

SPECIAL MEETING CITY COUNCIL

June 21, 2022

The City Council of the City of Albemarle met in a special session on Tuesday, June 21, 2022 at 6:30 p.m. in the Council Chambers of City Hall for a series of minimum housing code violation hearings and one commercial code violation hearing. 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.

MINIMUM CODE PUBLIC HEARINGS

Planning and Development Services Director Kevin Robinson and Code Enforcement Officer Greg Morris presented the minimum code cases in turn for the following properties: 1602 West Main Street; 1510 West Main Street; 700 South Fifth Street; 443 Colston Street; 622 Lee Street; 661 Colston Street; and 2403 Badin Road.

1602 West Main Street – Ordinance 22-42

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time.

Mayor Pro Tem Hall asked about the timing of the mailed notice of violation and the hearing date. It is typically 6 days, but if the Code Enforcement Officer deems that there is imminent threat to life and safety then the hearing can be done in a 3-6 day window from the time the notice of violation is mailed. Technically there is a 60 day window to produce findings of fact and order.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic.

Mr. Dwight Eudy, residing next door to the 1602 West Main property, testified that he knew many members of the family who used to live there, and he is aware that all of them are deceased. He has been receiving in error all of the notices for this property.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 22-42.

[Ordinance 22-42 – Demolition of 1602 West Main Street]

1510 West Main Street – Ordinance 22-48

Planning staff and City Attorney Britt Burch jointly summarized the addition of this property to the meeting agenda. Back in 2018, this property came in front of Council, which approved the demolition of this property via Ordinance 18-11. However, the City wanted to bundle both the 1510 and 1602 properties for a controlled burn, but the 1602 property was not cleared at that time to proceed.

Looking at the original Ordinance in preparation for this meeting it was discovered that there were a few clerical errors. Ms. Burch advised Council that since a previous Council had already voted to demolish 1510 West Main Street, tonight all Council had to do would be to consider Ordinance 22-48 which updates and corrects Ordinance 18-11.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-48 updating and correcting Ordinance 18-11.

[Ordinance 22-48 – Update and Correction of Ordinance 18-11]

700 South Fifth Street – Ordinance 22-43

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time.

The Mayor asked if Council had any questions. Mayor Pro Tem Hall asked due to the number of complaints received about this property over time why would it potentially take up to 6 more months after Council approval of demolition to actually take the property down? Mr. Robinson replied that a recent review of the case showed bad recordkeeping prior to the employ of the current Code Enforcement Officer, which prompted a redo of the case work. Also other preparatory work had to be done by other departments, such as the clearing of vegetation by Public Works when time allowed for that work to occur. Finally the Fire Marshal had to obtain approval from the state for burning the property down. Which could happen first – demolition or burn? A burn would likely happen this fall in September or October, and demolition would depend on asbestos assessment and abatement. Planning would have to check the status of the asbestos assessment and abatement process for this property.

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 Dry, unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-43

[Ordinance 22-43 – Demolition of 700 South Fifth Street]

443 Colston Street – Ordinance 22-44

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time.

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 Aldridge, unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Townsend, seconded by Councilmember Dry, unanimously carried, Council approved Ordinance 22-44.

[Ordinance 22-44 – Demolition of 443 Colston Street]

622 Lee Street – Ordinance 22-46

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time.

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 Aldridge, unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved Ordinance 22-46.

[Ordinance 22-46 – Demolition of 622 Lee Street]

661 Colston Street – Ordinance 22-45

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time.

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, unanimously carried, Council closed the public hearing

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-45.

[Ordinance 22-45 – Demolition of 661 Colston Street]

2403 Badin Road - Ordinance 22-47

Staff presented the findings of fact and order and summarized the due diligence the department took per law to recommend demolition to Council at this time. The owner Mr. Hinson had initially worked with Planning on moving forward with steps to demolish the property even offering to provide the asbestos assessment. He contacted Planning to say the assessment was done but then he lost contact without providing the assessment so staff could proceed with abatement and other final procedures to prepare the property for demolition. He still was in favor of demolition or burning the property per the hearing they and Ms. Burch had with him in March.

Mayor Pro Tem Hall requested that either this property or the West Main Street property be prioritized for burn.

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 Aldridge and unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Ordinance 22-47.

[Ordinance 22-47 – Demolition of 2403 Badin Road]

Planning updated Council on minimum code cases in progress or resolved. Staff also reviewed potential upcoming demolition cases and noted that they would like to work on a 6-month cycle moving forward of bringing cases forward to Council for demolition.

Councilmember Aldridge asked if the property hosting the camper on Harwood Street was on Planning's minimum code list. Mr. Robinson asserted that this and other properties with campers nearby have minimum code violation case files opened on them.

Per the issue at the heart of first rezoning hearing from last night's meeting, Planning updated Council on the junkyard lot sweeps they are conducting right now along Highway 52. The company brought before Council last night, MHK Holdings LLC, knew before they expanded that they would be pushing the limits of the Code definition of "temporary storage space" and the current zoned land use. The Mayor stopped Mr. Robinson and noted that since that public hearing is still considered open related to that specific business property's rezoning, Council should not be hearing any more information about that case until Planning formally presents either a rezoning or Special Use Permit request to Council at the August 1st meeting.

Councilmember Townsend noted that the focus up to this point has been on minimum code violations for unoccupied properties, but what about occupied properties meeting the minimum code violation threshold? Ms. Burch replied that the City is aware of this issue and has taken the approach of offering resources first in order to assist in rehoming affected tenants/occupants, as many of these properties are leased with a landlord/tenant dynamic involved. She has spoken with area legal

aid societies to gather referral information and resources that tenants/occupants could use to transition from the property in violation to a safer place or to access emergency shelter.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council adjourned to a recessed session tonight from the June 20, 2022 regular Council meeting in Council Chambers in City Hall.