

**REGULAR MEETING CITY COUNCIL**

April 18, 2022

The City Council of the City of Albemarle met in a regular session on Monday, April 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, Dexter Townsend, and Shirley D. Lowder. Absent: Councilmember Benton Dry.

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Mayor Michael called the meeting to order.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes of the April 4, 2022 regular and closed meetings were approved as submitted.

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**ANNOUNCED DELEGATIONS**

Theodore Williams – Presentation of Open Air and Night Market Proposals

Mr. Theodore Williams came in front of Council to present his proposal for open air and night markets in downtown Albemarle. He is a special events coordinator living in Albemarle with experience with festivals and markets such as the Eastland Mall open air market in Charlotte. He approached the Planning Department to do similar events in Albemarle and presented proposals for the use of City property and rights-of-way for two outdoor markets.

He requested the lease of a portion of the former Wiscassett property near Salisbury Avenue the City owns for an open air market on weekends for 100+ vendors. He has agreements in place to use the parking lot across Salisbury Ave. and will require little to no permanent improvements to the Wiscassett site that will impact later development on site. If agreeable with City Council, Staff will work out the details for final approval and a special use permit approval for this project.

Mr. Williams also proposed a night market downtown on weekend evenings during warmer months. Staff worked with Mr. Williams and identified S. Depot Street as a good location for these events. There is very little use of Depot Street at night. This will provide additional activities downtown to support night time businesses on surrounding blocks, and will fit well with the proposed social district. If agreeable with City Council the Planning Staff will prepare a full proposal to bring back for approval, including resolutions for street closure dates.

Mr. Williams and Planning and Development Services Director Kevin Robinson took questions from Council. How many nights a week would the night market operate and what would be the hours? The market would be once a week on Saturday night between 7:00 pm and 10:00 pm but the hours could be adjusted. Would any structures be left on site? No they wouldn't.

For the open air market what would be the days of operation? Currently the proposal would be for Saturday and Sunday. What would be the break down process overnight? Tents would be broken down overnight.

Council and Mr. Robinson had a discussion around the proposed Wiscasset property, in terms of access, parking, room for vendors, water and electricity generation, clearing trash, bathroom accommodations, etc. The Mayor noted that the City may not be able to commit that property for this concept in that there are other proposals being reviewed for that property.

Council and Mr. Williams discussed vendor set up and charges, coordination of events with the Market Street Station venue, who would be providing insurance, and other set up and logistics questions.

Council recommended that Planning and Mr. Williams further develop the night air market concept and debrief Council at a future meeting.

Council thanked Mr. Williams for coming to speak with them tonight.

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## **ADMINISTRATIVE REPORTS**

### Consider Projects for Submission for Federal Funding

City Manager Michael J. Ferris introduced Mr. Adam Kiker of LKC Engineering and gave a quick summary of the item to be discussed. Mr. Kiker came in front of Council to discuss a series of grant opportunities to provide funding for a number of water treatment and wastewater treatment plant projects. Since a variety of federal funding opportunities have been announced, City staff has been working with LKC Engineering to review potential projects for submission. The City has many water and sewer needs identified previously through the City's capital planning process. The projects have been reviewed against the submission and evaluation criteria provided by the federal sponsors. The City has multiple projects to seek approval for submission of an application. Those projects are:

1. Highway 52 Water Line Replacement
2. Old Whitney Raw Water Line Replacement
3. US52 WTP Sludge Dewatering
4. Asset Inventory and Assessment grant – Water
5. Asset Inventory and Assessment grant – Sewer

Mr. Kiker provided Council with the current funding environment at the state level for pursuit of water and sewer infrastructure improvement projects. He noted that for the 3 capital projects, the City is not in a strong position to be in line for those funds, but may be better positioned to be awarded the asset inventory and assessment grant funds. Should the City be funded for asset inventory and assessment, those processes to better map the water and sewer lines could set the City up for a better opportunity to be awarded capital project funding in the future.

Mr. Kiker, with assistance from Public Utilities Director Dan Worl, summarized the 3 capital projects and the asset inventory and assessment projects, highlighting the benefits accrued for each project should the City be awarded funds.

Council was advised that applications are due on May 2nd. Resolutions to approve each project submission were supplied in the agenda packet for Council to consider to include in the separate grant application packets. Also provided prior to the meeting were cost estimates provided for each capital project to get an idea about the magnitude of each project.

Mr. Kiker took questions from Council. Council asked Mr. Kiker to give the total funding allocations for the 2 potential sources of funding. The federal ARPA funds to be dispensed by the state include \$54 million in total, with allocations of \$5 million divided out from the total funds available. Decisions on funding are expected to be made in July 2022.

Councilmember Hall made a motion to approve the following resolutions supporting the aforementioned project submissions for the City of Albemarle water treatment and wastewater treatment plants:

- Resolution 22-12 - Highway 52 Water Line Replacement
- Resolution 22-13 - Old Whitney Raw Water Line Replacement
- Resolution 22-14 - US52 WTP Sludge Dewatering
- Resolution 22-15 - Asset Inventory and Assessment grant – Water
- Resolution 22-16 - Asset Inventory and Assessment grant – Sewer

The motion was seconded by Councilmember Hughes.

The Mayor asked a question before the vote. Will funding be coming through the state's Department of Environmental Quality? Yes funds will be funneled through that agency to awardees.

The Mayor called for the vote count. All Council members voted for the motion.

[Resolution 22-12 - Highway 52 Water Line Replacement]

[Resolution 22-13 - Old Whitney Raw Water Line Replacement]

[Resolution 22-14 - US52 WTP Sludge Dewatering]

[Resolution 22-15 - Asset Inventory and Assessment grant – Water]

[Resolution 22-16 - Asset Inventory and Assessment grant – Sewer]

#### Joy Almond, Main Street Manager – Update on Potential Downtown Social District

Ms. Almond came in front of Council to provide an update on the process to receive input and examine the establishment of a possible social district in the downtown. There will be 2 public input sessions on Monday April 25<sup>th</sup>: one at 1:00 pm and one at 6:00 pm. In the sessions the PowerPoint presentation Ms. Almond showed Council will be reviewed with attendees. From these sessions feedback obtained will be reviewed with staff involved with the development of the concept, and the concept will

be refined into a proposal to be presented to Council in mid-May. Should Council approve the social district plan, next steps would be to apply with the state ABC Commission and get materials ready for a target timeframe of September 2022.

Ms. Almond took questions from Council. If Council approved the plan, how long would it take to get the state's ok? Per past experience there is an expectation of a decision within 4 weeks, but hopefully could be earlier than that. Has staff spoken to downtown businesses about this? Not yet, but a few businesses reached out to Ms. Almond to provide positive feedback; there have been no businesses against the social district concept so far.

Council thanked Ms. Almond for the update.

#### Update on Traffic Enforcement

Chief Bollhorst, Assistant Chief Cranford, and Captain Laws came in front of Council to provide an update regarding traffic enforcement activities in Albemarle. A memo summarizing highlights of activities by APD was supplied in the agenda packet.

The team also showed a PowerPoint presentation summarizing how they implemented a process for researching speed of cars passing through streets where the Police received a volume of complaints, the timeframe when traffic speeds for a certain street were completed using a speed trailer, and traffic violations, accidents, and speed trailer data. "Red zones" included Highway 24/27, US Highway 52, and Main Street and connector streets to it.

Internally the Police Department had discussions to analyze the issue, the result of which was to focus on operator checkpoints.

Speed trailer data was summarized and explained, with the highest problem areas being Inger Street, Arey Avenue, Gibson Street, and South Bell Avenue, which were among 15 streets analyzed in 2020 and 2021. Chief Bollhorst stated that the Police Department's goal in traffic enforcement is to have direct impact on traffic issues in the City. He noted that for the speeding issue, APD has found in its analysis that the majority of speeders reside outside of City.

The Police team took questions from Council. Was the attention given to the streets reported in the traffic analysis a result of public complaints? Yes it was. Does the Stanly County Sheriff's Office get involved in traffic stops? If they pursue a driver elsewhere in the county they can enforce traffic regulations up to and including the City, but once a driver enters the City, APD can enforce traffic regulations. Is there a traffic team within the APD? Not currently but there may be one in the future.

Councilmembers Townsend and Aldridge thanked the Police for working on this issue. The Mayor encouraged the Police to apply for a grant for Governor's Highway Safety Program next year.

#### Progress Report for Albemarle Business Center

City Manager Michael J. Ferris gave the update to Council. The first construction progress meeting was held for the Albemarle Business Center on Tuesday, April 6th. Status of the project activity included:

- Clearing of sewer outfall is 75% complete
- Clearing of roadway is 25% complete
- Installation of erosion control measures began on Monday 4/11
- Utility sub-contractor plans to start water and sewer installation in 2 weeks once remaining material is delivered
- Storm drain delivery anticipated by mid-May to begin mass grading
- Schedule has been delayed due to sub-contractor delays and material delivery dates remaining unpredictable
- City hopes to have electrical utility plans any day.

Departmental Monthly Reports

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

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**CONSENT AGENDA**

Resolution 22-10 – Regional Law Enforcement Mutual Aid Agreement

The Regional Law Enforcement Mutual Aid Agreement renewed on June 1, 2021 and will remain in effect until June 1, 2024. The Albemarle Police Department is currently not a participant in this agreement. City Council must vote and approve the resolution.

[Resolution 22-10 – Regional Law Enforcement Mutual Aid Agreement]

Proclamation – National Day of Prayer

The Mayor and Council considered a proclamation for the National Day of Prayer on May 5th.

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

- Resolution 22-10 supporting the renewal of the Regional Law Enforcement Regional Aid Agreement; and
- The proclamation for the National Day of Prayer.

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**NEW BUSINESS**

Consider Setting a Public Hearing Date for Annexation Petition of 14.91 Acres Off of Morgan Road

Planning and Development Services Director Kevin Robinson came in front of Council to discuss the petitioner's request for annexation of land off of Morgan Road. Planning & Development Services has received a petition of voluntary annexation for a 14.91 acre property just south of Morgan Road and along US Hwy 52 South. This consists of 3 tax parcels: #27284 a 3.7+/- acre parcel; #32951 a 12.1+/- acre parcel; and #28798 a 0.5 +/- acre parcel. All of these are located in the County in a "donut hole" surrounded by City limits. These are to be later considered for a 22 acre development with 3 adjacent parcels, currently inside of the City: #27285 a 1.1+/- acre parcel; #17886 a 4.9 +/- acre parcel; and #28797 a 0.2 +/- acre parcel.

The applicant has proposed this site be annexed into the City to be developed for up to 180 single family attached townhomes in a cluster subdivision. An estimated minimum development of this site in R-10 would be 80 single family attached homes with a maximum of 204 single family attached townhomes possible with R-8 zoning.

The petition has been signed and notarized by the property owners and the City Clerk has certified it. A hearing can be established for May 16th.

Based on the cross-department staff analysis, staff believes the development of this site is likely to have a range between 80 single family homes in a traditional subdivision and 204 townhomes in a cluster subdivision. This will add between 194 and 506 new residents to Albemarle on built out. This is an increase of 1.16 to 3.03 % over the existing population. Current figures show a potential net annual surplus in revenues from this development of \$39K - 120K after street maintenance and public safety expenses. This represents approximately 71-76% of the projected revenues from this development. No estimates were given for Streets division staff and equipment, Parks and Recreation staff and facilities costs and costs to other internal City services which may need to increase staffing to keep up with impacts of projected growth. Additionally no costs have been assumed for the infrastructure upgrades and long term maintenance of utilities or increase demand on utility staff.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council adopted Resolution 22-17 setting a public hearing for May 16<sup>th</sup> for the annexation of 14.91 acres off of Morgan Road as detailed above.

[Resolution 22-17 – Setting Public Hearing for Annexation of 14.91 Acres Off of Morgan Road]

Consider Appointments to Boards and Commissions

There has been a vacancy which has opened up on the Historic Resources Commission prompting Council's consideration of new candidates to fill the following seat:

- Seat 7

Ms. Razan Abd El Haque's volunteer application was shared with, and reviewed by Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Razan Abd El Haque for a seat on the Historic Resources Commission.

Consider Appointment to the Albemarle ABC Board

The City has received a request to reappoint Mr. Jeffrey Flake to a 3-year term on the Albemarle ABC Board, term expiration March 2025. The City Manager was advised that Mr. Flake is interested and willing to serve another term.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, Council approved Jeffrey Flake's reappointment to the Albemarle ABC Board.

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**COMMENTS**

Councilmember Hughes:

- She gave a reminder that a hazardous waste and electronics recycling event is occurring this coming Saturday April 23<sup>rd</sup>. She asked Public Works Director Ross Holshouser to provide more information about the event. The household and hazardous goods recycling event is being sponsored by Stanly County and will be held at the Stanly County Agri-Civic Center from 9:00 am until 1:00 pm. They will take electronics and items such as paint, oil, and other hazardous home items.

Councilmember Whitley:

- Update on the CATALYST grant program – So far 5-6 applications have been received. The deadline for application submission is May 16<sup>th</sup>. Staff will review and rank applicants against the qualifications first, and that will be sent to the CATALYST Grant Committee, which will convene to further review and award grants.

Planning and Development Services Director Kevin Robinson came forward to introduce the new Senior Planner Travis Swain. Mr. Swain previously spent 3 years working in law enforcement, 1 year as a social worker, and most recently 4 years as the zoning officer for Davidson County. Council welcomed Mr. Swain to the City.

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**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)(3) consultation with the City Attorney; N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Lowder, 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)(3) consultation with the City Attorney; N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

The Mayor called for a motion to accept an amended payment and operational agreement with Carolina Treetop Challenge.

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

The Mayor called for a motion to declare the alleyway by 115 West South Street as a public alleyway for the City to maintain from this day forward, and for the City to remove the underground tanks from this alleyway.

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

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned to Monday, May 2, 2022 at 6:30 pm in Council Chambers at City Hall.