phase 1

This item was held over from the December 20th meeting. There were concerns regarding parking and the developer was asked to review plans to see where additional parking might be added to the project site. The developer has submitted a revised site plan with additional parking. Planning also revised its staff analysis based on the site plan revision.

Planning and Development Services Director Kevin Robinson came in front of Council to recap the request and provide updated information. MJSR 21-09 S Bell Townhome Cluster Subdivision is a multi-phase townhome development located off of S Bell Ave and Amhurst Street. The proposal is for the first phase, which consists of a 5.25 acre tract with 16 proposed lots. This will be fronting on all existing infrastructure, with no new streets or additional infrastructure. The second phase is proposed to be submitted in early 2022 with a potential street connection to Eastover Avenue and roughly 16 additional lots. Council will be considering phase 1 as a cluster subdivision with 18 townhome lots on all existing infrastructure.

Mr. Robinson noted to Council that in response to Council's concern over parking at the last meeting, the developer has modified the plat in order to provide an additional 6 parking spaces as a temporary feature, with future on street parking. Planning and Development Services staff believe overall that this is a good compromise.

Mr. Robinson took questions from Council. Councilmember Townsend requested that Sunday church parking be considered as part of this discussion since it was a concern raised in the last

meeting. Council discussed this need, citing that parking would need to occur on the other side of the street from the church. Staff advised Council that this can be a Council action and can be included in an ordinance.

Mr. David Tibbals representing the developer came in front of Council to respond on the parking issue and to provide a statement to Council. There is a bowling alley as a neighboring business which has a parking lot associated with it, which could be used for church and overflow parking. Council and Mr. Tibbals discussed other surrounding entities as sources for parking, including the City's Public Housing complex.

Mayor Pro Tem Hall stated before the vote that she still is concerned about the parking issue and more traffic congestion on South Bell Avenue as a result of the subdivision planned.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and carried with a vote of 5 Council members for the motion and 2 against the motion, Council approved Major Subdivision 21-09 – S Bell Townhomes Cluster Subdivision Phase 1 as amended with an additional 6 parking spaces. Councilmembers voting for the motion included: Dry, Townsend, Hughes, Lowder, and Whitley. Council members voting against the motion included Hall and Aldridge.

The Mayor called for a motion to add an ordinance for future Council consideration to eliminate parking on the west side and allow parking on the east side of South Bell Avenue on Sunday mornings only.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, Council passed the motion.

NEW BUSINESS

Downtown Business Incentive Grant

The Mayor called for a motion to excuse Councilmember Hughes from this discussion due to her employment with Uwharrie Bank.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council excused Councilmember Hughes.

Councilmember Hughes left Council Chambers.

The City has as part of its FY 21/22 Budget \$50,000 to fund a downtown business grant program. The concept is to support and encourage business development and investment. Economic Development Director Keith Tunnell has developed a proposed program called Catalyst. The program is in partnership and supported financially by the Albemarle Downtown Development Corporation and Uwharrie Bank and also includes participation, review, and oversight by other community partners.

Mr. Tunnell and Main Street Manager Joy Almond came in front of Council to present highlights of the Catalyst program, acknowledge representatives from Uwharrie Bank and ADDC present at the meeting tonight, and take questions from Council.

Mr. Tunnell noted that he and Ms. Almond co-authored the grant program and worked to obtain input from downtown business owners, ADDC, Uwharrie Bank and others to produce the structure of the program as detailed in the grant program document provided in the agenda packet.

The Catalyst program would have \$90,000 (\$50,000 City funds, and \$20,000 each from Uwharrie Bank and ADDC) to fund downtown business owners selected for the program for needs such as building repair or for purchase of furniture and equipment. He acknowledged and thanked Roger Dick, President of Uwharrie Bank, and Edna Lipe-Harkey, the Board Chair for ADDC, for their organizations' support for the grant program.

The timeline of program implementation would be: applications would be open to submission next week until February, when they would be reviewed by the grant committee to be established, with the expectation that grants could be awarded in March.

The grant committee composition would be: an appointee from City Council; a designee from ADDC; the President of Uwharrie Bank or his designee; a downtown Albemarle property owner; the Director of the Stanly Community College Business Center; and the City's Economic Development Director.

Council asked a series of clarification questions which Mr. Tunnell addressed:

- Will the funds awarded to downtown businesses be a reimbursement or a grant? A grant.
- Will businesses only have one year to complete a project being funded by the program? What if unavoidable delays prompt a business owner to not be able to complete the project in 1 year? The criteria can be amended to allow the grant committee to consider project extensions.
- Is the program set up with a "first come, first served" approach? No – the committee will select grantees.
- Should the timeline for application submittal, committee selection and grant awards be reconsidered? The committee will revamp the timeline.
- Will the Façade program go away? No it will not.
- Will financial documentation be required as part of a business's application? Yes – application requirements are detailed in the document provided.

Mayor Pro Tem Hall requested input from Mr. Dick and Ms. Lipe-Harkey whether they would like to say anything to Council. Mr. Dick stated that in Uwharrie Bank's case, it's the spirit of the City to help businesses by offering this grant program which prompted the bank to partner with the City. Ms. Lipe-Harkey noted that in response to one of the questions Council had about the program, ADDC would like to see businesses receive the grant funds up front.

1891 Inn owner Ron Perrine asked to speak in front of Council about a concern of his related to the proposed program. He noted that with the paperwork required for the application process for this grant program, business owners like himself would be hard pressed to be able to gather the application packet together in a month's time and asked that Council consider a more reasonable application submission time period. The City Manager noted this program and opportunity was being developed by the City to assist local businesses and encourage and support development. If timing is too challenging as drafted, the application period could be extended. Council agreed that this could be considered.

Council requested a series of clarifications about the program to be made, which Mr. Tunnell assured them would be done prior to implementing the grant program. The Mayor requested that these clarifications be itemized for the record and will include the following as revisions in the grant program description document:

- The grant program consists of up front grants rather than businesses being reimbursed;
- The program will not apply a first come, first served approach but rather will engage a grant selection process to be undertaken by the grant committee;
- The open and close application dates be changed;
- The 3 quote requirement description include specification that grant committee evaluation of waiving any grant-related work which receives less than 3 quotes would occur;
- The project period description would include specification that the grant committee would consider extensions if a business owner was not able to complete all grant-related activity within the 12-month grant period;
- Adding that the grant committee will consider extending the timeline for application submissions.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, unanimously carried, Council approved the Catalyst downtown grant business incentive program with the above changes, and the appointment of Councilmember Chris Whitley as the City Council representative and chair of the grant committee.

Councilmember Hughes returned to Council Chambers.

Consider Setting a Public Hearing to Annex Approximately 136 Acres Off Highway 52

South

Council considered a new petition for annexation of approximately 136 acres off of US Hwy 52 S. This property was recently before City Council as a public hearing for approval of the annexation, but the previous petition was withdrawn by the petitioner prior to a decision being made. The developer wishes to re-petition the City for voluntary annexation of the same property. A Resolution to set a public hearing for February 7 is also provided.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council adopted Resolution 22-01 setting a public hearing for February 7th to consider the annexation request for approximately 136 acres off Highway 52 South.

[Resolution 22-01 – Setting a Public Hearing to Annex Approximately 136 Acres Off Highway 52 South]

Consider Resolution 22-02 for Easement Settlements among Two Property Owners for Property to be Developed as Part of the Albemarle Business Center

The Mayor requested that a Councilmember read Resolution 22-02. Mayor Pro Tem Hall read Resolution 22-02 aloud and made a motion to adopt it. Councilmember Hughes seconded the motion, and all Councilmembers voted in favor of the resolution. The resolution was declared passed and adopted.

[Resolution 22-02 - To approve the acquisition of real property to aid in the construction and development of the Albemarle Business Center]

COMMENTS

Councilmember Aldridge:

- He gave a shout out to Public Information Officer David Fath for creating the recent retirement videos and posting them to pay tribute to long-time former employees such as Judy Redwine. It is nice to see the City recognize former employees this way.
- Given the unstable weather this morning, he gave kudos to Public Utilities and the electric crews working outside in the wind and rain to restore power to Albemarle.
- He wished everyone Happy New Year and hoped that it would be a more productive year for all.

Mayor Pro Tem Hall:

- Re: power outage this morning – great job Public Utilities for going out in the weather and working to get the power back on. Thanks also should go to the families of the Public Utilities employees called into action in these circumstances for bearing the cost of their loved one being called away to help the City whenever the need arises. The Albemarle Police Department should also be thanked as they are the department tasked with taking phone calls for emergency situations such as power outages.

Councilmember Whitley:

- Thank you to Public Utilities to quick power restoration this morning.
- Considering the City still has a littering issue, he wanted to remind the audience that there is a service day coming up next Friday with Keep Stanly Beautiful.

Councilmember Dry:

- He thanked City staff for all the work they did in 2021. They do a lot of good work, and he looks forward to a progressive 2022 working together and making things happen.

Mayor Pro Tem Hall added that in case no one knew it, when City of Albemarle is searched on Wikipedia, the resulting entry has a few issues: the picture is not one of Albemarle and it has 2010 Census information. She wondered if there could be anyone who could request that it be fixed.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Tuesday, January 18, 2022 at 6:30 pm in Council Chambers in City Hall.