

**REGULAR MEETING CITY COUNCIL**

July 11, 2022

The City Council of the City of Albemarle met in a regular session on Monday, July 11, 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 Martha E. Hughes, Chris Whitley, Benton Dry, Dexter Townsend, and Shirley D. Lowder. Absent: Councilmember Bill Aldridge.

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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 PRESENTATION**

National Parks and Recreation Month Designation and Proclamation

Parks and Recreation Director Lisa Kiser came in front of Council to talk about the work she and her team do for the City. She did not bring any staff with her to give them a break as they have had a record setting summer season for activities and events so far. She acknowledged that Parks and Recreation helps build communities, contributes towards the economic impact of a community, and has shown resilience especially over the last 2 years.

At the Mayor’s request, Ms. Kiser read the proclamation aloud.

Mayor Pro Tem Hall noted that at last Friday’s Food Truck Friday she met up with some folks who had come to the event from Concord and Charlotte, showing that Parks and Recreation has sponsored City events which are reaching a wider audience.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the proclamation designating July as National Parks and Recreation Month.

Council thanked Ms. Kiser and her staff for all that they do for the City.

[National Parks and Recreation Month Proclamation]

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, the minutes of the June 20, 2022 regular meeting, and June 21<sup>st</sup> special meeting, recessed meeting from June 20<sup>th</sup>, and June 21<sup>st</sup> closed meeting were approved as submitted.

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## **PUBLIC HEARINGS**

### Ordinance 22-49 – Consider a Zoning Ordinance Text Amendment (TA 22-04)

Council conducted a public hearing and considered adopting an ordinance text amendment TA-22-04 to add schools and similar uses to section 92.102, General Highway Business District as a Special Use. This was a privately requested amendment applied for by Joseph Burleson.

Senior Planner Travis Swain presented the text amendment and staff analysis to Council. The staff analysis sheet was distributed to Council in meeting. Section 92.102 General Highway Business District text change is being considered by request of a reverend wishing to establish a school on Highway 24/27, which is currently zoned as GHBD where the use is not currently allowed. The Code text amendment would entail the following:

(C) The uses allowed under this § 92.102 may be carried on in group business developments as defined in § 92.008.

(14) Colleges, universities, technical institutes, public elementary and secondary schools, and private schools having curricula substantially the same as offered in public schools and including dormitories when located on the campus of any of the above.

Staff believes that the text amendment is consistent with the Future Land Use Plan for a variety of zoned districts, as is the educational use via approval of a Special Use Permit. Based on the intent of the Future Land Use Plan's need for more educational opportunities, the commercially designated areas and the intent of the General Highway Business District use, and existing special use permits of schools allowed in a variety of other zoning districts, staff believes that this request is consistent with the land use plan and the ordinance.

The Planning and Zoning Board heard this request at its July 7<sup>th</sup> meeting and unanimously voted for approval with minor formatting changes.

The Mayor asked if Council had questions.

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

Mr. Joseph Burleson, with a business address of 248 Market Street in Locust, the owner of the property in question and the applicant, came in front of Council to express his support for the text amendment to allow a school to be sited on his property.

No one else came forward to speak.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved Ordinance 22-49, Text Amendment 22-04.

The City Attorney requested that the motion be amended to include Council's approval of a consistency statement. The motion was amended with Mayor Pro Tem Hall calling the motion, seconded by Councilmember Dry, and unanimously carried.

Based on the intent of the Future Land Use Plan's need for more educational opportunities, the commercially designated areas and the intent of the General Highway Business District use, and existing special use permits of schools allowed in a variety of other zoning districts, City Council believes that this request is consistent with the land use plan and the ordinance.

[Ordinance 22-49 - Consider a Zoning Ordinance Text Amendment (TA 22-04)]

#### Quasi Judicial Hearing to Consider Special Use Permit 22-01 for a School at 1552 NC Highway 24/27

Council heard a request by the Reverend Jim Hunsucker for a special use permit to be approved for a private school, Dayspring Christian Academy at 1552 NC Hwy 24-27 Bypass and proceeded to conduct a quasi-judicial hearing for this special use permit.

The Mayor noted that this is a special hearing where only people with standing can provide testimony and called for any members of the public with standing to come forward.

The Mayor administered the oath to Mr. Travis Swain, Mr. Kevin Robinson, Reverend Jim Hunsucker and Mr. Joseph Burlison.

The Mayor asked staff to come and present the Special Use Permit request to Council. Planning and Development Services Director Kevin Robinson came forward to review the Special Use Permit request in detail, as well as provide staff recommendations and analysis on the findings of fact.

Per 92.141 E Standards for Decision, the following findings of fact were addressed by Reverend Hunsucker as follows:

- The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

This property is a commercial property that is surrounded by commercial property. The section of the building that we are asking to use was previously used by Stanly Community College Cosmetology. We are a private Christian academy that wants to offer educational alternatives for current and future citizens.

The student drop-off will be as follows. The vehicles will enter the rear public vehicular area located on St. Martin Road, travel the rear of the building, drop off students at the rear entrance, then circle around and exit back onto St. Martin Road. Students, parents, and staff with disabilities will pick up and drop off by continuing around to the East side of the building where the accessible entrance is located. They will then exit as they entered. Ample parking is available in the front parking lot.

The students will never be near 24/27 Bypass. Physical activity (breaks/PE) will take place in the rear of the property away from the roadway.

- The use meets all required conditions and specifications

The use meets all applicable codes and will meet all requirements in the Special Use Permit

- The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity

"The proposed use of this property is in harmony with neighboring tenants and adjoining property and will not injure the value of its neighbors. The proposed use will be a good addition to the area and will help maintain and increase property values for all properties in the immediate area."

Joseph Burlison - Real Estate Broker at Whitley Realty

- The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics

The hours of operation will be from 7:30 am to 3:30 pm Monday- Friday and will follow the Stanly County School calendar. The new commercial use will be within an existing commercial structure. There are a variety of uses within the structure. The school will have an average of 45 to 50 students. More students will be allowed if they are a sibling of a current student. There will be a maximum of 75. 50 students is the goal.

The school will fit in well with the surrounding businesses and property.

Per the applicants proposed days and hours of operation, maximum of 75 students, traffic flow for drop off and pickup (seen in site plan), and existing

surrounding commercial uses staff believes that the proposed use is in harmony with adjacent uses

- The use be in general conformance with adopted plans

We will conform to the adopted plan.

We hope to fill the need for more schools.

We look forward to becoming a vital addition to the City of Albemarle.

Mr. Robinson then went through the applicant's responses to special conditions which Council may consider as part of this Special Use Permit:

- a) Placement. Specific placement of primary and/or accessory structures and/or uses

No changes will be done to the current site outside of the required changes set by the inspectors.

- b) Parking spaces with ingress and egress. Location of on-site parking, designated loading area, and means of ingress/egress for all vehicles including service vehicles.

The parking area is already established. The loading and unloading will take place at the rear of the building at the front as needed. We will have signage at the entrance and exit as well as arrows to mark traffic pattern. Faculty and staff will monitor the drop off, pickup, and traffic pattern.

- c) Environmental impact. Compliance with laws including, but not limited to, floodplain and watershed regulations.

The site will not have any impact on the environment.

- d) Screening, buffering, and landscaping. Installation of screening, buffering, fencing, and landscaping where necessary to protect adjacent property.

The site is maintained by the property owner.

- e) Effect on nearby properties. Effects of proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

The only change to traffic will occur between 7:30 - 8 am and 3:15 - 3:30 pm.

- f) Compatibility. The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to, the appropriateness of scale, design, and use in relationship to other properties.

There will be no exterior change to the site unless required by code.

- g) Consistency with policy. Consistency with the City of Albemarle Land Use Plan and applicable area plans, overlay purposes, and zoning district intent in Chapter 92 Zoning Regulations.

We affirm that we will consistently follow policy, plans, purpose, and zoning regulations.

Mr. Robinson proceeded to review the staff analysis and recommendations to Council.

- The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved

Staff analysis: Staff believes the proposed Special Use Permit for a Private School, if approved, will not materially endanger the public health or safety by being located in a suite within the primary building. In the past, the suite was used by Stanly County Community College Cosmetology. The applicant's proposed student drop off/pickup location will be located on the back side of the building, with access to front of the building by stairs located on the side of the building. The location of the drop off will minimize any traffic concerns directly fronting NC 24-27. Furthermore, students will not be waiting for their rides near NC 24-27. Lastly, the applicant will obtain and abide by all building, fire marshal, zoning, and state code permits and requirements.

- The use meets all required conditions and specifications

Staff analysis: Staff believes that this use meets all required conditions and specifications set forth in 92.102(C)(14).

- The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity

Staff analysis: Per the real estate opinion located in the applicant's response, staff believes that surrounding property values will be at least maintained by the allowance of this Special Use Permit.

- The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics

Staff analysis: Per the applicants proposed days and hours of operation, maximum of 75 students, traffic flow for drop off and pickup (seen in site plan), and existing surrounding commercial uses staff believes that the proposed use is in harmony with adjacent uses.

- The use be in general conformance with adopted plans

Staff analysis: Staff believes that the proposed Special Use Permit is in general conformity with the Future Land Use Plan 2028 by providing educational opportunities for local residents. Furthermore, school as allowed by approval of a special use permit within the current zoning district.

Excluding any requirements applied to meet any basic approval of the preliminary subdivision, there appear to be no additional conditions recommended by staff for this property at this time.

The Mayor also asked Council members if there were any conflicts of interest or *ex parte* communications with the applicant to note. No Council members had conflicts of interest or noted *ex parte* communications with the applicant.

Mayor Pro Tem Hall asked if this is the building which used to house the Stanly Community College's cosmetology school. Mr. Robinson confirmed that fact and noted that this previous use was included in the Special Use Permit staff analysis.

Councilmember Lowder commented that she is in favor of this special use because it is a promotion of Christian schools. With her past experience with the Stanly County Schools system being on the school board she is aware that the state and county monitor schools closely. She believes that this request for use of space for a Christian school gives kids a chance to read the Bible which they cannot get in public schools. After 35 years in the educational sector, she knows that public schools are wonderful and that we need to believe they are good, but also need to believe in a homeschool environment too.

The Mayor opened the hearing and asked if anyone for or against the request who was sworn in wanted to come forward. Reverend Jim Hunsucker approached Council. He lives at 434 North 10<sup>th</sup> Street in Albemarle and thanked the Mayor, Council and staff for taking the time to consider the request.

He has been in the school system both public and private since 1993. All his adult life he has been in emergency services like police and the sheriff's office. He had homeschooled a son earlier on, and with his remarriage, there are combined 13 children, 7 of whom are still at home. In looking around for their own children, he noticed that there wasn't space for homeschooling around the county and that tuition and fees were high. With this school the tuition and fees would be \$75 to \$100 less than the private schools they researched.

His school will specialize in special needs children. They have a child who finished 4<sup>th</sup> grade not being able to read but so far over summer break the child is now reading at a 1<sup>st</sup> grade level already. They just want to be an alternative for education. They expect to be accredited to teach up through the high school level, and for their graduates to be accepted to the in state colleges and universities.

He noted that he would be happy to answer Council's questions. The Mayor asked if Council had any questions. Councilmember Whitley asked if the school was ADA accessible (elevator, ramp into building, etc.). Reverend Hunsucker replied that there are ramps in front of the building for wheelchair access. Councilmember Whitley followed up by asking if the front of the building would provide direct access to the school for younger kids. Reverend Hunsucker replied that the front is ground level of the building but the back of the building is not but children will not be entering in through the back of the building. Mayor Pro Tem Hall followed up by asking if there was a basement and whether that would be used. Mr. Burleson replied that the basement would not be used for this

school. Just the first floor would be used. Per the ADA compliance question Mr. Burleson noted that when the state tag office was located in the building the state came through to inspect for ADA compliance and the office/building passed inspection. There was a question about whether the back entrance would be used and where kids would be dropped off. Mr. Burleson replied that the back of the building would be used as a drop off area for kids and that there is a staircase in the back of the building leading to the first floor where the school would be located.

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

The Mayor called for Council to make a motion for the following standards required to approve the special use permit and advised them that they needed to state a reason for approving the standard which could include per staff analysis:

- That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved based on staff analysis.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved the finding for this standard.

- That the use meets all required conditions and specifications based on staff analysis.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hughes, unanimously carried, Council approved the finding for this standard.

- That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity based on staff analysis.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, unanimously carried, Council approved the finding for this standard.

- That the proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics based on staff analysis.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council approved the finding for this standard.

- That the use be in general conformance with adopted plans based on staff analysis.

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry, unanimously carried, Council approved the finding for this standard.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved SUP 22-01.

[Special Use Permit 22-01]

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## **MUNICIPAL CALENDAR**

Mayor Michael and Council members 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**

### Ordinance 22-50 – Amending the Fiscal Year 2022-2023 Operating Budget

The attached budget ordinance adds additional appropriations to the Electric Fund for the purchase of transformers per the discussion with Council on June 20, 2022. It also adds appropriations to the General Fund and the Landfill Fund for capital items approved and ordered in fiscal year 2022 but were not received by June 30, 2022. The cause of delay is due to current economic conditions and slow supply chains.

Finally, this budget ordinance appropriates insurance check proceeds received by the Public Housing Fund for the burn units. As a reminder, Public Housing is funding the repair of the burn units using Capital Funds as allowed by HUD. Per HUD notice PIH-2016-13, these proceeds are required to be used for "Modernization and Development."

[Ordinance 22-50 - Amending the Fiscal Year 2022-2023 Operating Budget]

### Resolution 22-24 – Ratification of Centralina Regional Council’s Amended Charter

Recently, the Centralina Board of Delegates approved amendments to its Charter. The purpose of these changes was to add language prohibiting private entities from having an interest in the organization’s earnings and financial assets. To finalize the amendment process, Centralina member governments must ratify the amended Charter.

[Resolution 22-24 – Ratification of Centralina Regional Council’s Amended Charter]

### Resolution 22-25- Setting of a Public Hearing to Consider a Petition for the Voluntary Annexation of 36.67 Acre parcel on Anderson Road and Highway 24/27

Council should consider accepting the petition for annexation of this property and setting a date of August 15th to conduct public hearing.

[Resolution 22-25- Setting of a Public Hearing to Consider a Petition for the Voluntary Annexation of 36.67 Acre parcel on Anderson Road and Highway 24/27]

### Request for Road Closure for YMCA Kids Triathlon

The annual Stanly County YMCA Kids Triathlon will take place on Saturday, September 17, 2022 from 2:00 pm - 4:00 pm. This event is a kids triathlon, the swim will begin in the YMCA pool, then a bike ride around downtown, and finish with a run downtown.

Road Closures Requested:

- \* First St. from C.B. Crook Dr. to Troy Alexander Dr.

Consider Road Closures for Albemarle Night Market

The Albemarle Night Market held their first event on Saturday, July 2, 2022. The event was a success and the Market would like to request road closures for every Saturday in August, September, October, and November.

Road Closure Requests:

- \* N. Depot St. from West Main to North St.
- \* S. Depot St. From West Main to South St.

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

- Ordinance 22-50 amending the Fiscal Year 2022-2023 operating budget as specified above;
- Resolution 22-24 ratifying the Centralina Regional Council's amended charter;
- Resolution 22-25 setting a public hearing for August 15<sup>th</sup> for Council to consider a petition for the voluntary annexation of 36.67 acre parcel on Anderson Road and Highway 24/27;
- Road closure for the YMCA Kids Triathlon on Saturday, September 17, 2022; and
- Road closures for the Albemarle Night Market for Saturdays in August, September, October and November.

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**NEW BUSINESS**

Consider Agreement of Professional Engineering Services for the Long Creek WWTP Rehabilitation Project

City Manager Michael J. Ferris provided a quick summary to Council before asking Adam Kiker with LKC Engineering to come up and present to Council. This project has been presented to Council many times over the last 18 months, and initiating the design is the next phase. The \$19,768,000 total project cost is funded through a Clean Water State Revolving Fund loan, with \$500,000 of the loan amount being forgiven and the remaining offered at a 20-year term, 0.1% interest. The fees presented by LKC will be captured in their entirety by the project funds, and the proposed fees are within the amount presented to the funding agency in the approved Engineering Report.

Mr. Kiker revisited the details, merits, and goals of the project and answered any questions Council had. The benefits of the proposed project would be to significantly reduce noncompliance, make the system easier to operate for staff, and allow the system to be more efficient. In addition it's estimated that the new system would create a savings of \$330,000 annually in reduced power costs. He reviewed a revised project timeline noting that the project would be active by Fiscal Year 2023-24 with the debt service coming onto City budget in the Fiscal Year 2026-27.

Per Council concerns, Mr. Kiker noted that a distressed utility designation which would be discussed next would have no impact on this project funding. He also assured Council that this project would create a foundation to build on should the City have increased capacity needs which would require construction of another plant in the future.

Council asked the City Attorney if she had reviewed the agreement yet. Ms. Burch replied that she would review it before signatures were obtained.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council approved the professional services contract with LKC Engineering subject to City Attorney review and approval.

#### Resolution 22-26 – Consider Designation as a Distressed Utility Municipality for State Funding

The Mayor introduced the discussion noting that this program is offered by the state and that the City has qualified for the program under the points system. The requirements the City would have to fulfill are detailed in the body of the resolution in the agenda packet, which would include staff and Council training, among other things.

Mr. Kiker with LKC Engineering discussed the potential designation with Council and addressed their questions and concerns. Council and Mr. Kiker discussed the pros and cons of being designated a distressed utility and how that could impact the City's ability to obtain other state funds for public utilities projects. Both Mr. Kiker and Mr. Ferris explained to Council that their understanding of the distressed utility designation would actually place the City in a position to be considered for certain grant opportunities which would not be available without the designation.

Council also discussed whether the designation would impact future City growth and expansion. The Mayor told Council that in his conversation with the state representative for this program, the representative stated that the designation should not hinder the City's growth and expansion.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council adopted Resolution 22-26 authorizing the City to apply for distressed utility designation with the state.

[Resolution 22-26 – Consider Designation as a Distressed Utility Municipality for State Funding]

#### Indefinite Quantities Contract for Architectural Services in the Department of Public Housing

Public Housing Director Dr. Kim Scott provided a memo and a proposed contract for architectural services for Public Housing work as part of the agenda packet, and came in front of Council to summarize the contract and take questions from Council.

The Department is required to have an architect of record and the previous contract has expired. As in the past, solicitation was made to architectural firms specializing in HUD work. Dr. Scott has provided a memo reviewing the process and recommending continuing with Stogner Architecture. The contract is for a 2-year service period and contains 3, one-year optional extensions.

Dr. Scott took questions from Council. Council expressed concern over the lack of diversity in the contractor pool for these services. Dr. Scott explained that there is a very small pool of contractors who can address public housing issues and that of the 4 contractors who initially bid on this contract, 3 of them backed out citing workload issues leaving Stogner Architecture as the lone bidder. Council and Dr. Scott also discussed how residents would be accommodated as they needed to be relocated when their unit was slated for work. The rehabbed burn units would be kept open to cycle up to 4 households while work was ongoing in units.

Councilmember Hughes asked a question about certain areas of the contract which looked not completed. City Attorney Britt Burch explained how the contract was drawn up and that it was a boilerplate HUD contract/agreement template. The indefinite nature of the contract allows for flexibility in comprehensively addressing the work which needed to be done for the time period specified in the contract.

Council expressed concerns with going with Stogner again. Council and Mr. Ferris discussed the option of just approving the main 2-year contract and not authorizing the 3, 1 year extensions offered. Mr. Ferris noted that Council approval would not make the 1 year extensions automatic, with each extension year to be approved by Council beforehand. Councilmember Townsend asked if Council decided to not go with Stogner what the process would be. Mr. Ferris replied that the RFQ process would be initiated all over again. Council asked Ms. Burch's opinion. She agreed with Mr. Ferris's assessment of next steps.

Mr. Ferris recommended that Council consider the 2-year award with Stogner, where staff could seek other architecture firms and opt out of the 3, 1 year extensions with Stogner. That way work can begin before the sewer issue gets worse.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, unanimously carried, Council approved the 2-year contract with Stogner Architecture at the amount allocated by the Public Housing Director, effective July 2022 through July 2024.

#### Remediation of Soil from Underground Storage Tanks

The Mayor called for a motion to excuse Councilmember Hughes from discussion of this item for conflict of interest.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council excused Councilmember Hughes. Councilmember Hughes left chambers.

Planning and Development Services Director Kevin Robinson updated Council on this item. The City Council authorized the removal of recently discovered underground storage tanks in an alleyway located off South Second Street. Planning staff secured the contractor and the tanks have been removed. Not unexpectedly, there is a small amount of soil contamination that needs to be remediated and the proposal in the agenda packet is for that purpose. The lab found 3 minor contaminants, 1 of

which is at a level where no residential use is recommended in the surrounding area. Mr. Robinson stated that he checked with the City of Concord about this issue and monitoring by the state, and that source confirmed that NC DEQ would be notified of the contamination.

Council and Mr. Robinson briefly discussed whether Public Works crews could do some of the work in house. The Mayor noted that there should be enough funds allocated to not have City staff involved and handling potentially contaminated soil.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council authorized staff to locate a contractor to remediate the alleyway site to remove the identified contaminants at the staff requested cost of \$15,000.

Councilmember Hughes returned to the meeting.

#### Consider Grading/Slope Easements on City Property for the Avion Development

Planning and Development Services Director Kevin Robinson updated Council on this item. Eagle Engineering and RD Harrell have encountered significant site constraints when developing engineering plans for Avion. They have requested City Council approve small slope easements on the City's ABC property to allow for some off site grading, shown in detailed maps and text in A and B provided in the agenda packet. As these easements may potentially require additional buffering from future development on the ABC property, staff has requested the developer provide landscape easements on the undeveloped portions along the developer's property that will help to offset future buffering requirements (shown in landscaped areas in green on maps). With City Council's approval staff will work with the City Attorney to prepare and accept legal documents related to these easements.

Council asked a series of questions about the potential impact on ABC development work at the site. Mr. Robinson noted to Council that there would be no impact to City sewer on this request, and that all requirements were met on the civil engineering plans presented to Planning.

Council further discussed with Mr. Robinson the ABC development overlay in relation to these requested easements per the maps provided. Council requested that staff obtain engineer certification before the City signs the agreements.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, unanimously carried, Council approved the grading/slope easements as presented to Council for the Avion development subject to concurrence with an engineer that the proposal would not be in conflict this the ABC utilities or other ABC plans.

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#### Mayor Pro Tem Hall:

- She commented that she appreciates the work done by City staff per the rushing water issues which began last Friday and continued through the weekend.

#### Councilmember Whitley:

- The CATALYST Grant Committee met recently and awarded 6 grants which have already been announced publicly. During that meeting the Committee discussed and ratified a change to the grant requirements due to the nature of some of the applications received in this first round. The Committee changed the requirement that an applicant can only apply once over a 3 year cycle to once per fiscal year per property.

Council decided to vote to approve the Committee's application requirement change.

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry, unanimously carried, Council approved the CATALYST Grant Program application requirement change adopted by the CATALYST Grant Committee as noted.

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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)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry 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.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Townsend, unanimously carried, the meeting was recessed to Monday, July 18, 2022 at 6:00 pm in Council Chambers at City Hall.