

REGULAR MEETING CITY COUNCIL

October 17, 2022

The City Council of the City of Albemarle met in a regular session on Monday, October 17, 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, Dexter Townsend, Shirley D. Lowder, and Benton Dry. Absent: Councilmember Bill Aldridge.

Mayor Michael called the meeting to order.

SPECIAL PRESENTATION

Resolution 22-37 – Honoring Claude Harwood and Harwood Florist

The Mayor invited Mr. Harwood to join him in the front of Council Chambers for the presentation, and made some remarks. He thanked Mr. Harwood for what he does and has done for the community, and wondered about the number of people over the years who Mr. Harwood affected in times of sorrow and happiness as well as during special occasions and holidays. The Mayor noted that Mr. Harwood has been in business for over 70 years in service to the community, to which Mr. Harwood replied that he opened up a tomato stand in 1942 as a teen.

Council members made the following remarks congratulating Mr. Harwood:

- Councilmember Lowder – Mr. Harwood has been her longtime florist providing all kinds of flower arrangements that she couldn't even imagine over the years. She thanked him.
- Councilmember Hughes – Over the years most of her flowers have come from Harwood florist, and both she and the recipients of Mr. Harwood's arrangements always knew by the floral design that it came from his shop. She noted that his arrangements are distinct, unique and beautiful and thanked him.
- Councilmember Townsend – He thanked Mr. Harwood for his many years of service to the community and noted that he took his talents to the national level, reminiscing that he trimmed the White House Christmas tree a few times. He also noted that Mr. Harwood helped him out of the doghouse for many years.
- City Manager Michael J. Ferris – Although he has not had the pleasure of meeting Mr. Harwood until now, he thanked him for being a great local business in the area which has had a lot of success, as shown by the audience of good people in the community here tonight to honor him.
- Mayor Pro Tem Martha Sue Hall – She walked down to speak to Mr. Harwood face to face. She remembered meeting him as a little girl. She thanked him for being who he was and said she was glad she knew someone special.
- Councilmember Whitley – He stated that he has thoroughly enjoyed the flower arrangements in church for years and is glad that Council can honor Mr. Harwood tonight. He sees that that there are people here who believe he deserves this recognition.

- Councilmember Dry – He said that Mr. Harwood has been a good friend to many folks for years. In his own life for many occasions Mr. Harwood has been there for his family. Mr. Harwood’s floral arrangements were creations of beauty not fit for mere words and were made from his heart and hands. He thanked Mr. Harwood for what he has done and will continue to do for the community.

The Mayor called for a motion to adopt Resolution 22-37 honoring Mr. Harwood and Harwood Floral.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council adopted Resolution 22-37.

The Mayor read the resolution aloud.

[Resolution 22-37 – Honoring Claude Harwood and Harwood Florist]

Mr. Harwood gave some brief remarks. He thanked his staff for help over the years, and noted that the Maker kept him here all these years to give to the community. He thanked everyone.

The audience gave Mr. Harwood a standing ovation and the Mayor called for a short recess in order to provide Mr. Harwood a brief reception in Council Chambers.

The Mayor called the meeting back into session.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, the minutes of the October 3, 2022 regular meeting was approved as submitted.

PUBLIC HEARINGS

Ordinance 22-64 – Consider Annexation 22-05 of 12.77 Acre Property on Forever Road

Council conducted a public hearing and considered annexation of tax parcel #140007, a 12.77 +/- acre property off of Forever Rd, also known as the Ingold Property. The applicant proposes to develop this site with approximately 36-40 single family units.

Planning and Development Services Director Kevin Robinson provided the request and the staff analysis to Council. The 12.77 acre property is a vacant parcel that is contiguous to our current City Limits via the Forever Rd tract that was annexed in February of this year. It is accessed off the Hwy 52 frontage road, Forever Road, which terminates at the end of this property. The property being petitioned is currently zoned County Residential Agriculture. The zoning district that is being applied for is City R-10, General Residential.

While this property is in what the City Future Land Use Map deems to be a future growth area, it is largely disconnected from most City services and infrastructure. The property sits at the end of a NCDOT frontage road and is not served by City sewer or water currently. The closest City services are 2,000 to 2,400 ft from the property. If annexed and zoned to R-10, the maximum number of units for this property alone does not necessitate a separate traffic impact study and should not have a

substantial impact on traffic by itself. It will, however, potentially impact numbers when added to the proposed adjacent development and street improvements will need to be consistent with those of adjacent development. Based on its size and distance, development of this property will most likely only be feasible with the development of adjacent property along Forever Rd. and this property would be best considered as part of that development or at least developed in coordination.

Staff believes the development of this site in the R-10 district is likely to have between 30 to 44 single family units. This will add between 73 and 106 new residents to Albemarle on built out. This is a potential increase of .44 to .66 % over our existing population.

Projected Total Revenues: Based upon assumed build-out numbers, development of this property in the City of Albemarle would likely produce a minimum of \$61,801 and a maximum of \$90,634 in annual revenue for the City. This is combined property tax, sales tax, motor vehicle tax and Powell bill taxes. Mr. Robinson continued summarizing potential impacts of the proposed annexation on various City operations (Police, Fire, Public Works, etc.).

On October 6th, 2022, the City Planning and Zoning Board made a unanimous recommendation to City Council that if the property were to be annexed, that it be initially zoned into the R-10, General Residential Zoning District.

The Mayor asked if Council had any questions. Mayor Pro Tem Hall noted a typographical error on the staff analysis packet for the annexation and wondered if the public notice information sent out and distributed to the public was correct. Mr. Robinson confirmed that all public notices sent out had correct information on them. The City Attorney noted that since all public notice materials were correct, the public hearing and consideration of the annexation request can move forward.

The Mayor asked if the applicant wanted to make any remarks. Michael Sandy representing the applicant came forward and made brief remarks thanking Council for considering their request, highlighting a few aspects of the proposed annexation, and confirming they would submit the site plan to Planning should the annexation and rezoning requests be approved tonight.

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, unanimously carried, Council closed the public hearing.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-64/AXA 22-05 to annex a 12.77 +/- acre property off of Forever Road.

[Ordinance 22-64 – Consider Annexation 22-05 of 12.77 Acre Property on Forever Road]

Ordinance 22-65 – To Consider Initial Zoning/Rezoning 12.77 Acres on Forever Road from County RA to City R-10 (ZMA 22-13)

Council conducted a public hearing and considered approval of a request by Golden Terrain, LLC to rezone a 12.77 ± acre property (TaxID# 140007) on Forever Road from County RA/Residential Agriculture to City R-10/General Residential.

Senior Planner Travis Swain presented the request and staff analysis to Council. The applicant intends to rezone this lot to R-10/General Residential District in order to develop the land as a cluster development with single family homes. This rezoning would be consistent with the previously approved annexation and rezoning (R-10) of the 122 ± acres tract adjacent to the north. However, the development to the north has been placed on hold until further notice, which could potentially affect the possibility of sewer and water being extended to the subject tract being rezoned. Although the project to the north is on hold, it is the applicant's intention to bring this project together with the project to the north.

This property has direct access to Forever Road which has access onto US 52 Hwy S, directly across from the NC 138 intersection. It is important to consider the future impact of this intersection due to the potential increase traffic flow from another residential subdivision being located on Forever Road. It may also be difficult to determine the long-term effects this rezoning may have on this corridor due to the lack of established commercial uses and general guidance from the Future Land Use Plan.

R-10 General Residential is consistent with the adjacent tract to the north and the land use plan. Lack of infrastructure to the property, uncertainty of proposed development along Forever Road, and one access point to US 52 Hwy S from Forever Road are a cause for concern, however if annexed Staff believes R-10 would be generally consistent.

At the September 1st, 2022 Planning and Zoning Board meeting, the Board unanimously made a recommendation for City Council to approve the initial zoning based on the Consistency Statement.

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.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-65, which contains ZMA 22-13, with the following consistency statement:

The Albemarle City Council finds the action to amend Tax parcel 140007 from County RA to City R-10/General Residential District to be consistent with the

adopted 2028 Land Use Plan. Council finds the Conservation Residential District zoning on these parcels to be reasonable and in the public interest.

[Ordinance 22-65 – To Consider Initial Zoning/Rezoning 12.77 Acres on Forever Road from County RA to City R-10]

Ordinance 22-66 – To Consider Rezoning 6 Acres on Coble Avenue from City GHBD to City LID (ZMA 22-14)

Council conducted a public hearing and considered approval of a rezoning request by Burleson Square, LLC of 6 ± acres (TaxID# 6880) from GHBD/General Highway Business District to LID/Light Industrial District. The applicant intends to build a state of art self-storage facility with traditional storage and climate control storage.

Senior Planner Travis Swain presented the request and staff analysis to Council. The applicant intends to rezone 6 ± acres to LID/Light Industrial District to develop the property for compartmentalized storage and meet the demand for self-storage needs. LID zoning does allow for compartmentalized storage, however all uses should be considered for this request. While the Future Land Use Map designates this site as primarily General Residential area, it has a small portion of Industrial area near the Coble Avenue at NC 24-27 Bypass W intersection. This site is also neighbored by Industrially zoned areas to the west and to the south per the Future Land Use Plan which further supports the above requested rezoning.

The eastern most side of the said property is located within the regulated floodplain. Furthermore, a small portion of the existing storage structure, the northeastern corner is located within the 500 year floodway, not currently regulated.

Given the proposed use and existing use on the property, existing adjacent properties to the south and west currently zoned as Light Industrial District, as well as a portion of the subject property being designated as Commercial and Industrial Areas on the Future Land Use Map, there are merits for the proposed rezoning to be consistent with the City's 2028 Future Land Use Plan.

At the October 6, 2022 Planning and Zoning Board meeting, the Board unanimously made a recommendation for City Council to approve the initial zoning based on the Consistency Statement.

The Mayor asked if Council had any questions. Councilmember Lowder asked how large the portion of the property is which contains floodplain. Mr. Swain replied it was a little under a quarter of the property. He added that flood controls would need to be placed on that part of the property if developed, but noted that Planning's understanding is that the applicant does not intend to develop that part of the property.

The Mayor asked if the applicant would like to make remarks. Mr. Joseph Burleson came forward to explain that the company manages other storage facilities in the county, and with the rise in development of land for housing, there would appear to be a higher demand for storage services anticipated in Albemarle. The Mayor stated that this land has a little house on it in dilapidated condition

and wondered what the applicant would do with it. The applicant either plans to renovate it as an office or will tear it down.

Councilmember Whitley and the applicant had a brief discussion about whether there were other storage areas in Albemarle and whether the applicant would be offering something that would be competitive as a business.

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

Sue Harms residing at 615 Coble Avenue, came in front of Council. She stated that she represents a number of property owners surrounding the one in question. Initially the property owners were concerned about this rezoning and potential use believing that it would cause traffic issues in the neighborhood. Now that they understand the applicant is planning to build a state of the art storage facility, they believe it will be an improvement to the neighborhood and support it.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Ordinance 22-66, which contains ZMA 22-14, with the following consistency statement:

The Albemarle City Council finds the action to amend Tax Record 6880 from GHBD/General Highway Business District to LID/Light Industrial District to be consistent with the adopted 2028 Land Use Plan. More specifically Section Five: Goals, Objectives and Strategies, Policy Directives Objectives O-2.b, O-4.c, O-5.a, and O-5.f. Council finds the Light Industrial District zoning on this parcel to be reasonable and in the public interest.

[Ordinance 22-66 – To Consider Rezoning 6 Acres on Coble Avenue from City GHBD to City LID (ZMA 22-14)]

After the vote Mayor Pro Tem Hall asked Mr. Burleson about whether the school over by Burleson Square has started yet. Mr. Burleson replied they are getting closer and are waiting on the County to conduct an inspection.

Ordinance 22-67 – Vacate and Close Order for 209 Eben Street

Council considered a Vacate and Close Order, per G.S. 160D-1203, of 209 Eben Street (TaxID # 19648) due to continued dilapidation of the single-family dwelling rendering the dwelling unsafe and unsanitary, and dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the City of Albemarle. This Ordinance differs from others in the past that have come before the Mayor and City Council in that it does not order the structure removed, but only to be vacated.

Planning and Development Services Director Kevin Robinson came in front of Council to provide a summary of the current state of the property and the rationale for requesting the vacate and close order. He noted that due to BLET training, Greg Morris the Code Enforcement Officer, could not be in attendance himself tonight to present this and the other case. Staff have been dealing with this case since March 2022 and have tried, on numerous occasions, to bring the structure back into compliance with all applicable codes by issuing notices of violations, posting the property, minimum housing hearings, and search warrants. Staff's recommendation is to request Council approve the ordinance to close the structure until it is repaired to code.

Mr. Robinson took questions from Council. Since both properties are being brought in front of Council tonight are they connected in some way? The properties in question were acquired by two brothers, 1 owning 209 Eben and the other 211 Eben. It is the Planning Department's understanding that both men are deceased. Clarification was sought on whether any children who may have been living there are now not at either property. Mr. Robinson stated that at some point minor children were living at 1 or both properties but Child Protective Services did work to relocate the children away from the properties. As of the current status of residency in those properties Planning cannot say, although Mr. Morris went out last week to take pictures of both properties, and both places looked empty at the time.

What could be the timeframe on vacate and close actions? The Police along with Planning could act on these orders as soon as Council approves it, first by filing the ordinance with the Register of Deeds and going from there.

There was a discussion about whether the City knows anything more about the child cases, which it wouldn't due to the sensitive nature of the situation.

Is this a new process being used? City Manager Michael J. Ferris replied that this process was used a while ago, but due to the prevalence of other properties similar to these 2 in front of Council tonight, may be an instrument the City uses to address this issue in the future.

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

Robin Forsyth, residing at 209 Eben Street, came in front of Council. She confirmed that her father owned 209 Eben and her uncle owned 211 Eben, and have been the owners of the respective properties for the last 19 years. She confirmed that her father is deceased and that she has been attempting to clean out the home over the past few years after his death. She has been working with both County Permitting and the City's Planning Department on bringing the property up to code. She said that she has made 2 recent improvements to 209 Eben which were permitted by the County. Now she is struggling to get sewer and electric power permits due to longstanding debt on the property which have been placed as liens. She cannot transfer the property over from her father's name to hers due to the liens on the property which need to be paid before she can proceed with getting the deed in her name. She can't afford to pay the lien amount.

Ms. Forsyth summarized from her perspective the condition of the house based on the summary provided by the Planning Department as part of the case in front of Council. She claimed that

the items noted by Planning are no longer an issue. She stated that she is planning to have 211 Eben demolished and that she complied with Mr. Morris's directive to board windows at 211 Eben.

Council asked Ms. Forsyth a series of questions. Who currently lives at 209 Eben? Ms. Forsyth has lived there the last 2 days trying to fix things. Otherwise, no one lives at both houses. Are the wiring and plumbing repaired? Yes – both were signed off on by the County. Ms. Forsyth stated that the electric wiring violation was fixed and passed inspection in March of 2021, while the plumbing violation passed inspection in May 2022. The City contends that false documents were submitted – were there? Ms. Forsyth stated that she did not submit false documentation to Planning.

There was a question about the signage and what that would do. Mr. Robinson replied that it would be placed on site to give notice that the property was closed in order to keep people out. The City Attorney replied that the September date when the cases originally were supposed to come in front of Council would be changed to the date Council approved the ordinance.

The Mayor asked Shonda Spana and Roger Pryor to come forward. They live at 212 Eben Street. The couple detailed witnessing a series of occurrences and behaviors from the people who inhabited 209 Eben Street, such as drug activity and taking copper wires out of the house. The couple are foster parents to very young foster children and do not feel like it is safe for them to live near such a property as the one at 209. The couple also noted that they are uncomfortable living there due to people associated with the property calls them racial slurs and slitting one of their car's tires. They also said that there is a hold up with renovations to their home due to the activities and condition of the houses across the street.

The Mayor requested that Cody Dodye and Paula Oxendine come forward. They live at 213 Eben Street. They are an engaged couple with Mr. Dodye living in the residence for the past 4 years. They have been woken up in the middle of the night multiple times by EMS and the police due to altercations and drug overdoses. Ms. Oxendine's teenaged daughter has been sexually propositioned by people associated with the houses at 209 and 211. There are used needles on the street, so they have to be careful about their 2 year old daughter picking such things up off the ground so she doesn't come across needles, sewage, and garbage strewn all over that part of the street. The windows are not boarded up. They have witnessed drug trafficking over at 209 and 211, with folks doing drugs while their children are outside.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved Ordinance 22-67 to close and vacate 209 Eben Street.

[Ordinance 22-67 – Vacate and Close Order for 209 Eben Street]

Ordinance 22-68 – Vacate and Close Order for 211 Eben Street

Council considered a Vacate and Close Order, per G.S. 160D-1203, of 211 Eben Street (TaxID # 19648) due to continued dilapidation of the single-family dwelling rendering the dwelling unsafe and unsanitary, and dangerous or detrimental to the health, safety, morals, or otherwise inimical to the

welfare of the residents of the City of Albemarle. This Ordinance differs from others in the past that have come before the Mayor and City Council in that it does not order the structure removed, but only to be vacated.

Planning and Development Services Director Kevin Robinson came in front of Council to provide a summary of the current state of the property and the rationale for requesting the vacate and close order. Per the discussion of 209 Eben Street, the 211 Eben property is in worse shape. Staff's recommendation is to request Council approve the ordinance to close the structure until it is repaired to code.

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

Ms. Forsyth came forward again to discuss 211 Eben Street. She stated in reference to wires being torn out, she plans to have this structure demolished. She stated she would welcome closing the property because she wants to kick folks off that property.

Council asked questions about this property. Who is the owner of record for this property? Both Ms. Forsyth's father and her uncle owned either 209 or 211. Are there no heirs named? And if not, is someone named in the father's or uncle's estate? Mr. Robinson replied that the ownership of both properties is currently fuzzy. The City Attorney added that title searches were conducted on both properties, with estate proceedings occurring but still in process due to multiple inheritors. Because of the lack of a single person with legal decision-making rights as well as multiple liens, this is the best approach the City can take at present.

Once Council approves a vacate and close ordinance, what happens next? Does that mean no one is allowed on the property moving forward even the owners? The City Attorney replied that no one even the owners would be allowed on the properties unless expressly requesting access to the property from Planning and the Police ahead of time to work on them.

When would the order become effective and how would that affect the owners being able to access the property? Council, Mr. Robinson, and the City Attorney discussed the timeline which would be given to the owners in advance of actually closing the property to all access. Contained in both ordinances is the date of October 31st, which would be 2 weeks after Council approved the ordinances for the owners to remove belongings, continue work on the property and fortify it before the property would be closed by the City.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and carried with 5 Council members voting for the motion and 1 voting against, Council closed the public hearing. Councilmember Lowder voted against the motion.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and carried with 5 Council members voting for the motion and 1 voting against, Council approved Ordinance 22-68 to close and vacate 211 Eben Street. Councilmember Lowder voted against the motion.

[Ordinance 22-68 – Vacate and Close Order for 211 Eben Street]

The Mayor announced that the announced delegation of Ms. Tangela (Lucy) Morgan introducing herself as a candidate for NC Senate District 33 would not occur tonight, nor would the scheduled administrative report of the spotlight presentation of the Public Utilities Department.

ADMINISTRATIVE REPORTS

Quarterly Strategic Plan Progress Update

City Manager Michael J. Ferris presented the first quarterly progress report for the recently adopted City of Albemarle Strategic Plan to Council. A handout was distributed to Council in meeting. Mr. Ferris noted that this is the first progress report since the Strategic Plan was approved by Council. This purpose of this process is to check progress toward FY 2023 tactics, of which there are 43 supporting 5 goals. The City's Leadership Team is monitoring and tracking progress. At the end of the first quarter, the City has begun 75% of the tactics, which are all in different stages of activity presently.

Highlights accomplished the first quarter after approval of the Strategic Plan included:

- Under the goal of *Organizational Capacity*: implemented lower cost health plan for employees with dependents with the transition to MedCost; filling positions such as Assistant Fire Chief, Safety and Risk Officer, IS Business Analyst, and restructuring of Utility Billing and Customer Service; City-wide personnel training on the new performance management system.
- Under the goal of *Safety and Security*: Purchased new APD body cameras; review of policies for alignment with accreditation standards and best practices in AFD, preliminary design and submission of funding request for new round of City Hall security improvements.
- Under the goal of *Infrastructure*: Purchase of AMI meters approved and order placed; bulk pad transformer purchase was made to ensure available inventory; revise stormwater management plan developed and presented; stormwater, water and sewer system study, and multiple water and sewer infrastructure grant applications developed and submitted.
- Under the goal of *Community and Economic Development Growth Opportunities*: Albemarle Business Center construction is ongoing; electric materials purchased and bids received for Albemarle Business Center electric installation.
- Under the goal of *Inclusive Community Engagement*: Conducted 2 Coffee with a Cop events; conducted Food Truck Friday each month of the quarter; Parks and Recreation participated in and helped organize the Back to School Bash at the EE Waddell Community Center, and participated in East Elementary PTA Night.

Mr. Ferris concluded his presentation by stating that he has already spoken with Public Information Officer David Fath about rolling out this information to the public. He took questions from Council. Has the wellness part of the new healthcare program been rolled out yet? HR Director Dana Chaney responded that the City is working on a partnership with Atrium Health and One Digital on a wellness program and is waiting on additional items from these partners before moving forward. Since there are 42 tactics approved that the City is working on, may Council receive all 42 tactics in the next report? Mr. Ferris confirmed that this addition will occur in the following reports.

Departmental Monthly Reports

Council reviewed September 2022 departmental monthly reports. The Mayor asked if anyone on Council had any questions or comments.

Councilmember Hughes asked when the performance management system went live. HR Director Dana Chaney replied that it has already gone live, with a midyear check due in January 2023 and formal evaluations due to be completed in June 2023.

Mayor Pro Tem Hall made the request that if possible she would like to see any trends of exiting personnel as to why they left per exit interview responses. She and Ms. Chaney had a conversation about the break down of online versus in person exit interviews, with almost all done online. The exit interview questions have pre-developed answers (checkboxes) options from which exiting staff can choose. The HR team can see if they can provide an overview of how exit interview questions were answered to Council in the future.

Mayor Pro Tem Hall also asked about any updates on Public Housing resident complaints and efforts to rehome residents with ongoing plumbing and other unit issues. Mr. Ferris and the Mayor summarized efforts completed since the last Council meeting. For the 1446 Inger family, Mr. Ferris said that he has not gotten an update from Dr. Scott yet on whether that family has been rehomed. The Mayor stated that he can say that family has in fact been rehomed but not in the family Life Center unit, which is still offline. The Mayor attended a training last week with Dr. Scott and Darlene Hughes for the emergency vouchers program, as well as the kick-off event for the resident skills development seminar series. Mr. Ferris stated that the burn units have come online now.

CONSENT AGENDA

The Mayor noted that Council received an email this afternoon from a resident in opposition to closing Pee Dee Avenue Halloween night. Council considered this item off the consent agenda.

Councilmember Dry stated that he spoke to the resident, Paul Carpenter, and encouraged Mr. Carpenter to send the email to Council. The issue for the Carpenter household is a working family member coming home during this timeframe and having a hard time to getting back to the house, which is what occurred last year on Halloween night. Police Chief Bollhorst replied that the Police will have some officers there that night to move the barriers for the residents of the closed portion of the street. Planning and Development Services Director Kevin Robinson added that the 2-sided flyer which was prepared for the street closure and which is in the agenda packet, specifically encourages local residents to move barriers in order to gain access in and out of their driveways and the neighborhood during the closure period that night.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council approved closing down Pee Dee Avenue as specified in the flyer from 5-9 pm on Halloween night (October 31st).

The remaining item in the consent agenda is as follows:

Consider Road Closures for Fellowship of the Idiot Run, Moonlight Madness 5K, and and Beach Blast 5K

Council should consider road closures for three events put on by Uwharrie Dash:

1. Fellowship of the Idiot Run - February 11, 2023
2. Moonlight Madness 5K - September 3, 2023
3. Beach Blast 5K - May 6, 2023

Road Closures to consider:

1. Fellowship of the Idiot Run: CB Crook Dr. from First St. to Second St.; Speight Rd. from Hwy 740 to Moss Spring Rd.
2. Moonlight Madness: Speight Rd. from Hwy 740 to Moss Spring Rd.
3. Beach Blast: Depot St. from W. Main St. to North St.; Depot St. from W. Main to South St. (Leaving W. Main St. open for traffic)

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved the Uwharrie Dash event road closures as specified above in 2023.

NEW BUSINESS

MJSR 22-10 – Consider Approval of a 43 Acre Major Subdivision Known as Morrow Springs

Council considered the administrative approval of preliminary plat for a 43 acre, 97 lot major cluster subdivision on Anderson Rd, known as Morrow Springs. Planning & Zoning Board heard this subdivision on October 3rd and recommended for approval with Staff conditions to further meet subdivision and zoning ordinances.

Planning and Development Services Director Kevin Robinson provided the request and the staff analysis to Council. Formerly known as Morrow Heights, Morrow Springs (MJSR 22-10) is a proposed 97 lot single family residential lot cluster subdivision located in the watershed at the intersection of Woodhurst Lane and Anderson Road and on Hwy 24-27. The majority of the 43.47+/- acre property was annexed into city limits in August and the entirety of the site was zoned to R-15. R-15 allows for up to 130 15,000 minimum sq ft. lots in a standard subdivision and up to 104 7,500 sq ft. minimum lots in a cluster subdivision.

He reviewed the following analysis of the subdivision request: access; setbacks and density; landscaping; traffic analysis; utilities and topography; and road design. Highlighted aspects of the subdivision are noted below.

Access: There are two primary accesses proposed to the development, both along DOT maintained right of way. An extension of Woodhurst Ln at the intersection of Anderson Rd. and a new entrance along 24-27 with the new Pembroke Way, which will be right-in, right-out only per the new super street improvements are both proposed. Additional entrances along Anderson Rd. were not desired by DOT due to proximity to 24-27. There are a total of 4 stub-outs allowing for future connectivity to other large undeveloped properties to the east and south of this development. This includes the extension of Woodhurst Ln., which currently extends 1.2 miles to Henson St. and is likely to function as a local collector in this area in the future, to the eastern boundary of the property.

Traffic: A traffic study was conducted showing a peak hour trip generation of 99 vehicles per hour. DOT had any major concerns with the proposed traffic generation. A 500' deceleration and right hand turn lane is shown on the 24-27 entrance to Pembroke Way, which may be required by DOT following their further review.

Open Space: There is a standard 5% requirement of 2.17 acres of open space for this development and an additional 15.18 acres required from the reduction of lots, for a total of 17.35 acres required, with 8.68 acres featuring active use amenities. As proposed the plat includes 18.32 total acres of open space with 9.08 proposed as active use amenities, including seating, activated lawn space and play structures. Such amenities are not shown, but will be required during the civil engineering and final platting of the subdivision.

Road Design: All new 26' streets are proposed 26' wide asphalt paved street with curb and gutter including stub streets. The proposed street width on this section is 6-8' wider than existing portions of Woodhurst and should accommodate higher volumes than shown at present. However, if need be no on street parking can be introduced to help with flow and the 60' right of way and wide planting strips will permit improvement to the street if necessary later on also.

Setbacks: As proposed, lots will have 25-30' front setbacks, 20-40' rear setbacks, 6' side setbacks and 16' corner side setbacks.

Lot Sizes: Lots are permitted to be reduced by to up to 50% or 7,500 sq. ft. in the cluster subdivision. As proposed all lots will be between 7,500 and 15,448 sq. ft.

Staff believes MJSR 22-10 major subdivision, Morrow Springs, to generally meet ordinance requirements with the changes identified below. Recommended changes to be included with approval in order to meet ordinance requirements:

- Include exterior sidewalk along the one small section of Anderson Rd. not shown.
- Provide details on active use amenities on engineered plans and final plat(s) to be approved administratively
- Provide Staff any necessary changes to covenants and deed restrictions to ensure perpetual conservation and maintenance of open space and amenities and other private infrastructure.

- Other changes as required by DOT to be shown on engineered plans and final plat(s).

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry, unanimously carried, Council approved MJSR 22-10, a 43-acre major subdivision also known as Morrow Springs with the 4 listed conditions specified above.

Review of Changes in Albemarle Police Department

City Manager Michael J. Ferris provided a brief introduction on the efforts made leading up to this unveiling of changes in the Police Department before turning the presentation over to Police Chief Bollhorst.

Chief Bollhorst came in front of Council to discuss changes to the Police Department's structure. The position of Lieutenant is being established and will fill a void in leadership and provide a promotional opportunity within the Albemarle Police Department. The Lieutenant position also provides critical development for employees to gain knowledge, skills, and abilities to prepare them for the rank of captain. The changes do not add personnel and are being shared to allow Council to understand the structure and vision of the Department.

The position of Lieutenant will be introduced first at the Patrol Division. This will provide the needed command level for patrol operations while allowing the Captain to focus on other needs. The Lieutenant will also support tasks in the Community & Economic Growth and Inclusive Community Engagement sections of the Strategic Plan. Lieutenants will be the tacticians developing and maintaining the relationship between the community and police. Lieutenants will spear head the programs running at the community level and create a direct link to other City departments for problem solving purposes. The change will also reduce the number of Captain positions by one as a recent vacancy due to a retirement will not be filled as a Captain. Through attrition one additional Captain position will be eliminated as part of the re-structuring.

Chief Bollhorst took questions from Council. Councilmember Dry asked if there would be external or internal training for officers being promoted to the position. Chief Bollhorst replied that internal candidates would have the benefit of both internal and external training opportunities to prepare for promotion to a lieutenant position.

Mayor Pro Tem Hall reviewed with Chief Bollhorst the current line up of patrol officers, as well as vacancies and personnel in the pipeline. Currently there are 24 officers on patrol, an increase over the last 1-2 years. There are 11 vacancies, with 9 in BLET and 2 new hires. Those in training should be on active duty by April 2023.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council voted to support the presented plan for changes in the Albemarle Police Department.

ARPA Tranche #2 Funding

Councilmember Hughes requested discussion of Tranche #2 and the Alleyway Project be placed back on the agenda. City Manager Michael J. Ferris updated Council on the history of the consideration of tranche #2 to date. A copy of the tranche #2 recommendations presentation was supplied in the agenda packet, along with the Alleyway Project presentation as requested.

The Strategic Workgroup was asked in August to meet and develop a recommended spending plan for Tranche #2, which was presented to the governing body at the first meeting in September. The City received just over \$2,588,000 in Tranche #2 funding. City Council did not take action regarding the proposal. The only directional comments expressed a preference to not make any immediate decision regarding these projects and use of the funds

It was also requested that staff provide the total Alleyway Project budget and remaining available funds. This information is as follows:

- Total Revised Budget - \$651,000.
- Spent/Encumbered to-date - \$103,259.42.
- Remaining available Funds - \$547,740.58.

Councilmember Hughes went through a review of what Council was presented with for the Alleyway project to begin the discussion around whether this project should be considered in ARPA tranche #2 funding allocations. Public Works Director Ross Holshouser came up, and he and Councilmember Hughes engaged in a discussion about the bidding process for this project.

Council then had a discussion about the potential economic impact of the project, the costs needed at this point to fulfill the original design the contractor presented to Council in 2021, as well as developing it as a turnkey project instead of having City staff take on certain work. City Manager Michael J. Ferris noted that the original project cost took into account the estimated cost at the time that the City would need to perform some of the labor (\$100,000), and outsourcing of the complete project would take additional funds. Mr. Holshouser summarized his subsequent discussions with the contractor who had the lowest bid (although over the bid amount) and how there was a slight change in scope taking out some of the features originally designed, such as the astroturf, some changes in the privacy screens, and removal of the movie screen and stage.

Councilmember Lowder left the meeting.

Council and staff further discussed possible use of ARPA tranche #2 funds for the Alleyway Project versus the current projected need for funds in order to complete the full design specifications as a turnkey project. Councilmember Whitley walked through the considerations of the City's ARPA work group when tranche #2 recommendations were being developed, trending more towards ongoing expenses that the current fiscal budget couldn't cover. Councilmember Hughes in contrast felt that ARPA funds should seed legacy projects such as the Alleyway Project.

Council discussed the merit of revisiting the bid and current pricing to complete the project as turnkey.

Council consensus was to request that Mr. Holshouser revisit the bid with the contractor who had bid the lowest to cost out what the project would be as a turnkey project. Council suggested if possible for that information to be provided at the November 15th Council budget planning work

session. The City Manager noted this was not on the agenda for the November 15th meeting and would most likely add additional time to the meeting or require an additional night to complete all the scheduled activities.

Discussion - Walk of Fame Committee

Per a request by Councilmember Townsend, Council discussed next steps for formation of the Walk of Fame Committee. The agenda packet contained the Council-approved policy and bylaws, as well as the applications of the 4 candidates Council has secured so far.

Council felt at this point that they could move forward with creating the Walk of Fame Committee and appointing the 4 applicants as members at the next Council meeting. The Mayor noted that since the Committee would be staffed by the City Clerk, she likely would not be able to convene the Committee until January 2023.

Council discussed finding an applicant from District 2, with Councilmember Dry offering to locate a nominee from there.

Councilmember Townsend made a motion to authorize the City Attorney to draft a resolution to create the Walk of Fame Committee to be considered by Council at the next meeting or two, which was seconded by Mayor Pro Tem Hall. Mayor Pro Tem Hall raised the question of who would be responsible for finding an applicant in District 2. Councilmember Dry offered to take that on.

Upon a vote, Council unanimously carried the motion.

Introduction of the New Assistant City Manager

Mr. Darren Rhodes is the new Assistant City Manager. He started his position on October 17th. City Manager Michael J. Ferris provided a quick introduction and summary of Mr. Rhodes's background. Mr. Rhodes has had a long career in state government, most recently with the State's Department of Commerce. He also has been listed as a state resource for ARPA. Previously Mr. Rhodes served on the local government level for many years.

Mr. Rhodes made some remarks to Council. He first noted how honored he is to be selected as the next Assistant City Manager for Albemarle. He noted that he was attracted to Albemarle due to the City's reputation as a recognized, well-managed, innovative municipality known for its service delivery and downtown development and revitalization. He considers it a high point of his career serving here in Albemarle. He plans to share his skills and knowledge to tackle the issues and develop opportunities. He is looking forward to advancing the directives of this Council. He is excited to engage with the community, the businesses, and the citizens of Albemarle, and is here to support the City Manager and the Leadership Team.

Council heartily welcomed Mr. Rhodes.

COMMENTS

Councilmember Townsend:

- He thought that there was a great turnout for the Badin Brews festival.

Councilmember Hughes:

- She noted that there is a feature article on Public Housing Director Dr. Kim Scott in the latest Stanly magazine issue.

Mayor Pro Tem Hall:

- Are there dates to schedule burns of structures Council approved for demolition? Not yet. She asked for Fire Chief Brewton to let Council know when that will happen.
- She asked for an update on Social District formation. The City Manager has no update to provide Council at this time.
- Cycle NC came through Albemarle a few weeks back, and she noted that there was a tent city in YMCA Park due to the number of people participating. She applauded downtown businesses who supported the event.

Councilmember Whitley:

- He noted that he and his family had a great time in the City this past Saturday with a bunch of activities going on, followed by the Community Night Out event
- He noted that he is wearing a breast cancer survivor T-shirt to support his wife and other ladies he knows in the community who are breast cancer survivors, and to promote October as Breast Cancer Awareness Month.
- He noted that early voting starts this coming Thursday and encouraged folks to get out and vote.

Councilmember Dry:

- He noted that Council candidates have an opportunity to come in and get firsthand information on how the City works and thought it was a good idea to make use of that resource.
- He wanted to remind Council that there should be a recognition of 100 years of football played at Albemarle High School.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(1) confidential and privileged information, N.C.G.S. 143-318.11(a)(3) Consultation with the City Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development, and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hall 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)(1) confidential and privileged information, N.C.G.S. 143-318.11(a)(3)

Consultation with the City Attorney, and N.C.G.S. 143-318.11(a)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel.

The Mayor called for a motion to satisfy the deed of trust filed in Book 422 page 839 for Jewell S. Wood in the amount of \$5,870, with the City Attorney coordinating the filing of appropriate documents.

Mayor Pro Tem Hall made the motion, which was seconded by Councilmember Whitley and was carried in a unanimous vote.

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