

REGULAR MEETING CITY COUNCIL

January 18, 2022

The City Council of the City of Albemarle met in a regular session on Tuesday, January 18, 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.

SPECIAL PRESENTATIONS

Brave Fire Leader Certificate of Completion Presentation

The Mayor called up Fire Chief Pierre Brewton to make remarks and present certificates of completion to the following firefighters:

A-Shift: Patrick Stone, Hall Layton, Robert Wilhoit, Jake Furr, Brent Harrington

B-Shift: Kenny Kendall, Jon Plowman, Darrin Dissler, Daniel Isenhour, Drew Cauble, Drew Brewer

C-Shift: Brad Jenkins, Jason Barbee, Rob Milano, Justin Kimrey, Eric Rummage, Allen Beasley, Mike Parker

Day Shift: Michael Roark

Chief Brewton began his remarks by stating during the Fire Department’s update to Council in September 2021, it was mentioned that the Battalion Chiefs, Captains, and Engineers completed a rigorous educational series titled “Brave Fire Leader.” Brave Fire Leader takes fire personnel out of the daily operational routine and interjects them into management and leadership roles. The series increased knowledge, skills, and abilities for personnel to mitigate arising issues at their level prior to escalating into a damage control scenario. Introducing the concepts identified in Brave Fire Leader I and II gave team members exposure to the practical skills, working knowledge, and reemphasized the need for well-rounded leaders that are capable of making solid decisions based on policy and guidelines, all while exercising good people skills.

Chief Brewton asked the contingency of firefighters present to stand to have their names called out to accept their certificate. He then thanked the NC League of Municipalities for their grant of \$5,000 to underwrite the cost of the course, the Brave Fire Leader course instructors Steve Matzat, Kelly Walsh, and Dan Jones, City Manager Michael J. Ferris and HR Director Dana Chaney for their support, and the participating firefighters here tonight. He noted to the other firefighters in attendance that he intends to continue to send other personnel to this training in the future.

The audience gave the firefighters a round of applause.

The Mayor and Council thanked the firefighters for all they do.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes of the January 3, 2022 regular meeting as submitted was approved.

PUBLIC HEARINGS

Ordinance 22-08 – Allendale Street Right of Way Abandonment

Per Council action in December 2021 based on a request by Mr. Robert Shaver for closure of the right of way on Allendale Street, Council is conducting a public hearing and considering an ordinance to permanently close and abandon this right of way. The City does not have any utilities located in this area, and does not see a need to retain this unopened right of way.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Mr. Shaver came forward to thank Council for considering his request. No one else came forward to speak.

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 Dry, unanimously carried, Council approved Ordinance 22-08 authorizing the permanent closing and abandoning of Allendale Street right of way as a public street.

[Ordinance 22-08 – Allendale Street Right of Way Abandonment]

Ordinance 22-07 – To Rezone 1.84 Acres at 2425 West Main Street

Council conducted a public hearing to consider a request by Teramore Development to rezone an approximately 1.84 acre parcel located at 2425 W Main St (Tax Record 19977) from R-10/General Residential District to GHBD/General Highway Business District (Zoning Map Amendment ZMA21-16).

Senior Planner Ashlie Jones presented the rezoning request and staff analysis to Council. The property located at 2425 West Main Street is currently zoned R-10/General Residential District. The applicant is requesting that the parcel be rezoned to GHBD/General Highway Business District. The property currently is vacant. On January 6, 2022, The City of Albemarle Planning & Zoning Board heard the zoning map amendment request. In a unanimous vote, the Planning & Zoning Board recommended approval of the request, and found the request to be consistent with the Future Land Use Map and Plan.

The Mayor asked if Council had any questions. Councilmember Aldridge asked if there were other retailers in the area. Ms. Jones noted that there were no other retailers in the area currently. She also confirmed that there are residences surrounding the property in question.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Mr. Ben Hintze, a lawyer representing Teramore Development came in front of Council to affirm that the applicant believes the property rezoning request to be an appropriate use of land, and would be a logical extension of the nearby commercial district.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and carried with a vote of 5 Council members for the motion and 2 against, Council approved Ordinance 22-07 which includes Map Amendment ZMA21-16 with the following consistency statement:

The Albemarle City Council finds the action to amend Tax Record 19977 from R-10/General Residential District to GHBD/General Highway Business District to be consistent with the adopted 2028 Land Use Plan. Council finds the commercial district zoning on this parcel to be reasonable and in the public interest.

Councilmembers Aldridge and Dry voted against the motion.

[Ordinance 22-07 – To Rezone 1.84 Acres at 2425 West Main Street]

AGENDA ADJUSTMENTS

The Mayor called for a motion to remove the presentation of the new social district legislation and the Spotlight presentation from Planning and Development Services from this meeting's agenda to be added a later date.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved the agenda adjustments.

ANNOUNCED DELEGATIONS

Audit Presentation of Fiscal Year Ending June 30, 2021

Ms. Jill Vang from Martin Starnes & Associates, CPAs presented the audit for fiscal year ending June 30, 2021 via a short PowerPoint slide presentation.

She began her presentation by stating that the accounting firm rated the audit for Fiscal Year 2020-2021 with an unqualified opinion, which is the highest audit result to obtain. She added that there were no findings or questioned costs as a result of the audit.

To summarize the City's financial position at the end of last fiscal year, the following findings were noted:

- The total General Fund balance as of June 30, 2021 was \$10, 471,694, and was a more than \$1 million increase from FY 2018-2019.
- There was an increase in both revenues and expenditures at the end of this past fiscal year as compared to the previous fiscal year.
- In the General Fund over 40% of revenues came from property taxes, followed by unrestricted intergovernmental funds at 37%.
- In the General Fund expenditures broken down by operational area from highest to lowest were related to: public safety; public works; other expenditures; and cultural and recreation.
- For the Water and Sewer Funds, the total unrestricted net position (working capital) at the end of FY 2020-21 was \$25,613,055, with a change in net position of \$8,688,426.

Ms. Vang wrapped up her presentation by noting that there were no red flags, the City had a timely audit submission, possessed a stable property tax valuation and collection percentage, and maintained net income and cash to expense ratio for the Electric and Water & Sewer Funds. She thanked Finance Director Jacob Weavil and the Finance Department for being cooperative and helpful during the audit.

Mr. Durham Lewis – To Present the FY 20/21 Albemarle ABC Audit

Mr. Lewis came in front of Council to present the ABC system fiscal year 2020-2021 audit report.

There was an increase of \$140,000 based on sales. Fixed assets and liabilities were unchanged. Revenues were up \$800,000 from last year, and there also was an increase in expenditures largely due to employee costs such as more personnel needed due to the increase in sales and COVID. The distribution allocated for the City of Albemarle for that year was \$405,000 which has been paid out.

Mr. Lewis then directed Council to the schedule of distributions of profits and schedule of revenue and expenditures and asked if Council had any questions.

Per a question from Councilmember Townsend, Ms. Karen Cranford, General Manager of the Albemarle ABC Board who was sitting in the audience confirmed that the inception date of Albemarle's ABC Board was 1998.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council accepted the Albemarle ABC system audit for Fiscal Year 2020-2021.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council accepted the City's Fiscal Year 2020-2021 audit.

Sabrina Lambert to Request Abandonment of "Laurel Street" an Unopened Right of Way

Mrs. Lambert wished to speak to City Council about her interest in the City abandoning Laurel Street from West Oakwood to Wiscassett Street. Laurel Street is a 40' wide unopened right of way that was introduced by plat book 1, page 15 in the Stanly County Register of Deeds. Feedback from Public Works, Planning & Development and Public Utilities was requested.

- Public Works: No future plans for this right of way.
- Planning & Development: Creating a 5 point intersection is not advisable here and the blocks within this general area are already adequately spaced and well connected. This right of way does not serve the City much purpose.
- Public Utilities: There are currently no City utility services within this right of way and it does not serve much purpose to utilities at this moment.

Ms. Lambert, residing at 1231 West Oakwood, appeared in front of Council to present her request. She formally requested Council consider abandonment of Laurel Street and if abandoned, that it be split between her property and the adjacent property owner. The Mayor asked if the adjacent property owner was in agreement. Ms. Lambert said that she spoke with the adjacent neighbor today and was in agreement but couldn't make it to the meeting tonight. Are there any other adjacent owners affected by this request? There are only 2 owners with adjoining property to Laurel Street near West Oakwood and Wiscassett Street.

City Manager Michael J. Ferris noted that should Council wish to move the abandonment forward, notification of the intent for abandonment and public hearing would be sent to the adjacent owners, with a public hearing to be set for the February 21st meeting should Council adopt the resolution tonight.

The Mayor asked Council if they wanted to move forward with a public hearing for this request per Resolution 22-03.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council adopted Resolution 22-03 to set a public hearing for the abandonment of Laurel Street between West Oakwood to Wiscassett Street for Monday, February 21, 2022.

[Resolution 22-03 – Intent to Permanently Close Laurel Street as a Public Street]

Ginger Efird – Candidate for Stanly County Clerk of Court

Ms. Efird came forward to introduce herself to Council. She went to school in Stanly County, graduating from South Stanly High School and then from Pfeiffer University with a degree in

Criminal Justice. She spent 5 years in Mecklenburg County but then came back to work in Stanly County in the court system handling child and sexual assault cases. She has volunteered at Butterfly House for many years. From 2006 onward she has worked under 3 District Attorneys, and has worked for the courts for 21 years.

She thanked City Council for giving her the opportunity to introduce herself tonight.

Council thanked her for coming.

ADMINISTRATIVE REPORTS

Departmental Monthly Reports

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

Mayor Pro Tem Hall commented that she would love to see dates related to personnel events and trainings on the reports.

On the Finance report she requested that the budget for the rollout of the compensation study 6 months in be reported to Council.

On the HR report she wondered if in future reports that the number of exiting employees who completed exit interviews online and in person be recorded, and also asked if Council could be made aware of what is being done with the information from exit interviews being received. Councilmember Aldridge added that he would like to see retirees be granted exit interviews also in that they have worked for the City for many years and could provide valuable feedback. City Manager Michael J. Ferris replied that all departing employees, retirees included, are offered the opportunity to provide feedback via an exit interview or online exit survey.

CONSENT AGENDA

Consider Road Closure for Mini Medley Relay

Albemarle Parks and Recreation will host the 43rd Mini Medley Relay on Saturday, March 19, 2022. The relay will start and end in front of Central Elementary School and will showcase runners from elementary and middle schools all over Stanly County.

Roads to be closed:

- Third St from North St. to East Cannon Ave.
- Fourth St. from North St. to East Cannon Ave.
- North St. from Second to Fourth St.
- Montgomery Ave from Second St. to Fourth St.

Ordinance 22-09 – To Establish a Sunday Only Parking Schedule and Allow Parking on One Side of a Portion of South Bell Avenue on Sunday

As a result of a request made by Council at the last meeting, an ordinance has been created for Council consideration to adopt a Sunday only parking schedule and to allow for Sunday only parking on one side of a portion of South Bell Avenue.

[Ordinance 22-09 - To Establish a Sunday Only Parking Schedule and Allow Parking on One Side of a Portion of South Bell Avenue on Sunday]

Ordinance 22-10 – Amending the Fiscal Year 2022 Operating Budget

An amendment to the fiscal year 2022 operating budget includes: 1) Appropriation of insurance proceeds, grant proceeds, and fund balance in the General Fund, and 2) Appropriation of CARES Act funds used in Section 8 through December 31st, 2021.

[Ordinance 22-10 – Amending the Fiscal Year 2022 Operating Budget]

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

- Road closures as noted for the Parks and Recreation Mini Medley Relay on Saturday, March 19, 2022;
- Ordinance 22-09 to adopt a Sunday only parking schedule and to allow for Sunday only parking on one side of a portion of South Bell Avenue; and
- Ordinance 22-10, an amendment to the fiscal year 2022 operating budget as specified above.

NEW BUSINESS

Consider Approval of Major Subdivision 22-01 – Unity Walk Cluster Subdivision

Development Coordination Specialist Jay Voyles presented the subdivision request and analysis to Council. MJSR 22-01 Unity Walk is a 48 lot cluster subdivision preliminary proposed by South Oak Partners. Unity Walk will feature two street connections, one at Ridge Street & Lafayette Drive and the other to NE Connector. Unity Walk is proposed as a duplex cluster subdivision which will provide for increased density, but also more walkable infrastructure and usable open space areas provided with walking trails.

This development is comprised of lots that are on average 7,500 square feet in size which can accommodate either a single family home or a duplex by right of the zoning ordinance. The general design features a direct connection with the intersection of Lafayette Drive & Ridge Street which will provide connectivity directly to the NE Connector. The design would also introduce two additional City streets, "Road A", which branches off of Unity Drive and provides a right of way connection to the

adjacent property line for future development. "Road B" also branches off of Unity Drive and terminates in a cul-de-sac.

A highlighted issue about the proposed subdivision is concerns about traffic flow and road development. Staff received comments from NCDOT on January 3, 2022. A previous version of this plat was shown to have not only the connection of Unity Drive to Lafayette Drive, but another access onto Ridge Street roughly where lots 44-45 are located now. NCDOT expressed issues with distance between intersections as well as sight distance issues for vehicles that would be turning left onto Ridge Street. That access has since been omitted and converted into a cul-de-sac.

The stub-connection of Road A falls several feet short of the southern property line. The primary reason the developer platted this this way is due to a wetland area existing between the end of this street and the property line. The 60' wide right of way is still shown to the property line but the street will stop short to avoid the environmental impact. If future development were to take place on the adjacent property, the full connection can be made at that time.

This proposed development was presented to the Planning and Zoning Board at the January 6th regular meeting and the board unanimously recommended that City Council approve MJSR 22-01 Unity Walk with conditions. Since the Planning Board meeting, the developer has revised the plat to conform to the conditions.

Staff recommends approval of MJSR 22-01 with the following conditions:

- Additional active use amenities, which per the ordinance can contain such things as playgrounds, picnic benches, courts, fields, gardens and other amenities, shall be shown in designated active use open space area.
- Proposed stub-out of Rd A at southern boundary may include graded tie in, but shall not be any further away than necessary for that. Tie-in shall be shown on final plat.

The Mayor asked if Council had any questions. Council discussed the stub outs and traffic flow. They thought that maybe a traffic light should go up at the proposed 4-way intersection at the entrance to the subdivision on Ridge Street where it crosses Lafayette. Mr. Voyles replied that staff could request it at the point the formal NCDOT traffic analysis is done.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved MJSR 22-01 Unity Walk incorporating conditions recommended by the Planning and Zoning Board and staff.

Introduction of Dr. Kim Scott, Director of Public Housing

City Manager Michael J. Ferris introduced Dr. Scott. Today is Dr. Scott's first day with the City. Dr. Scott worked at the City back in the 1990's in Public Housing, and so he has worked with him in the past and knows how dedicated he is in serving his community. He noted that he is excited that Dr. Scott is here.

Dr. Scott came forward to introduce himself to Council. He first stated that he is glad to be back home. He has maintained his love of Albemarle. His first professional opportunity was as a tax collections employee with the City, then he moved to Public Housing.

He recounted how earlier in the day out walking in the community he ran into a resident he helped 22 years ago. The man thanked him and told him that his help got him to where he is today.

He is looking forward to being here with the City again.

Council welcomed Dr. Scott and told him how glad they were that he came back.

Establish Filing Fees for 2022 City Elections

City staff members are in the process of providing various requested information to the Board of Elections in preparation for the 2022 election cycle. One thing City Council is required to do prior to each election is establish the filing fees. During the most recent election cycle in 2020, fees were established at \$10.00 for a City Council candidate and \$20.00 for a Mayoral candidate. The State Statute governing the range in which fees can be established is as follows:

N.C.G.S. 163-291.3 The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved the Council member candidate and Mayoral candidate filing fees remaining the same at \$10 and \$20 respectively.

Consider Approval of Rental Rates for Pickleball Courts at Rock Creek Park

Lisa Kiser, Director of Parks and Recreation, presented proposed rental rates for the pickleball courts at Rock Creek Park. The rental rates are based on research from other counties and municipalities across North Carolina. The rental of these courts will be for tournaments and private lessons. The courts will be open and available at no charge for public use on a first-come, first-serve basis when not reserved.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the rental rates for pickleball courts at Rock Creek Park as detailed in the rates sheet staff provided in the agenda packet.

Council asked Ms. Kiser how her presentation to the Stanly County Board of Commissioners at their meeting tonight went. Ms. Kiser said it went well and that the City's Parks and Recreation Department was awarded \$6,500. Council congratulated her.

COMMENTS

Councilmember Hughes:

- She gave a shout out to the Public Utilities crews who worked this past weekend to put power back on after the winter storm.

Councilmember Townsend:

- He thanked staff who helped restore power over the weekend.
- He asked for an update on the Highway 24/27 widening project. Councilmember Whitley replied that it should be done next year.

Councilmember Aldridge:

- He thanked City staff for helping during the winter storm. He gave a shout out to Chief Bollhorst who he saw in the Food Lion parking lot yesterday afternoon helping de-ice a car.

City Manager Michael J. Ferris

- Per the Fiscal Year 2020-21 audit presentation tonight he is proud of the results, which shows budget preparation, oversight, accounting, documentation and more. He thanked the Finance Department for doing their job so well, and the Leadership Team for their accountability throughout the year.

Mayor Pro Tem Hall:

- She thanked the linemen for their help over the weekend, as well as personnel in the Police Department for taking calls.
- She requested that Parks and Recreation Director Lisa Kiser provide Council with an MLK Employee Service Day report out. Ms. Kiser came in front of Council and reported that 35 employees volunteered across 7 different organizations. Employee volunteers were then treated to lunch at EE Waddell Center. Mayor Pro Tem Hall thanked Mr. Kiser for coordinating the event.

Councilmember Whitley:

- He thought that the City had a good audit, and was comforted to know that City funds are being handled responsibly.
- He gave a thanks to the Fire Department personnel who completed the Brave Fire Leader program.

- The MLK Employee Day of Service was a great event. He got to clean up some of MLK Boulevard with Keep Stanly Beautiful.
- He thanked all City staff who worked to help during the storm.
- He noted that COVID cases are very high right now in Stanly County and urged everyone to be careful.

Councilmember Dry:

- He thanked Chief Brewton for making the special presentation tonight presenting firefighters who completed their Brave Fire Leader training their completion certificates.
- He thanked the Albemarle ABC Board for providing the City with substantial funds.
- He thanked all staff for what they do.

CLOSED SESSION

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

RETURN TO OPEN SESSION

Upon a motion by Councilmember Hall, 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)(5) Real Estate.

The Mayor called for a motion to declare the old Police Headquarters building and the 2 lots associated with it at 203 North Second Street as surplus, and to authorize City staff to proceed with publishing an RFP for the sale of the building and lots as an economic development project.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, unanimously carried, Council passed the motion.

The Mayor called up Assistant Chief of Police Jesse Huneycutt to be wished well on his upcoming retirement and to say a few words.

Assistant Chief Huneycutt said that he has enjoyed his years with the City and thanked the City and Council for supporting him and his family all these years. His retirement reception will be on January 28th.

Council thanked him for his many years of service and for all he has done for the City.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Wednesday, January 26, 2022 at 4:00 pm at the EE Waddell Community Center, 612 Wall Street, for a strategic planning session.