

REGULAR MEETING CITY COUNCIL

November 7, 2022

The City Council of the City of Albemarle met in a regular session on Monday, November 7, 2022 at 6:30 p.m. in the Council Chambers of City Hall. Mayor Pro Tempore Martha Sue Hall presided, and the following members were present, to-wit: Councilmembers Martha E. Hughes, Chris Whitley, Benton Dry, Dexter Townsend, and Bill Aldridge. Absent: Mayor Ronnie Michael and Councilmember Shirley D. Lowder.

Mayor Pro Tem Hall called the meeting to order.

Mayor Pro Tem Hall gave the invocation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the minutes of the October 17, 2022 regular and closed meetings were approved as submitted.

Councilmember Whitley made a motion to approve each set of closed session minutes for partial or full unsealing which he noted aloud, which was seconded by Councilmember Townsend.

Before the vote there was discussion between Council and the City Attorney about how to call the motion for this item and whether noting each set of minutes as partially unsealed or completely unsealed needed to be stated. The City Attorney provided guidance letting Council know that each date of minutes should be noted, but stating their unsealed status was not necessary due to clear notations on each set of minutes under consideration.

Upon a unanimous vote, Council approved the partial or full unsealing of the following closed session minutes: June 25, 2018; July 9, 2018; August 6, 2018; September 4, 2018; September 18, 2018; October 15, 2018; November 5, 2018; and December 17, 2018.

PUBLIC HEARINGS

Ordinance 22-69 – Consider the Annexation of 29.88 ± Acres on St. Martin Road and Highway 24-27

Council conducted a public hearing and considered annexing 3 parcels (Tax# 15882, 21932, 32779) totaling 29.88 ± acres along St. Martin Rd. and Hwy 24-27. The applicant and owner is Joseph Burleson.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis to Council. The combined 29.88-acre St. Martin Rd. property is a vacant parcel that is contiguous to our current City Limits via 4 properties along Highway 24-27. It is accessible off Hwy 24-27 and St. Martin Rd. The applicant proposes to develop this site with single family detached homes at this time, however the maximum permitted would be up to 260 single family attached, townhome style units. Staff believes the development of this site in the R-8 district is likely to have between 100 and 260 total units. This will add between 242 and 629 new residents to Albemarle on built out. This is a potential increase of 1.49 to 3.87% over our existing population.

The property being petitioned is currently zoned County Residential Agriculture and County R-20. The zoning district that is being applied for is City R-8 Neighborhood Residential. If the property were to be subdivided, the maximum lot yield could be up to 130 single family detached, 260 townhomes or a combination of housing types in this range in a cluster subdivision. This is after a 20% reduction for infrastructure, right of ways and common areas.

Projected Total Revenues: Based upon assumed build-out numbers, development of this property in the City of Albemarle would likely produce a minimum of \$205,989 and a maximum of \$534,361 in annual revenue for the City. This is combined property tax, sales tax, motor vehicle tax and Powell bill taxes.

On October 6th Planning and Zoning Board heard and unanimously recommended for the properties to be rezoned to R-8 with annexation.

Mayor Pro Tem Hall asked Council if they had any questions. There were none.

Mayor Pro Tem Hall called for the public hearing to be opened and asked if anyone would like to speak for or against the annexation request.

Mr. Burlison, whose business address is 2408 Market Street in Locust came forward. He stated that he has been the owner of the property up for annexation for about 7-8 years. He also noted that one of the parcels was acquired from the Boys Scouts organization in order to provide egress to Highway 24/27. He confirmed that the annexation and rezoning request was for future development.

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

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council approved the annexation of 29.88 ± acres on St. Martin Road and Highway 24-27 (AXA 22-06).

[Ordinance 22-69 –Annexation of 29.88 ± Acres on St. Martin Road and Highway 24-27]

Ordinance 22-70 – Consider Initial/Rezoning of 29.88 ± Acres on St. Martin Road and Highway 24-27 Bypass West from County RA and County R-20 to City R-8

Per Council approval of annexation AXA-22-06, Council conducted a public hearing and considered rezoning of tax parcels totaling 29.88 ± acres from County RA and R-20 to City R-8 Residential.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis to Council. The applicant intends to rezone these lots to R-8/Neighborhood Residential District to develop the land as a cluster development with single family homes, detached and attached, which is allowed per the Zoning Ordinance. Max density for the Neighborhood Residential District single family attached (townhomes) would be 10.89 units per acre (approximately 325 units) and 5.44 units per acre (approximately 162 units) for single family detached homes.

Given the proposed use, diversity in single family housing types, water and sewer availability, and easy access to a major thoroughfare; there are merits for the proposed rezoning to be consistent with the City's future land use plan. At the October 6th, 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.

Mayor Pro Tem Hall asked Council if they had any questions. There were none.

Mayor Pro Tem Hall called for the public hearing to be opened and asked if anyone would like to speak for or against the annexation request. No one came forward.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council approved Ordinance 22-70 which contains ZMA 22-15 with the following consistency statement:

The Albemarle City Council finds the action to amend Tax parcels 15882, 21932, and 32779 from County RA and County R-20 to City R-8/Neighborhood Residential District to be consistent with the adopted 2028 Land Use Plan. Council finds the Neighborhood Residential District zoning on these parcels to be reasonable and in the public interest.

[Ordinance 22-70 - Consider Initial/Rezoning of 29.88 ± Acres on St. Martin Road and Highway 24-27 Bypass West from County RA and County R-20 to City R-8]

AGENDA ADJUSTMENT

Mayor Pro Tem Hall announced that there was 1 agenda adjustment: adding closed session category N.C.G.S. 143-318.11(a)(6) Personnel to closed session.

ADMINISTRATIVE REPORTS

Dr. Kim Scott, Director of Public Housing – To Provide a Departmental Update

Dr. Scott came in front of Council to provide his department's update.

He began by discussing a new and related process that Stogner needs to have completed prior to sewer work being done: asbestos and lead based paint testing. Asbestos and lead based paint testing proposals are due to be returned to Stogner Architecture this week (November 1 – 4, 2022). After Stogner reviews the proposals and provides the Director of Housing a report outlining the bids and proposed start dates, companies will be selected. Stogner will then inform the successful testing company/ies when they can begin the testing.

Stogner is currently targeting going to bid in January/February for the sewer work, but hopes that his additional staff will allow this timeline to be accelerated.

Dr. Scott took questions from Council regarding the asbestos and lead based paint testing. It has not been discussed recently, and per Stogner that process hasn't been done in about a decade. For that proposal, has the proposal gone out yet? The proposal should be done and out now, and Dr. Scott will go over proposals with Stogner next week. Mayor Pro Tem Hall raised the concern about staying on schedule with the sewer project and so noted that Stogner needs to stay on point with this advance testing work so that the timeline for sewer work is not pushed further out. How will apartments be chosen for this testing? Right now there are 8 apartments that are being targeted but contractors need to get into apartments to further assess the need for testing. So how many apartments will be tested – would contractors go building by building? Ideally staff would like 10 units done first but again there needs to be an assessment of the scope of units which need to be tested.

For the burn units what is the current status of vacancies and placements? There are 2 vacant units and two inhabited units currently. There needs to be timing of filling the 2 vacant units with the onset of sewer work. From which population have the 2 units been filled? Those units have been filled by Public Housing residents.

Dr. Kim Scott – To Provide an Update on the Emergency Housing Voucher Program

Dr. Scott first summarized the rationale for bringing this to Council, namely to alert them that of 15 emergency vouchers which are allocated the department by HUD, the department has only been able to use 8 of these vouchers to date. Staff, in consultation with the City Manager, are planning to notify HUD that the intention is to return the remaining 7 emergency vouchers back to HUD.

Dr. Scott then introduced Assistant Director Darlene Hughes to Council to give more detailed information to them about the rationale behind this decision.

Ms. Hughes summarized the current state of the Section 8 emergency voucher program as compared to the standard Section 8 voucher program. The main difference with the emergency voucher program is that it is personnel intensive, with a staff person required to set up the voucher and help a family in need move in and provide contents for the home to be habitable and functioning.

For the emergency voucher program, the 7 vouchers City staff are looking to release back to HUD have Memoranda of Understanding (MOU) which require referrals in order to fill them. With the regular Section 8 program there is not enough housing supply for those voucher slots, so it

would be even harder to place families for these 7 vouchers with the additional referral requirement. In addition, Ms. Hughes noted that applicants would not pass the background checks unless staff interceded in order to attain an emergency voucher. Ms. Hughes concluded with a suggestion that the City could ask HUD to fold the emergency vouchers into the regular voucher offerings.

Ms. Hughes took questions from Council. Are we losing landlords? Yes – many landlords are selling properties which could have been targeted as Section 8 voucher options in order to turn a profit in the current housing market climate for more than they would get with the voucher. Are we incentivizing vouchers? Yes, with offers like paying the first month's rent and/or security deposit. Ms. Hughes also noted that when she came on staff, the fair market rates for those vouchers were much lower than they should have been, so now she is trying to make sure the current fair market rates are being communicated to potential landlords. How many vouchers are currently in the standard Section 8 program? There are 333 vouchers authorizing to the City Department of Public Housing, and with the recent reopening of the waiting list, there is an additional need for over 500 more. Are there nonprofits helping Public Housing? Yes there are.

Council and the City Manager discussed the ramifications of returning the 7 unused emergency vouchers. The City Manager noted it as his understanding from Department staff the City could reclaim those vouchers once they are given back. Ms. Hughes replied that yes they can be reclaimed per HUD. When asked how that could be done, Ms. Hughes noted that the City would need to provide written request within 30 days to HUD in order to reclaim those 7 vouchers.

Progress Report for the Albemarle Business Center

City Manager Michael J. Ferris provided Council with an update. Construction continues on the Albemarle Business Center by contractor NJR Group. the City is overseeing the electrical installation separately. The following is the status of the ABC construction project:

1. Installation of gravity sewer outfalls continues; work stands at around 60% complete.
2. NJR reported that most Reinforced Concrete Pipe is on-site with the balance expected within the next two weeks
3. Coordination with City electrical installation – Discussion continues concerning schedule of City activities for electrical installation. Contractor reinforced the need to coordinate closely to avoid site restoration issues.
 - a. Cross Pipes/ Conduits – Discussion held concerning the best way to install crossing conduits. NJR expressed concern about third party installation of crossing conduits due to potential trench settlement caused by others. Matter is continuing to be discussed and reviewed.
 - b. Primary Electric Installation –It was discussed and agreed that once the City provides final electrical plans that a coordination meeting will be held to determine best methods to facilitate installation of electric infrastructure.
4. The City reiterated the need to maintain communications including project scheduling and timing for various reasons. NJR committed to provide an updated, realistic project schedule.

5. Rock – General discussion held concerning the occurrence of rock on the gravity outfall sections. Occurrence of rock is extremely high. Rock allowance is still within overall rock budget, but could be issue as project progresses.

MUNICIPAL CALENDAR

Mayor Pro Tem Hall and Council members received the municipal calendar prior to the meeting. Mayor Pro Tem Hall asked if Council had any questions or comments about the calendar.

CONSENT AGENDA

Mayor Pro Tem Hall asked Council if any items needed to be removed from the consent agenda.

Consider Approval of ABC Electric Construction Bid 23-01

Staff is requesting that City Council consider approval of ABC Electric Construction Bid 23-01. The bid for electric materials was opened and awarded earlier this year. This bid is for the labor of installing the internal electric infrastructure of the future ABC.

Consider Approval of Sole Sourcing Water Meters

Staff is requesting that City Council consider approval of sole sourcing Master Meter, LLC manufactured Sonata & Octave water meters through the designated local supplier. A memo in the agenda packet from the Public Utilities Director will explain this request in further detail.

Consider Approval of Sole Sourcing Itron ERTs

Staff is requesting City Council consider approval of sole sourcing Itron ERT's. The request is explained in further detail in a memo in the agenda packet, however Itron ERT's are a necessary piece of equipment that are attached to water meters that allow our staff the ability to conduct meter reading and billing operations in both the AMR and AMI environment.

Proclamation – Small Business Saturday 2022

Council will declare Saturday, November 26, 2022 as Small Business Saturday and adopt the proclamation.

[Proclamation – Small Business Saturday 2022]

Consider Road Closure for YMCA Hot Chocolate 8K

The Stanly County YMCA will hold its annual Hot Chocolate 8K on Saturday, January 7, 2023 at 8:00 am.

The YMCA is requesting the closure of CB Crook Dr. from First St. to Second St. from 7:00 am - 10:00 am on January 7, 2023.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council approved the following:

- ABC Electric Construction Bid 23-01;
- Sole sourcing Master Meter, LLC manufactured Sonata & Octave water meters through the designated local supplier;
- Sole sourcing Itron ERT's;
- Proclamation declaring Saturday November 26th as Small Business Saturday; and
- Road closure for the YMCA Hot Chocolate 8K on January 7, 2023.

NEW BUSINESS

Consider Agreement for the Placement of a Construction Trailer

City Manager Michael J. Ferris discussed this item with Council. He was contacted by the owner of the Albemarle Sweet Shop, Mr. Shawn Oke. Their construction contractor Stokes Construction would like to place a construction trailer near the site of the new location on South Second Street. They have requested to place a 30x10 construction trailer in the corner of the alley between the Post Office and the new Sweet Shop location. There is room and this should allow traffic to continue to flow without issue. Upon receiving this request, the City Manager revised a previous agreement to meet the current request and provided it to Mr. Oke for his review. It has also been reviewed by the City Attorney and is in the agenda packet for review and consideration by City Council.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hughes, unanimously carried, Council approved the placement of a construction trailer in the corner of the alley between the Post Office and the new Sweet Shop location on South Second Street.

Resolution 22-38 – To Create a Walk of Fame Committee, and to Appoint Committee Members and Set Staggered Terms

Council considered adopting a resolution forming the Walk of Fame Committee, as well as member appointments and staggered terms. The Walk of Fame Policy, the Council-approved bylaws, and the applications of the 4 appointees, as well as the resolution were included in the agenda packet.

Council received a fifth application for review at the meeting.

Mayor Pro Tem Hall asked the Clerk to come forward to answer questions. Council asked how they could approach staggering terms. The Clerk provided Council with a few suggestions.

Council clarified the appointees and their representation per the policy and bylaws before approving them.

Councilmember Whitley made a motion to adopt Resolution 22-38 creating the Walk of Fame Committee and to appoint the individuals who submitted applications to Council. His motion did not include staggering terms.

Council then noted aloud the following appointees: District 1 – Foster Parker; District 2 – Louisa Jane Hartsell; District 3 – Courtney Brown; District 4 – Bob Johnston; and the at large seat – Judy Holcomb.

Councilmember Townsend recommended that Council refer to the Policy for staggered terms which stipulate that all members have 3-year terms, and added that the resolution is worded such that the Committee itself can set staggered terms.

Upon a revised motion by Councilmember Whitley, seconded by Councilmember Dry, unanimously carried, Council adopted Resolution 22-38 creating the Walk of Fame Committee; appointed the applicants as noted above to the Committee; and per the Walk of Fame Policy and resolution, authorized the Walk of Fame Committee to set staggered terms.

[Resolution 22-38 – To Create a Walk of Fame Committee]

Resolution 22-39 – Consider Easement Acquisition for the Development of the Parking Area Behind the Albemarle Hotel

Mayor Pro Tem Hall noted that due to absences of multiple Council members tonight, and conflicts that she and Councilmember Hughes have with this item prohibiting them from discussing and taking action, she asked Council's feedback on tabling this item to the November 21st meeting.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, Council tabled this item until the November 21st Council meeting.

COMMENTS

Councilmember Dry:

- He told the audience to get out and vote tomorrow to make their voices heard.

Councilmember Whitley:

- Veteran's Day is this week
- He told the audience to vote tomorrow
- He noted that this week the City lost some notable residents, among them the published historian J.C. Boone who passed away this past weekend. Mr. Boone will be missed.

Councilmember Aldridge:

- He encouraged everyone to vote.

- He also noted that the City has lost some good people recently, including City staff member Dennis Curlee, and 2 retired Albemarle police officers: Rick Almond and Doyle Poplin. He asked the audience to keep these families in their thoughts and prayers.

City Manager Michael J. Ferris added a few remarks about Dennis Curlee. He was a wonderful person who will be missed. Dennis was a tremendous asset to the City.

Councilmember Hughes:

- She told the audience to get out and vote.

Councilmember Townsend:

- He sent prayers to the family of Dennis Curlee.
- He noted that downtown efforts are paying off with activities such as the Badin Brews Festival and the recent Autumn Extravaganza hosted by the City as examples.
- He told the audience to go vote.

Mayor Pro Tem Hall:

- She reminded Council that the next Stanly County COG meeting was on November 29th and encouraged her fellow Councilmembers to attend.
- She noted that there will be a School of Government training session for newly elected officials on the essentials of government on December 12th and 13th.
- She announced that this Wednesday the grand marshal for the Christmas parade will be announced and gave a shout out to Parks and Recreation for managing the process to obtain community input on the grand marshal
- She stated she believes that the City Manager weekly updates should be made public.

Councilmember Aldridge followed up on the Christmas Parade item and asked if arrangements had already been made for a vehicle to transport City Council. The City Manager replied that as usual a Fire truck has been scheduled for Council for the parade, but if Council wanted some different mode of transport to let him know. Council discussed options and then requested that a truck pulling a trailer with hay bales in it like for the Autumn Extravaganza would be preferable.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) Consultation with the City Attorney, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes and unanimously carried, Council returned to open session. Mayor Pro Tem Hall stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) Consultation with the City Attorney, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

Mayor Pro Tem Hall called for a motion to adjourn until Tuesday, November 15th at 4:00 pm at the EE Waddell Community Center for a Council budget and planning work session.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously approved, the motion was carried.