

REGULAR MEETING CITY COUNCIL

February 21, 2022

The City Council of the City of Albemarle met in a regular session on Monday, February 21, 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 announced that a card was coming around the dais for Council members to review from the First Presbyterian Church Faith Explorers.

SPECIAL PRESENTATIONS

Presentation of a City Retirement Certificate to Judy Redwine – 50 Years of Service

The Mayor presented Ms. Redwine a plaque in gratitude for her 50 years of service in the Public Utilities Department, most recently as Director. She retired on December 31, 2021.

She received a round of applause. Council and the Mayor thanked her for her service.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, the minutes of January 26, 2022 strategic planning session, the January 27, 2022 stormwater management plan session, and the February 7, 2022 regular and closed meetings were approved as submitted.

PUBLIC HEARINGS

Resolution 22-06 – Consider Albemarle Redistricting Plan

Council conducted a public hearing to consider a recommended plan they chose in staff briefings in late January, Redistricting Plan A. City Manager Michael J. Ferris provided a recap of the process and a summary of Redistricting Plan A. 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.

The Mayor asked if Council had any questions at this point.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council adopted Resolution 22-06 and the consensus redistricting plan for the City of Albemarle.

[Resolution 22-06 - Albemarle Redistricting Plan]

Ordinance 22-15 – Laurel Street Right of Way Abandonment

Council conducted a public hearing to consider a right of way abandonment originally requested by Ms. Sabrina Lambert and other owners with property adjoining Laurel 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.

The City Manager reviewed this item and staff findings in terms of whether there is benefit to the public or City to retain this unopened right of way.

The Mayor asked if Council had any questions at this point.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 22-15 permanently closing Laurel Street right of way.

[Ordinance 22-15 - Laurel Street Right of Way Abandonment]

Ordinance 22-16 – Consider Text Amendments to Section 92.008 for Vacation Rental Homes

Council conducted a public hearing to adopting an ordinance amending Chapter 92, Section 8, which defines Vacation Rental Homes and their permissible conditions in the City of Albemarle.

Development Services Director Kevin Robinson presented the text amendment request and staff analysis to Council. This is a privately requested application for text amendments to the Homestay definition of the zoning ordinance by Carla Cunningham. Ms. Cunningham owns 1035 Pee Dee Ave., which she has operated as an AirBnB on and off for about a year. The current use is more than what is allowed as defined by "Homestay" based on total duration of use, her primary residency being elsewhere, and the potential for expansion of this use in the future. Ms. Cunningham requested the total annual days for homestay use be increased from 30 days to 150 days. Staff has proposed an alternative text amendment that would increase the total days use increase to 90 based upon response from other homeowners in the City as well as a new "Vacation Rental" use which will suit Ms. Cunningham and others desiring full time AirBnB's better in the long run. These uses would be permissible in all residential districts, but would require a special use permit approval, registration and separation from other Vacation Rentals, similar to how we address traditional bed and breakfasts, group homes and other uses. This also includes provisions for revocation of permits should any vacation rental become a crime or nuisance issue in a neighborhood. Ms. Cunningham agreed with Staff on this alternative version of the text amendment and Planning and Zoning Board recommended for its approval

Planning and Zoning Board heard the proposed text amendment at their February 3rd meeting and voted unanimously to recommend Council approval.

The Mayor asked if Council had any questions at this point. Councilmember Dry asked if there were plans to introduce a registry as part of this text amendment change. Mr. Robinson replied that the department was planning to implement either an annual or biannual registry to coincide with an inspection schedule. Mayor Pro Tem Hall asked if there would be a sign in process in order to calculate the 90-day maximum stay requirement. Mr. Robinson stated that there would be, and that Planning also discussed this with Ms. Cunningham. He further summarized the dynamic involved with the Cunningham vacation house to assure Council that Planning fully investigated and addressed that property to the joint agreement of the City and Ms. Cunningham.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Councilmember Hughes made a motion to approve Ordinance 22-16, and was seconded by Councilmember Townsend. Before the vote count, Councilmember Townsend asked for confirmation that the vacation house homestay/AirBnB stay maximum time period would be 90 days. Mr. Robinson confirmed that 90 days was the maximum homestay under this text amendment request.

The Mayor called for the vote. All Council members voted in favor of the motion and Ordinance 22-16 was approved.

[Ordinance 22-16 – Consider Text Amendments to Section 92.008 for
Vacation Rental Homes]

Ordinance 22-17 – Consider Text Amendments to Section 92.124 Concerning Curb Cuts and Vehicular Access

Council conducted a public hearing to consider adopting an ordinance amending Chapter 92 by adding section 92.124 Curb Cuts and Vehicular Access.

Development Services Director Kevin Robinson presented the text amendment request and staff analysis to Council. This is a staff requested text amendment to the zoning ordinance to include a new section on curb cuts. Staff is highly supportive of the wider range of housing options Albemarle is now seeing, however it has come to our attention that some of the designs for these smaller single family units poses an issue with maintaining City goals of pedestrian and vehicular use and safety and the general aesthetics of our public rights of way.

While this ordinance addresses all residential curb cuts, its primary focus is regulating the dimensions and placement of curb cuts on new, smaller lot development such that the potential for longer sections of sidewalk, planting areas and on-street parking are maintained in our rights-of-way. Mr. Robinson summarized the proposed lengths of curb cuts for a variety of housing options taken from the ordinance in front of Council for consideration.

Planning and Zoning Board heard the proposed amendments at their February 3rd meeting and unanimously recommended that City Council approve the amendments with the condition that the ordinance clarify that existing curb cuts and drives be maintained. Those changes are reflected in the ordinance presented to Council.

The Mayor asked if Council had any questions at this point, and commented that he liked the proposed text amendment.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 22-17.

[Ordinance 22-17 – Consider Text Amendments to Section 92.124
Concerning Curb Cuts and Vehicular Access]

AGENDA ADJUSTMENTS

The Mayor called for a motion add discussion of a water and sewer bill adjustment for Kendalls Church under New Business. Mayor Pro Tem Hall also requested the addition of a closed session item pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney.

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

ADMINISTRATIVE REPORTS

Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for January 2022 prior to the meeting. The Mayor asked if any Council members had any questions or comments.

Councilmember Aldridge asked for clarification about the Senior Planner search. The January HR report noted that there were no applicants for the position. Mr. Robinson responded by stating that Planning currently is reviewing 2 finalists for the position at this time.

Mayor Pro Tem Hall commented that for the Economic Development report, she did not see dates when events or staff trainings occurred. She then asked if there were any make up dates planned for the Retail Downtown Strategies working sessions. City Manager Michael J. Ferris replied by stating that those sessions are being rescheduled and will be both staff meetings and public meetings.

Mayor Pro Tem Hall asked about the firefighter trainees noted on the Fire Department report. She sought clarification on the number of weeks for their training and when they would be released to task. Chief Pierre Brewton came forward to respond. There are 2 types of trainings the firefighters need to complete before being released to task, one 16 weeks long and the other 7 weeks long. The trainees are expected to graduate and be released to task in June 2022.

Mayor Pro Tem Hall commented that she saw that a safety/risk manager had been hired. HR Director Dana Chaney responded that the gentleman who had been offered the job rescinded his offer last week leaving the position open.

Mayor Pro Tem Hall noted on the Public Works report that they have finished option 1 for paved parking the Pee Dee Avenue retail/mini mall area which includes the old barber shop and hair salon, but that Council needs to consider option 2 for parking there. The Mayor replied that the City needs to wait until the gentleman who owns the adjacent lot submits a proposal.

CONSENT AGENDA

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

Consider Road Closures for Still Runs Car Show

The Still Runs Car Show will take place in downtown Albemarle on Saturday, May 7, 2022 from 4:00 pm - 8:00 pm.

The following roads are being requested to be closed:

* W. Main St. from Third St. to Depot St.

* Second St. from North St. to South St.

* First St. from North St. to South St.

Consideration to Declare Surplus Property

Council received a memo from Purchasing Coordinator Linda Lewis regarding assets valued over \$5,000 that the City would like to declare surplus.

The Mayor asked staff for clarification on the Second Street closure for the Still Runs Auto Show, thinking that typically Second Street is closed only from North Street to King Street, not down to South Street. Parks and Recreation Director Lisa Kiser confirmed the street closure on Second Street typically was as the Mayor noted.

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

- Road closures for the Still Runs Car Show on May 7th with staff making the decision about the Second Street close off area; and
- The 3 City vehicles being declared as surplus property per the memorandum from Purchasing Coordinator Linda Lewis.

NEW BUSINESS

Consider Major Subdivision 22-02 – Eastover Towns Major Revision

Development Coordination Specialist Jay Voyles presented the subdivision request and analysis to Council. MJSR 22-02 Eastover Towns is a major revision to a previously approved plat. South Oak Partners has revised the plat with a 2nd phase that introduces 18 additional townhome lots for a total of 34 lots. The subdivision will feature a new road that will completely connect Eastover Ave.

MJSR 22-02 is currently a 34 lot cluster subdivision consisting of single family attached units. The total tract is 5.25 acres and what is currently proposed is considered to be a revision of the original submitted plat or otherwise known as phase 2. The development features ample open space provided with amenities, a new street that is proposed to fully connect Eastover Ave, and on-site parking areas for overflow. Council has previously approved the phase 1 area which consisted of the 16 lots along S Bell Ave and the 2 lots on Amhurst Street and a right of way dedication for the future street.

Access: This development is proposed to be fronting off of the existing S Bell Ave and Amhurst Street. There will also be a new street that the new 16 lots will front.

Open Space: The developer has shown the amount of open space to be 109,939 square feet with an active open space area of over 18,000 square feet provided with walking trails and off street parking for residents.

Traffic Analysis: A townhome generates an average of 7.38 trips per day. With 34 townhomes being proposed, this would generate an average of 251 trips per day. The City's threshold for requiring a traffic

study is 500 trips per day. Staff does not believe a traffic impact analysis is necessary due to the perceived low impact of this infill development.

Utilities and Topography: This development will be served by City water, sewer and electricity. Services are already located adjacent to the parcel. There is a sanitary sewer easement that bisects the rear of the property. This is proposed as existing to remain. The developer does plan to extend City water and sewer service with the construction of the new street to serve the future lots.

Road Design: The proposed new street will be a 26' wide street with mountable curb and gutter and a 5' wide sidewalk on each side of the street. Currently, the street is shown to connect all the way through to Eastover Ave. Staff and the developer are working together on a right of way acquisition to make this connection possible. If this preliminary is approved and upon final platting, the developer plans to provide a 2 year performance bond to guarantee that the street will be fully connected.

Sidewalks: Sidewalks are shown as 5' in width, on one side of the road along S Bell Ave and Amhurst St and on both sides of the new street.

Setbacks: Typical setbacks in R-6 for townhomes are 10' in the front, 8' on the sides with an exterior wall, 0' for interior walls, 18' on a side with a street and 25' in the rear. The developer has proposed to reduce the end unit side setback to 5', the side setback with a street to 15' and the rear setback to 17.5'. This is compliant with the City's area, yard & height requirements.

Lot Sizes: Lot sizes in R-6 for townhomes are a minimum of 3,000 square feet. In a cluster the development, the lot sizes are able to be reduced by up to 50%. The smallest lot proposed is 1,826 square feet. The largest proposed is 4,132 square feet.

Mr. Voyles noted that there is a 50' right of way that is privately owned which needs to be acquired for final platting of the subdivision in order to connect to Eastover Avenue. Council questioned Mr. Voyles on the process for acquiring the right of way and alternate approaches if the owner will not agree to an agreement. Mr. Voyles stated that the developer is responsible for acquiring that right of way easement, but the City theoretically could step in if needed.

Planning and Zoning Board recommended for Council approval at its February 3rd meeting.

The Mayor asked about the gravel portion of the proposed extension to Eastover Avenue and whether that will be converted to a paved, permanent lot for off-street parking. Mr. Voyles replied that there was no guarantee that would happen since it was the developer's discretion to do so contingent on the 5,000 square feet requirement. The Mayor followed up his first question by asking when the new curb cut requirements would be taken into consideration for this proposed subdivision per Council action tonight. Mr. Voyles replied that at the time of final platting the builder would need to address this issue.

Councilmember Dry made a motion to approve Major Subdivision 22-02 – Eastover Towns Major Revision, seconded by Councilmember Hughes.

Councilmember Townsend asked a question about right of eminent domain and whether it could be used for that portion of right of way needed to complete the street for the subdivision. Council asked the City Attorney whether a right of eminent domain action could be taken in this situation. City Attorney Britt Burch replied that exercising the right of eminent domain in the private sector is not the same as in the public sector, and is unknown as to the frequency of use due to being much more of a cumbersome process than in the public sector.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and carried with a vote of 5 Council members for the motion and 2 against, Council approved Major Subdivision 22-02 – Eastover Towns Major Revision. Council members voting against the motion were Mayor Pro Tem Hall and Councilmember Townsend.

Consider Major Subdivision 22-03 – Elizabeth Towns

Development Coordination Specialist Jay Voyles presented the subdivision request and analysis to Council. MJSR 22-03 is an application for major subdivision by South Oak Partners. The proposal is for 33 traditional townhomes lots along Heath Street, Elizabeth Avenue, and Grant Street. The 4.41 acre property is currently zoned Residential Office and is planned to remain under the current zoning district.

Access: Primary accesses to these townhomes are on all existing streets. Six townhomes will be directly accessed off of Heath Street, near the intersection of E Main St, twenty two townhomes will be directly accessed off of Elizabeth Ave, and the remaining five townhomes will be accessed off of Grant Street.

Open Space: As a traditional subdivision, only 5% of the gross land area to be developed must be reserved for common open space. The gross land area to be developed is 4.41 acres. .22 acres or 9,605sqft is the minimum amount of open space required. The developer has proposed over 28,000 square feet of open space provided with park benches and a walking trail that connects into existing and future sidewalks. This exceeds the open space requirements for traditional subdivisions.

Utilities and Topography: There is currently existing City water, sewer and electricity to serve the proposed site. However, the sanitary sewer main stops short on Graham Street and the developer proposes to extend this sewer main to service all new lots on Grant Street.

Road Design: All roads along this development are existing. The section of Grant Street from Ruby St to Elizabeth Ave is currently roughly a 14' wide gravel road. The developer plans to improve this section with a 20' wide street with natural ditch section. The developer also plans to implement an on-street parking area along Grant Street between lots 28 & 29. This section should serve to allow up to 8 vehicles to safely park on-street.

Setbacks: Setbacks for single family attached units in R-O are 10' in the front, 8' on the side for end units, 18' on the side adjacent to a street and 25' in the rear. This is correctly noted on the plat.

Lot Sizes: Lot sizes in R-O for single family attached are a minimum 3,000 square feet per lot. The smallest lot currently proposed is 3,025 square feet and the largest being 9,924 square feet with an average lot size of 5,677 square feet.

Staff believes MJSR 22-03 Elizabeth Towns complies with all aspects of the subdivision and minimum design standards ordinance. The Planning and Zoning Board unanimously recommended for Council approval at its February 3rd meeting.

The Mayor asked a few questions. Would there be parking on Grant Street? Yes – there would be 8 parking spaces off the right of way adjunct to Grant Street. What would be considered an improved road? Improved road would be a paved street.

Councilmember Townsend commented that he can't see 2-way traffic on Grant Street even with widening the street. Planning and Development Services Director Kevin Robinson and Council had a dialogue about the proposed street width on Grant Street and traffic flow.

Mayor Pro Tem Hall asked if the intent was to develop rental or permanent homes. She stated that concern over housing for Pfeiffer downtown campus students was the reason for her inquiry. They would be fee simple lots. If owners who bought them wanted to rent them out to students that would be desirable.

Councilmember Whitley asked if there would be an HOA. Yes there will be one. He then asked if the housing design would be in line with nearby architecture. Mr. Robinson replied that it is not in the Planning Department's purview to consider this.

Councilmember Hughes returned to the earlier comment made by Councilmember Townsend about the proposed street widening for Grant Street. Mr. Robinson noted that the City will need to obtain easements in order to widen Grant to 20'.

Councilmember Aldridge asked about parking spaces per house. There would be a 1-car garage and enough driveway to park another car for each lot.

Council again discussed with Mr. Robinson the Grant Street widening plan.

Councilmember Dry commented that this process shows that the City has come a long way in making good decisions for the City of Albemarle, and creating an environment that is more comfortable for developers.

Mayor Pro Tem Hall commented that Council is showing that the City is thinking about the bigger picture in terms of needs for its residents, such as over by 5 Points and the Pfeiffer campus for housing for Pfeiffer students.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, unanimously carried, Council approved Major Subdivision 22-03 – Elizabeth Towns.

Utility Bill Adjustment Request – Kendall Church

City Manager Michael J. Ferris noted to Council that the church is requesting a utility adjustment which lies outside of City utility adjustment policies, as non-residential uses are not eligible for adjustments. He directed Council's attention to a 2-sided document at their places showing the most recent utility bill and the computation of utility bill adjustments for each of the two months for which the church is seeking assistance.

Mr. Ferris then walked Council through the computation used to calculate each of the adjustment amounts for the 2 months the church is requesting assistance, with both amounts added together to obtain an adjustment write off of \$196.39 if an exception to the policy was made and the request approved.

Councilmember Dry made a motion for Council to approve an adjustment amount of \$196.39, which Councilmember Townsend seconded.

Councilmember Dry withdrew his motion thinking that the church has had rough times the last 2 years due to COVID and may need more of an adjustment.

Mayor Pro Tem Hall agreed with Councilmember Dry and made a motion for Council to approve a \$300 adjustment for the church, which Councilmember Dry seconded. Upon a vote, the motion was unanimously carried and approved.

After the vote Councilmember Whitley asked if there would be documentation that the bill was fixed. Mr. Ferris affirmed that documentation had already been submitted to the City.

COMMENTS

Councilmember Hughes:

- Re: monthly departmental reports – she congratulated Public Utilities on excellent reporting provided to Council in a functional way.
- Re: signage installation at Rock Creek Park – she appreciates it and is getting positive comments from the public about it.
- Re: downtown wayfinding sign installation – the sign by GHA is not centered on the pole. The Mayor replied that centering the sign would cause trucks to bend it. How are they being held up? Public Works Director Ross Holshouser replied that they are being fastened by metal bands.
- Re: Highway 24/27 by the lake sidewalk installation – she was concerned that there wasn't much green space between the sidewalk and the road placed there. Was it done to NCDOT specifications? Yes it was.

Mayor Pro Tem Hall:

- She gave an “attaboy” to Parks and Recreation for installing pickleball courts.
- Re: wayfinding signs – there seems to be variations in naming places on the signage such as the ANT. There seems to be no consistency on signage on naming places.
- Re: Retail Downtown Strategies meeting date – has a date been set yet? City Manager Michael J. Ferris said that he would find out the date/s for the public input meeting/s.
- Re: property on Route 740 and State Road – is it coming down? Planning and Development Services Director Kevin Robinson replied that yes that is the intent after the proper procedural process is followed to bring an ordinance in front of Council.
- She gave the Special Events Committee and Parks and Recreation an “attaboy” for plugging Food Truck Fridays which will begin next month, and asked the public again if there was anyone who would like to sponsor one of the Food Truck Fridays this season.

Councilmember Dry:

- In terms of the recent number of development requests coming in front of Council, he noted that there hasn't been much discussion about what is going to be done for the influx of kids expected. There is a need for parks and recreation for both the community and the kids.

Symbolic to passing on this interest in developing parks and recreation for future Albemarle, he called up Parks and Recreation Director Lisa Kiser and handed her a paver.

CLOSED SESSION

Upon a motion by Councilmember Lowder, seconded by Councilmember Hall, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley 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)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned to Monday, March 7, 2022 at 6:30 pm in Council Chambers at City Hall.