

**REGULAR MEETING CITY COUNCIL**

February 7, 2022

The City Council of the City of Albemarle met in a regular session on Monday, February 7, 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.

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Mayor Michael called the meeting to order.

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The Mayor gave the invocation.

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**SPECIAL PRESENTATIONS**

Presentation of a City Retirement Certificate to Michael (Shane) Palmer – 30 Years of Service

The Mayor presented Mr. Palmer a plaque in gratitude for his 30 years of service in the Fire Department. He retired on January 1, 2022.

Council and the Mayor thanked him for his service.

Presentation of a City Retirement Certificate to Jesse Huneycutt – 34 Years of Service

The Mayor presented Mr. Huneycutt a plaque in gratitude for his 34 years of service in the Police Department. He retired on February 1, 2022.

Council and the Mayor thanked him for his service.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes of the January 18, 2022 regular and closed meetings were approved as submitted.

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**PUBLIC HEARINGS**

Ordinance 22-11 - To Consider the Annexation of Property on US 52 South

Council conducted a public hearing to consider annexing two tracts of land on US Highway 52 South. These two tracts, comprising a total 135 acre property, were originally proposed for annexation in 2021 with rezoning to both R-8 and GHBD to allow for a commercial component as well as a mix of single family attached townhomes and single family detached homes. Following consideration

by Planning and Zoning Board the applicants requested to change the proposed rezoning to all R-8, eliminating the GHBD commercial component. Original staff analysis of the impacts of this annexation were based on a range of units from the proposed 500 mixed housing units to a total allowed buildout of 1200 units under R-8. The annexation petition was withdrawn at the 2021 City Council public hearing.

Planning and Development Services Director Kevin Robinson presented the new annexation request and staff analysis to Council. The applicants re-applied in January 2022 for annexation with a proposed rezoning to R-10 to include a proposed 380 single family detached homes. In R-10 single family attached townhomes are not permitted. The maximum number of single family detached homes that could be built on the property are approximately 500. New staff analysis reflects the revised range of homes at 380 minimum and 500 maximum and the anticipated population and service/infrastructure requirements of those homes based on a per unit average of similar new developments in the City. It does not reflect any proposed additional open spaces, proposed street network or other design features. Staff will not consider those at this time. A traffic study was done prior to the first annexation request in 2021, and no additional information was needed for this request.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. The Exponential Equity Development team, consisting of Michael Sandy, Greg Stewart, and Lee Allen from ReMax, all provided portions of their presentation to Council, along with David Farmer representing the Farmer family whose land is being requested to be annexed.

- Mr. Farmer's remarks in favor of the annexation request:
  - His family had lived in Albemarle for many years.
  - He and his brother have sold a few parcels to be developed, such as Morgan Hills.
  - He and his brother feel that development will produce jobs, homes and growth for Albemarle.
  - Their father purchased land over by US Highway 52 and Aquadale Road as investments thinking that it would be developed one day.
  - He and his brother believe that the area is ready for development, with utility connections and no impacts on other local neighborhoods.
  - They believe that development in this area would be a huge opportunity for Windsor Hills and Morgan Hills subdivisions to have access to Rock Creek Park
- Exponential Equity Development team remarks in favor of the annexation request:
  - There are more requests for annexations and rezonings now due to increased interest in land for the following reasons: location to Charlotte; natural resources in Albemarle are abundant; access to area and getting around in the area is easier now as a result of major highway expansions/improvements completed recently.
  - There's an abundance of land to be developed in and around Albemarle.
  - It appeals to people in terms of lifestyle, having a rich history, is safe, and has small town charm.
  - It is affordable compared to nearby towns, and is also an attraction to businesses.
  - There is a need for new and expanded housing in the area, partly due to aging housing (the average age of a residence in Albemarle is 62 years old). Young families are looking to settle here but are not finding the housing they are looking for right now.
  - It is a planned growth area where the City and County have done a good job with planning.

- A real estate update shows that for Albemarle in the last 6 months doing a search for home sale prices of between \$275,000 - \$400,000, only 11 homes were sold are 2 are currently are for sale showing a demand for homes. People are trading affordability for a commute.
- The developer is requesting R-10 rezoning after speaking with Planning staff last year. This change in zoning reflects the following: encumbrances on the properties; keeping the natural habitat protected; preserving the connections to Rock Creek Park (via stormwater tunnels and walking trails).
- The proposed cluster subdivision development parameters have changed with a maximum of 500 lots which could be developed. They are going with a total of 306 lots, which would be 2.2 units per acre with around 40 acres of open space.
- The initial traffic impact analysis conducted by NCDOT does not require any improvements at this time due to the decrease in number of lots from 500 to 306.
- Response times for emergency and safety services were summarized.
- The developer has conducted water flow tests and they were within parameters.
- Finally they discussed features of the future subdivision.

The Mayor asked if Council had any questions for the developers. Mayor Pro Tem Hall asked for the response time information what the time period was when this information was taken and did the developers ask this of the 911 team. All response time data was provided by Mr. Chandler and Mr. Griffin at Stanly County EMS/911 communications center and is prepared on an annual basis across the County.

The Mayor asked if anyone else wanted to come forward.

Barrett Eatman, residing at 25152 Cabin Ridge Road in Albemarle, came forward to speak in opposition to the annexation. His remarks included:

- He verbally disclosed that he is an NCDOT employee and that his remarks do not reflect NCDOT but are his personal views.
- He noted that some of his concerns about the annexation of this large land parcel grouping have been addressed since the original public hearing back last year.
- He again noted that per the City's own public website, the City wants to preserve the natural resources of Albemarle but he does not see this annexation in line with that assertion.
- He again showed a Google image of a cluster subdivision and said that the one being considered if this annexation passes would be denser than what was shown.
- He was also concerned about the effect of population increase due to the proposed subdivision on City utilities, schools, City operations and services.

Thomas Townsend, residing at 36534 Cooper Road in Norwood, came forward to speak in opposition to the annexation. His remarks included:

- His concern over runaway development, noting that already approved developments would bring 5,000 residences into Albemarle by his calculation;

- He would be ok with controlled growth, but he does not see this proposed annexation/rezoning/future cluster subdivision as controlled growth.
- Right now low housing density and a stable population is what makes the City a good bedroom community in his estimation.
- He believes that schools would not be able to handle the expected influx of kids.
- The County already needs a new jail space, and he projects that more jail space would need to be constructed at the cost to the taxpayers.
- Also new schools and infrastructure costs he believes would be passed along to taxpayers too.
- He proposed that the County and City sit down and have a conjoint discussion about County and City growth and development.
- He suggested that Council not approve this annexation request until all parties sit down with the City's Planning Department to discuss planned growth.

The Exponential Equity Development team, Mr. Farmer, and Mr. Eatman all provided brief rebuttals to remarks made on both sides of the issue.

- Exponential Equity Development team rebuttal – Per the services concern, provision of services should not be a hindrance; per the cluster subdivision concerns, a state of the market search last week comparing housing sales/demand between Albemarle and Locust with a 2 mile radius of the proposed annexed parcels over a 6 month period showed the statistics noted above for Albemarle, whereas for Locust 78 residences were sold, with 10 current listings; the team reiterated features for the target millennial generation for housing needs; they agreed that future residents would be coming into Albemarle from elsewhere; and per the concern about controlled growth, it really can't be controlled because it's already happening, but the City actually can control growth through mechanisms like annexation.
- Mr. Farmer rebuttal – In response to Mr. Townsend's comments, he noted that you can't always get controlled growth – it's coming. The City, through Council decisions like this one, can control growth here, and so he encouraged Council to approve the annexation. Per Mr. Eatman's comments, he noted that Mr. Eatman showed the "bad side" of cluster development, not the good side, like the green spaces the developers are planning. It will be much less dense and will leave a lot of trees and open space. The City should take advantage of developing space that is already open.
- Mr. Eatman rebuttal – He wanted to clearly state that he was in opposition to the changes in zoning which are partnered with this annexation request.

Councilmember Dry asked the development team if trends in building now leaned towards clustering. The team replied that density solves the affordability issue plaguing housing right now. With the Future Land Use Plan, developers are taking advantage of open spaces.

The Mayor asked if there were any more speakers who would like to come forward. No one else came forward.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, and carried with a vote of 6 Council members for the motion and 1 against, the public hearing was closed. Councilmember Lowder voted against the motion.

The Mayor asked if Council had any further questions.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, and carried with a vote of 6 Council members for the motion and 1 against, Council approved Ordinance 22-11 allowing the annexation of 136 acres off of Highway 52 South and Route 138/Aquadale Road. Councilmember Lowder voted against the motion.

[Ordinance 22-11 - To Consider the Annexation of Property on US 52 South]

Ordinance 22-12 - To Rezone a 136 Acre Property at Hwy 52 S and NC Hwy 138

Council conducted a public hearing to consider the applicant's request that this property be initially zoned into the R-10 General Residential District.

Planning and Development Services Director Kevin Robinson presented the rezoning request and staff analysis to Council. While a lack of policy and guidance exist in the City of Albemarle 2028 Future Land Use Plan, R-10 General Residential is consistent with other low intensity residential uses in this area. Staff recommends the Future Land Use Map Amendment Statement if the City Council chooses to approve this map amendment.

The Planning and Zoning Board at its February 3<sup>rd</sup> meeting recommended that the rezoning request to R-10 General Residential District be approved as a map amendment.

The Mayor asked if Council had any questions. Mayor Pro Tem Hall asked Mr. Robinson to clarify the Planning and Zoning Board's recommendation to Council. He clarified that they unanimously recommended the map amendment option to Council because the zoning being requested is inconsistent with the 2028 Future Land Use Plan and so the Future Land map would need to be amended should Council approve this rezoning request.

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.

The Mayor asked the developer to come forward to make remarks to Council. They did not wish to make any more remarks to Council.

The Mayor asked if anyone else wanted to come forward. No one else came forward to speak.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and carried with a vote of 6 Council members for the motion and 1 against, the public hearing was closed. Councilmember Lowder opposed the motion.

The Mayor asked if Council had any further questions.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, and carried with a vote of 6 Council members for the motion and 1 against, Council approved Ordinance 22-12, which includes ZMA 22-01, with the following map amendment statement:

The Albemarle City Council finds the action initially zone a +/- 135 acre of tax record 7671, 138798, 23373, as defined in the attached annexation boundary survey prepared by The Survey Company, Inc., from County R-A and County M-1 to City R-10/General Residential District to be inconsistent with the adopted 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.

Mayor Pro Tem Hall voted against the motion.

[Ordinance 22-12 - To Rezone a 136 Acre Property at Hwy 52 S and NC Hwy 138]

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### **AGENDA ADJUSTMENTS**

The Mayor called for a motion to remove the retirement certificate special presentation for Judy Redwine, add an update by Marilyn Wells about WM services in Announced Delegations, add an event road closure request from Peter Ascitutto/Vac and Dash on the consent agenda, add a change order for infrastructure construction timeline for the Albemarle Business Center as a New Business item, and add N.C.G.S. 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

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

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### **ANNOUNCED DELEGATIONS**

#### Brandon King – Candidate for Stanly County Board of Commissioners

Mr. King came in front of Council to introduce himself to Council and the residents of Albemarle. He thanked Council for the opportunity to introduce himself. He is a candidate for the District 3 seat for the Stanly County Board of Commissioners. He was born and raised here and is a business owner here. He sees the County's purpose in part to work together with local governments like Albemarle for a common goal.

Council thanked him for coming to them to introduce himself.

#### Marilyn Wells, Waste Management – Update on Services

Ms. Wells came in front of Council to provide an update since her report out to Council in December 2021. The local WM team has seen more callouts by drivers recently due to COVID19, but is seeing that trend wane as drivers come out of quarantine. During that time the regional team pulled

drivers from other sites to fill in. She noted that a new route manager, Mark Aldridge, would be starting next week. The individual who has been on leave is set to return in March. They are noticing higher requests for damaged cart replacement, which is typical this time of year due to the cold weather making the plastic bins more prone to breaking and tearing.

She entertained questions from Council. The Mayor stated that he, other Council members and City staff have had many WM complaints lately about missed pick ups of all types. How could drivers miss whole streets? Ms. Wells replied that with the few snowfalls the City has had in January, it impacted service a bit. In addition, folks would pull their carts and then the drivers would miss them coming back around. She also noted the increased call volume, saying that call logs in January were pulled and that the 2 ladies working the Albemarle line were calling back within reasonable timeframes.

Are recycling trucks getting all types of materials? Specifically what about debris from home construction/remodeling? Ms. Wells confirmed that WM could pick up smaller construction and demolition materials but larger pieces would need to be put into a dumpster or hauled to the Albemarle landfill. Would WM pick up pallets? Per NC law, only broken down pallets can be picked up, so if the pallets were not broken down, WM would not pick them up.

For downtown businesses there seem to be many carts out curbside – is there any way to have some businesses switch to dumpsters? Ms. Wells said she would check in with the downtown business owners to see if they were willing to change to a larger receptacle or dumpster.

Councilmember Aldridge thanked Ms. Wells for being so responsive when he has reached out to her. He is concerned about trash and littering on the sides of the road down the NE Connector, and he asked her to remind drivers working that route or driving through there to make sure they have their tarps over the trash loads. He also requested that WM provide timely communications with the public about issues or delays, even if the City has to message or post for WM.

The Mayor noted that he followed some WM trucks recently just to see how things were done. He did note that some drivers were not dumping trash entirely leaving it to be scattered on the street or become street trash. Ms. Wells would look into that.

Mayor Pro Tem Hall echoed Councilmember Aldridge’s remark about timely social media communications from WM. She also raised the issue of the local WM line callback issue. Residents tell her they don’t get callbacks from WM when they leave messages. Ms. Wells replied that 2 ladies are currently working that line, taking and returning calls.

Council thanked Ms. Wells for her update.

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## **ADMINISTRATIVE REPORTS**

### Selection of Consensus Redistricting Plan

City Manager Michael J. Ferris provided an overview of the process. As this process has been examined and developed, the Mayor and Council have reviewed redistricting options that meet the legal guidelines and Council agreed upon criteria. Based on the input into the process to this point,

a recommended plan has been developed. A public hearing has been set for February 21st to review and adopt the final proposed redistricting plan.

Per the prepared presentation, Mr. Ferris went over the basics about redistricting (redistricting 101), redistricting criteria, the timeline to complete the redistricting process for delivery to the Stanly County Board of Elections by March 1<sup>st</sup> and how that impacts the rest of the election cycle this year, a summary of ideal district populations for Districts 1-4 which would be 4,108 per district based on the total population count of 16,000+ per the 2020 Census), the outcome of 2020 Census figures by district showing that Districts 2 and 4 are below, and District 1 is above the  $\pm 5\%$  threshold. The City also needs to comply with the 1988 court order for District 1 also in the redistricting plan.

Based on options developed by City staff and the Centralina CRC and reviewed with all of Council, staff is proposing that Council move forward with Redistricting Plan A. This plan would balance population in each district under the  $\pm 5\%$  threshold, and in fact would get each district within  $\pm 1\%$ . Mr. Ferris then entertained questions from Council. He reiterated that the timeline would be to bring the redistricting Plan A forward on February 21<sup>st</sup> with a public hearing.

The Mayor noted that since Council has already reached a consensus on the redistricting plan which would create the minimum necessary shifts in districts, he called for a motion for Council to approve moving forward with Redistricting Plan A as the plan to put in front of the public at the public hearing on February 21<sup>st</sup> and to consider officially at that time.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved the motion.

#### Christmas Parade and Christmas Open House Feedback

Joy Almond, Main Street Director, shared feedback from businesses, staff, and volunteers regarding the Christmas Parade and Christmas Open House. She noted that she and Parks and Recreation Director Lisa Kiser went over Christmas Parade and Christmas Open House feedback from downtown businesses who responded to a survey they sent out. Prior to that at the Special Events Committee meeting held on January 19<sup>th</sup>, the committee saw the feedback.

The survey was online, and the team received 6 responses from downtown businesses. The results were mixed. The crowd was good during the parade, but downtown foot traffic dropped off after the parade. The ice sculptor had almost no foot traffic, and the same held for the visit with Santa event. The survey responders particularly commented on issues with scheduling the events during the weekend after Thanksgiving Day, even though they were polled last summer and provided that date as a good weekend for the event. Items noted included: sales were great but no better than Small Business Saturdays were without the parade/open house combined on the same day; some downtown entities, such as the Stanly County Library main branch, remained closed during that long weekend although they did allow access to one of their rooms for an event activity; parade participants did not participate in the Open House event this past year; due to the long holiday weekend for City staff it was difficult to find employees to staff to provide logistics or staff the various parts of the events. As a result, Ms. Kiser and she would recommend to Council to agree to a consistent scheduled event calendar to rely on year after year, and to keep the 2 events separate as they had been in the past.

Ms. Almond also gave recommendations for scheduling these events in 2022. Staff are recommending that Council consider the Christmas Parade the second Saturday in December at 4:00 pm, and Downtown Christmas the first Friday in December starting at 5:30 pm.

She took questions from Council. How many businesses were open during the parade? All downtown businesses except Starnes Jewelers stayed open during the parade.

Mayor Pro Tem Hall explained that the Special Events Committee looked at neighboring towns' parades dates before moving forward any date recommendations to the entire Council. She noted that there is a desire to have more floats in the parade.

Councilmember Dry commented that there needs to be specific times for businesses to stay open. He wanted Ms. Almond to let businesses know that City Council is listening. He then asked if there should be more advertising. Ms. Almond replied that there is always room for improvement and hoped that Mr. Fath as PIO could help in that regard.

Ms. Almond said that she and ADDC wanted to encourage more business-sponsored events much like their Thursday nights shopping event in December. For that the businesses themselves banded together to stay open until 7:00 pm every Thursday night that month to encourage downtown shopping.

Councilmember Townsend asked if the lack of high school marching bands in the parade was due to the Thanksgiving weekend timing of the event. No – there likely were other factors involved, such as local school systems' decisions to limit band programs at high schools.

Councilmember Hughes asked if downtown businesses were surveyed about the dates for the two events beforehand. Ms. Almond replied that they were, but the events' planning at the time was based on a concept that did not materialize in reality. This time feedback from businesses was based on the reality of the experience from December 2021.

The Mayor called for a motion for Council to approve the staff recommended schedule for the Christmas Parade and Downtown Christmas.

Mayor Pro Tem Hall called for a motion to approve the Downtown Christmas for the first Friday on December and the Christmas Parade for the second Saturday in December. The Mayor asked about times for road closures to which Ms. Almond replied would be 5:15 pm to around 9:10 pm for Downtown Christmas, and starting at 3:00 pm until around 5:30 pm for the parade. Mayor Pro Tem Hall amended her motion to include road closure timelines as noted by Ms. Almond. The motion was seconded by Councilmember Dry, and unanimously carried.

#### Joy Almond, Main Street Manager – Presentation Regarding the New Social District Legislation

Ms. Almond remained in front of Council to make a presentation about social districts. Legislation creating social districts was adopted in the past session of the North Carolina General Assembly. The changes in law may or may not provide options City Council would like to consider. There

are also impacts to, and responsibilities placed upon businesses in the district that do not participate in alcohol sales.

Ms. Almond in her presentation to Council went over the following: what are social districts?; how can they benefit downtown Albemarle?; how is a social district enforced?: mapping of downtown businesses serving alcohol vs. outdoor spaces; describing the social district vs. the municipal service district via a map; identifying regional adopters of social districts; and next steps.

She opened the floor to questions from Council. Would Planning be in support of a social district in downtown Albemarle? Planning and Services Development Director Kevin Robinson came in front of Council to respond. Planning would support Council approving a social district because it helps bring activities outside and into public spaces.

Mr. Charles Brown and Mr. Courtney Brown, proprietors of a downtown law firm, were in the audience for the meeting and provided feedback to Council on the concept of a social district. Mr. Charles Brown told Council that he was supportive of the idea.

Council asked if there were any other municipalities close by who were considering a social district. Ms. Almond replied that there is a lot of chatter in neighboring municipalities but nothing yet in terms of official municipal action. Mr. Courtney Brown posed a question: once COVID is behind us, would there be any reason for social districts to disappear, considering that was the impetus for the General Assembly to adopt this legislation in the first place? No – it would make things more advantageous for downtown businesses.

The Mayor asked Council if they would like to make a motion on moving forward with social districting planning.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved staff moving forward with developing a social district concept and engaging in next steps detailed in the presentation.

#### Spotlight Presentation - Planning and Development Services

Planning and Development Services Director Kevin Robinson presented his team and their department to Council. He detailed the department's services role and the stages of the department's role as planning, administration, implementation, and enforcement. The department creates long range policy guides and documents that are broad in scope. From this they create actual policy and tools in the form of re-zonings, text amendments and other codes. These are then applied to individual cases during subdivision, development and construction. The department then follows up to ensure that new alterations, existing uses and maintenance continues meet the standards created. This isn't the end however. Changing demands from the individual guide new plans, new policy changes and changes in implementation.

Mr. Robinson then briefly went over the overall organizational structure of the department and described his role as director, as well as the senior planner role.

Planning Specialist Brittani McClendon came in front of Council and described her role.

Development Coordination Specialist Jay Voyles came in front of Council and described his role.

Chief Code Enforcement Officer Greg Morris came in front of Council and described his role.

Mr. Robinson then briefly discussed Nina Underwood's role as Code Enforcement Specialist and Iris Coggin's role as Administrative Support Specialist.

Finally Mr. Robinson explained the background for his department housing the maintenance department and provided an overview of the team's role, which includes Ron Epps as the Building Maintenance Supervisor and Reggie Smith as Custodian.

Council thanked the team for all they do for the City.

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**MUNICIPAL CALENDAR**

Mayor Michael and Councilmembers received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar.

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**CONSENT AGENDA**

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that the maintenance fleet truck bid item be removed.

Resolution 22-05 - To Condemn Property for ABC Easement

When easements for the ABC were being acquired, there was one property for which the City was unable to come to an agreement on a reasonable amount for just compensation. Due to the inability to reach an agreement, Council expressed their desire to proceed with a condemnation action to gain a sanitary sewer easement. The property owners were provided with a letter describing the City's intent to file a condemnation action in December 2021, however the property owners have not contacted the City to discuss an agreement. We are asking Council to approve the attached resolution authorizing Parker Poe to file the action for condemnation on a certain tract of land located in Stanly County, North Carolina, designated as Stanly County Tax Parcel ID No. 654702792163, which is more particularly described in Deed Book 1399, Page 670 of the Stanly County Registry. This property is owned by Mark and Antonia Hall.

[Resolution 22-05 - To Condemn Property for ABC Easement]

Road Closures for Fellowship of the Idiot Run

Vac and Dash is hosting the run on Saturday, February 12<sup>th</sup> from 4:00 am until 10:00 am. Road closures include CB Crook Road from North 1<sup>st</sup> Street to North 2<sup>nd</sup> Street.

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

- Adopting Resolution 22-05 allowing the law firm Parker Poe to file an action condemning Stanly County Tax Parcel ID No. 654702792163; and
- Road closures for the Fellowship of the Idiot Run as detailed above on February 12<sup>th</sup>.

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Consider Bid 21-08 - Fleet Maintenance Service Truck

Public Works Director Ross Holshouser came in front of Council to take questions. Public Works Administration and Fleet Maintenance Division is requesting Council approval to award a bid on a Heavy Equipment Fleet Maintenance Service Truck to TranSource Truck & Trailer Center. Formal bids were solicited in accordance with the NC General Statutes. The low bid is approximately \$12,000 greater than the budgeted amount. The Finance Department has prepared a budget amendment (separate agenda item) to provide the additional funds.

Council asked the City Attorney to weigh in on how bids should be considered in this situation per the General Statutes. City Attorney Britt Burch advised Council if a contractor submits a bid which meets bid specifications, that bid needs to be considered.

Councilmember Aldridge acknowledged one of the bidders was in the audience tonight and asked that individual to come forward. Mr. Richard Almond from Crook Motor Company thanked Council for allowing him to make remarks to them tonight. Crook Motors became a freightliner dealer just last year, which gets them in a better position to take on bids for items such as this fleet maintenance vehicle. He expressed thanks to the City for accepting the company's bid and he hoped to build a relationship with the City in the future. Council thanked him for his remarks.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council accepted the bid from TranSource Truck & Trailer Center for a fleet maintenance vehicle.

[insert bid info here]

**NEW BUSINESS**

Ordinance 22-14 - Adoption of Electric Budget for the Albemarle Business Center

City Manager Michael J. Ferris introduced the item by first stating that this discussion involves the in house portion of electrical infrastructure work to be done at the Albemarle Business Center, with some of the work already contracted out to NJR Group. He also thanked the team which put this analysis together for Council, which consisted of Public Utilities Director Dan Worl, Electric Superintendent Dennis Curlee, and Jeremy Furr, PE with Southeastern Consulting Engineers (Southeastern is our long-time electric engineering firm), and the City Manager. Mr. Worl came in front of Council to present the in house electric service costs and savings for the ABC development project and answer questions the Mayor and City Council had.

The Albemarle Business Center property was purchased by the City in 2017. In 2018 an estimate of \$3.5 million was developed to extend the electric system to and throughout the site and to provide a dual electric feed. Since that time the estimate has increased to just over \$4 million. Like many elements of the Police Headquarter building project, the ABC electric work is being managed internally, as it is not part of the contract awarded to NJR Group nor a part of the Chambers Engineering scope of services. The City will perform as much of the work as possible with our existing resources.

When looking at what Public Utilities should be able to accomplish in-house with existing resources, areas where contract work will be required, and the needed supplies and materials, staff now estimates the City's out-of-pocket expenses to be lower than the 2018 placeholder planning figure of \$3.5 million and significantly lower than the current estimate of over \$4 million. The in house team noted above estimates a cost of approximately \$2 million dollars to extend electric from both the Henson Street and US Business 52 sides of the property and throughout the property along the roadway. The work will also provide a redundant electric feed from two different electric substations, something that will be a desirable feature for businesses considering the ABC. Staff does continue to refer to this as an estimate because it is based on current prices for supplies, materials, and services. The estimate also includes a project contingency of 20%.

The Electric Fund does have sufficient cash to pay for the expenditure and the attached Ordinance appropriates funds from electric reserves. No borrowing will be necessary. The modeling the City used with First Tryon anticipated cash funding but originally used a higher overall Electric Fund expense than what is currently estimate (\$2 million). The Electric Fund will also maintain a reserve figure of above the established \$6 million minimum.

Council also had a memorandum from Jacob Weavil, Finance Director regarding the project budget for Electric and other elements of the project distributed to them prior to the meeting. The changes to the Water and Sewer Fund adjust for the uncertainty over the use of ARPA funds to support the water system cost. This was previously discussed with Council.

Mr. Worl took questions from Council. The Mayor asked what kind of street lighting will be put in there. The lighting that will be placed there will be wooden poles because later on Public Utilities may have to tear it out when business clients come into the business center with different needs. Decorative poles can be installed as the park develops.

Mayor Pro Tem Hall and Finance Director Jacob Weavil discussed the change in funds, now with some of the cost being drawn from the Water and Sewer Fund. Mr. Weavil explained that originally the City thought that some of the costs for infrastructure development for the ABC would be applicable under ARPA funding guidelines. Now that final guidance on ARPA funds uses has been finalized and published, it is not clear whether the funds can be used for this purpose, requiring a draw on the Water and Sewer Fund of \$376,000.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, unanimously carried, Council approved Ordinance 22-14.

[Ordinance 22-14 - Adoption of Electric Budget for the Albemarle Business Center]

### Ordinance 22-13 - Amending the Fiscal Year 2022 Operating Budget

This is an amendment to the Fiscal Year 2021-2022 operating budget. Council received a memorandum summarizing the items included in the Ordinance prior to the meeting.

The City Manager again noted that with ARPA final guidance, ARPA funds cannot be used for the electric infrastructure work at the ABC. Mayor Pro Tem Hall asked where the fund transfer for the electric ABC project was coming from. Those funds are coming out of reserves.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-13.

[Ordinance 22-13 - Amending the Fiscal Year 2022 Operating Budget]

### Consider Adopting A Resolution to Revise Planning and Development Services Fee

#### Schedule

Planning and Development Services Director Kevin Robinson presented the request to Council. Planning and Development Services has not changed its fee schedule in 4 years. The attached survey shows various permit fees for other jurisdictions from both 2018 and 2022. The mark up document shows proposed changes. For many of the fees charged, they are not sufficient to cover the City's out of pocket expense.

Staff is proposing to keep the department's overall fee schedule largely unchanged. The areas we have proposed increasing fees are due to increased advertising costs, increased staff time or to adjust for large parcels we are seeing which are requiring a great deal more time. Staff believes these fees to be at or below standards seen across the state and well within the expected amounts for most applicants. We are not proposing not to charge for standard development reviews and permitting at this time, which sets us apart from most other municipalities.

Mr. Robinson took questions from Council. How many municipalities responded to the survey? There were 15 responses taken from the listserv.

How do rates compare with the County's? The County did not respond to the survey and it's not listed on the County's website. Does the City's rates/fees exceed the County's? Not really. How do these proposed rates compare to similar municipalities? There are many variables which factor into a municipality's planning/development rate structure. In the City's case much of it is due to publication costs to advertise in SNAP, with fluctuations in staff time as part of the consideration also. However Mr. Robinson noted that many of them are close to the proposed fee structure being presented tonight.

Why the steep increase in fees related to right of way and street abandonments? The department has taken a big financial loss in this area due to state requirements to run public notices 4 times before the public hearing for each abandonment request.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hughes, unanimously carried, Council adopted Resolution 22-04 revising the Planning and Development Services Fee Schedule as presented.

[Resolution 22-04 – To Revise Planning and Development Service Department’s Fee Schedule]

Update - Walk of Fame Committee

Councilmember Townsend requested this item be placed on the agenda. Council discussed the status of finding 5 nominees for the Walk of Fame Committee. Council received a volunteer form for a nominee which Councilmember Townsend brought forward in December 2021.

Councilmembers Whitley and Aldridge noted that they have nominees and would request that they complete the volunteer application. The Mayor noted that and then advised Council that a nominee from District 2, and 1 representing the at-large Council members still needed to be sought.

The Mayor hoped that at the next meeting Council could come up with more nominees to consider.

Change Order #1 – Infrastructure Development Timeline for Albemarle Business Center

Mayor Pro Tem Hall asked specifically what about the timeline was changing in this change order. City Manager Michael J. Ferris replied that the start date originally for the NJR Group to begin infrastructure work on the ABC was July 2021, but due to delays in securing the utility right of way easements, now is in February 2022. With a 365-day completion date, the end of this contract will now be February 2023 rather than July 2022.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council approved Change Order #1 for the ABC infrastructure construction timeline change.

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**COMMENTS**

The Mayor began by giving a hats off to Public Utilities for handling multiple water main break repairs last weekend.

Councilmember Townsend:

- He congratulated Police Chief Bollhorst for his swearing in ceremony.
- The new lettering on the City’s water tank looks great.
- He thought it was great that the City of Albemarle and Stanly County were well represented during the NFL playoffs.

- He gave best wishes to BJ Hill and the Cincinnati Bengals in their upcoming appearance in the Super Bowl.

Mayor Pro Tem Hall:

- Downtown signage is looking great.
- What is the status of the alleyway project? Public Works Director Ross Holshouser came forward to answer the question. Two months ago the project came up for bid again, and once again came in over budget. He will reach out to the lowest bidder to negotiate the scope of work.
- Is there any update on PNG work? Development Coordination Specialist Jay Voyles replied that he has been in contact with PNG and is currently waiting on a contract from them.
- For the reported eyesore business on Highway 24/27 what is the deadline for nuisance abatement compliance? City Attorney Britt Burch replied that tomorrow is the deadline to comply with abatement. She will need to speak with Greg Morris to set a date for site re-inspection. Per Planning and Development Services Director Kevin Robinson the business will continue to receive citations then will have a time period to comply before code enforcement begins.
- She noted that Parks and Recreation Director Lisa Kiser and the Special Events Committee have released the Food Truck Friday schedule this year and that Council should have received invitations to them. The Committee and Parks and Recreation are still looking for sponsors for most the Food Truck Fridays this year.

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**CLOSED SESSION**

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award, and N.C.G.S. 143-318.11(a)(6) Personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes and unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award, 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 Aldridge, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned to Thursday, February 10, 2022 at 4:00 pm in the Fellowship Room of Central United Methodist Church located at 172 North Second Street in Albemarle for a budget planning workshop.