

REGULAR MEETING CITY COUNCIL

November 21, 2022

The City Council of the City of Albemarle met in a regular session on Monday, November 21, 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, Bill Aldridge, Benton Dry, and Shirley D. Lowder.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the minutes of the November 7, 2022 regular and closed meetings were approved as submitted.

PUBLIC HEARINGS

Ordinance 22-71 – Consider a Request to rezone property on Johnson Street from R-10 to GHBD (ZMA22-16)

Council conducted a public hearing to consider a request by the applicant MHK Properties for tax parcel 1455 containing approximately 1.66 acres to be rezoned from R-10/General Residential District to GHBD/General Highway Business District.

Senior Planner Travis Swain presented the request and staff analysis to Council. MHK Properties would like to use the proposed property for business expansion to store large equipment for sale. The subject tract is currently fenced with the primary business, Albemarle Outdoor Supply, having access onto US Highway 52 N. The subject tract also has approximately 3 to 4 junked motor vehicles on the property, along with a small, enclosed trailer.

The accessory storage to the primary commercial operation is allowed per the zoning ordinance so long as the equipment is to be sold, new or used, and in working condition. The lot can remain unpaved in its current state and cannot be graveled but if it is paved per zoning ordinance § 92.122 Landscaping and Paving of Parking Lots.

Given the proposed use, the parcel proposed use under the future land use plan, contiguous General Highway Business District, and expansion of the existing business; there are merits for the proposed rezoning to be consistent with the City’s future land use plan. However, because of the existing residential nature of Johnson Street and existing Residential Zoning to the North, East, and South; there are also merits for the proposed zoning to be inconsistent with the future land use plan.

At the November 14th, 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 Council if they had questions. For the part of road that will be left unpaved, why not place gravel on it? Placing gravel would be a violation of the City's Code of Ordinances which limits the size of surface on which gravel can be placed. Can the landscaping requirements be reviewed again? Only if the business decides to expand into the proposed area of property, the owners would be required to have a bufferyard placed on the north and south ends of the property. Would a bufferyard be required in the front? No it wouldn't.

The Mayor asked if the applicant would like to make remarks. Brandon King came forward. He thanked Council for allowing him to come up and speak. He was planning on putting bushes around the fences anyway, and would put up slats on the fence on the Johnson Street side just to make it appealing to the neighbors. Would trees be placed on the east side of the property? Mr. King replied that he is not sure if he can do that as it might be the state's right of way there.

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

Jerry Thompson Jr., residing at 40012 Airport Road in New London, came forward. He stated that he owns 3 properties on Johnson Street near the applicant's business. He thought that it would be a good idea for MHK Properties to extend their business, as he sees it as a positive in the neighborhood. He has had a discussion with Mr. King about this rezoning request and the business expansion. He also got input from his tenants and they are all ok with this.

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

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved Ordinance 22-71, which contains ZMA 22-16, with the following consistency statement:

The Albemarle City Council finds the action to amend Tax Record 1455 from R-10/General Residential District to GHBD/General Highway Business 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 22-71 – Consider a Request to rezone property on Johnson Street from R-10 to GHBD (ZMA22-16)]

Ordinance 22-72 – Public Hearing to Consider Adopting Amendments to Chapter 94: Watershed Areas (TA22-05)

Council conducted a public hearing for a Staff sponsored text amendment, TA-22-05 and consider adopting an ordinance changing the requirements of Chapter 94: Watershed Areas. Proposed changes would clarify conflicting requirements between Chapter 91: Subdivisions and Chapter 94; would eliminate the 20% infrastructure reduction requirement for cluster subdivisions in the watershed; would provide criteria for calculating impervious areas within said subdivisions; and would provide criteria for use of special intensity allocations.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis to Council. He reviewed the text amendments with Council per the mark up of the revised sections of Chapter 94 which was included in the agenda packet.

Planning staff are the requestors of the text amendment in order to update the Code of Ordinances for watershed areas in order to streamline and clarify the subsections of the chapter. The watershed ordinance restricts total development and provides 2 different options for residential development, limit residential development to no more than 2 units per acre with curb and gutter and 3 units without on new streets OR limit total “built-upon” (impervious) area to 24% with curb and gutter or 36% without. Cluster developments are mentioned in the watershed ordinance as an exemption to the curb and gutter requirements and are capped at a maximum of 3 units per acre.

Current cluster subdivision ordinance requires that 20% of the acreage of a property be taken out for average infrastructure and standard open space needs prior to calculating the total number of lots allowed for a subdivision. Staff has considered this to be an additional requirement to be applied on top of the maximum 3 units per acre permissible in the watershed, however neither ordinance is very clear about how this is supposed to be addressed. There is conflict between these two different chapters.

Newly annexed properties in the watershed are now most likely to be zoned R-15, Conservation Residential, which addresses watershed requirements and permits just under 3 units per acre by right. However, several existing properties inside of the watershed are zoned R-10, which allows for 4.35 units per acre by right. Applying both of these ordinances to R-10 zoned properties reduces them even further to only around 2.4 units per acre and places a density restriction on both R-10 and R 15 zoned properties that Staff does not feel is the intent of the watershed ordinance. Smaller subdivisions that do not require new infrastructure and open space can achieve higher densities than larger residential developments.

Current Calculations for Maximum Units:

	<u>R-10 properties Outside Watershed</u>	<u>R-10 properties Inside Watershed</u>
Standard Subdivision	4.35 Units per acre	3 Units per acre
Cluster Subdivision	3.48 Units per acre (20% reduction)	2.4 Units per acre (proposed)

The other major issue with the watershed ordinance is the second option of applying impervious percentages to single family development. While it is easy to determine the total built-upon area of a new commercial or even multi-family development keeping a total for an entire neighborhood of private properties is much more difficult and harder to do equitably.

Proposed Changes:

- 94.04 Definitions: refined Cluster developments, the designated watershed administrator and the term “project” (can be part of one, a whole property or multiple properties).
- 94.11 General Provisions: clarified to allow for all other provisions in other City ordinance without conflict.
- 94.15 Establishment of Watershed, Areas: clarified exemption for clustering, require all other sections of subdivision ordinance to apply, added criteria for special intensity allocations (not to be considered for individual residential lots).
- 94.16 Cluster Development: removes the required 20% reduction for infrastructure and open space in lot calculation within clusters, defines built-upon areas in cluster subdivisions by total combined potential building areas (building envelope) such that recalculation with each change to individual properties is not needed, allows for clearing of active use open space amenities in clusters.

At the November 14th, 2022 Planning and Zoning Board meeting, the Board unanimously made a recommendation for City Council to approve the text amendment based on the Consistency Statement.

The Mayor asked Council if they had questions. How long has it been since this chapter has been updated? At least 7-8 years ago. This text amendment will be developer friendly. Would this text amendment change open space requirements? Open space requirements will not change and developers will still have to comply. Were there any concerns about this at the Planning and Zoning Board meeting? There were none.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council approved Ordinance 22-72 with the following consistency statement:

The Albemarle City Council finds the action to amend Sections 4, 11, 15 and 16 of Chapter 94: “Watershed Areas” of City Ordinance to address cluster subdivision density inside watershed areas to be consistent with the 2028 Albemarle Land Use Plan. More specifically, Section Five: Goals, Objectives and Strategies, Objectives O-3.c and O-3.f, and Strategies 12 & 13, which encourage growth in areas where infrastructure exists and encourage appropriate levels of infill development where possible. City Council finds Text Amendment 22-05 to be reasonable and in the public interest.

[Ordinance 22-72 – To Consider Adopting Amendments to Chapter 94: Watershed Areas (TA22-05)]

AGENDA ADJUSTMENT

The Mayor noted the addition of a proclamation honoring veterans appreciation day in Stanly County on December 6th 2022.

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

Proclamation – Veterans Appreciation Day in Stanly County

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

[Proclamation – Veterans Appreciation Day in Stanly County]

ANNOUNCED DELEGATIONS

Jan Goetz, 2101 Marwood Lane – To Discuss Traffic at Woodhurst Lane and Lakeview Drive

Ms. Goetz came in front of Council with her concern about speeding in the neighborhood and failing to stop at the three-way stop intersection of Lakewood and Woodhurst.

Background: The 3-way stop was created in 1997 as a speed reduction measure, which is not a recommended reason for the placement of a stop sign. The City Council also reduced the speed limit in areas of Anderson Heights to 25 mph in August of 2021.

Ms. Goetz stated that in her residence in the Anderson Heights area for the last 30 years, the neighborhood did not have traffic issues until about 5 years ago when a road was built to cut through Albemarle on the way to Troy. Since then traffic congestion and speeding have become frequent occurrences. With the installation of the 3-way stop intersection at Woodhurst Lane and Lakeview Drive, Ms. Goetz has observed over time that traffic does not really stop, and they also tend to speed through the area. She has called out Albemarle Police multiple times, where they have routinely stopped a series of cars for speeding.

The Mayor responded to Ms. Goetz's request by stating that the Albemarle Police Department will provide an updated review as well as other relevant information at an upcoming meeting.

He and Council thanked her for coming in front of them to discuss this issue.

Councilmember Dry raised the idea of having a warning flashing red sign before the intersection such as on Highway 73/Old Concord Road in Millingport. Ms. Goetz replied that the 3-way stop sign in her neighborhood can definitely be seen, so that is not an issue.

ADMINISTRATIVE REPORTS

Mr. Durham Lewis – To Present the FY 2021/22 Albemarle ABC Audit

Mr. Lewis came in front of Council to review the Albemarle ABC audit with Council. The audit findings were included in the agenda packet.

Mr. Lewis first read a statement about the credentials of the audit firm and the conduct of the audit into the record.

In the presentation Mr. Lewis quickly reviewed the following: the ABC Board's net position; statement of revenues, expenses, and changes in net position; distribution of income; working capital; schedule of store expenses; schedule of the distribution of profits; and budgeted and actual revenues and expenditures. During that fiscal year, the City of Albemarle received a total of \$550,000 which was distributed to alcohol awareness programs, to the Police, and to the City's General Fund.

He took questions and comments from Council

Mayor Pro Tem Hall asked Mr. Lewis how long the firm has audited the ABC Board, and remarked that it might be appropriate to consider a change in audit firm. Councilmember Aldridge thanked Mr. Lewis, Karen Cranford, and the ABC Board for their efforts. Councilmember Townsend asked if there would be a second ABC Store in the future. Ms. Cranford replied that it has been discussed but no decision yet. He also thanked Ms. Cranford, Mr. Lewis, and the ABC Board.

Council thanked Mr. Lewis for his presentation as well as Ms. Cranford for being here tonight.

Update on Landfill Recycling Center Gas Analysis

Public Works Director Ross Holshouser first came up and reminded Council of the fire earlier on this year and the cause of it, which was very high levels of methane gas. He noted that Landfill Superintendent Darren Preslar and Operations Crew Leader Jacob Wilkins were here tonight to present the gas study findings. At the time of the fire, the department requested a remediation study be done, and that was completed last week.

Mr. Preslar gave his presentation of the gas findings to Council. A map of the landfill was displayed in meeting and the location of 11 gas monitors used to test the environment was described. From those 11 monitors the gas level readings were in the range of 31% up to 80%, with only 1 at the 31% level and the average at around 65%. Mr. Holshouser noted to Council that at the time of the placement of the recycling center in the 1990s it was thought that it was being placed over a lined landfill. Subsequently it was discovered that the site is an unlined landfill underneath, which is causing the gas issue.

Mr. Preslar stated that any gas level over 51% by volume is considered highly explosive thus causing a very dangerous issue at this portion of the landfill. Since the fire none of the structures in the recycling center have had doors shut due to the amount of gas pressure which would accrue causing another fire or an explosion. At this point the staff recommendation would be to either demolish or move the structures at the recycling center and installing new gas monitors.

Mr. Preslar and Mr. Holshouser took questions from Council. Is there insurance money from the fire to help rebuild that building? The building that was demolished in the fire was the maintenance shed and that has already been rebuilt. In terms of the monitoring that has to be done per

state law. The option staff is looking at is to relocate the recycling center potentially to the side of the scalehouse.

Are other landfills in the state owned privately or publicly? Most counties have privately owned landfills. Are there different types of monitoring systems that can be used? There are – passive venting, and flares are among methods to monitor and dissolve gas. Public Works uses the passive venting method. Are there any issues with the state? There are no state violations and they are aware of the City's situation with the methane gas levels. Is there an employee safety liability? The City Attorney replied that yes there is, and that prompt remedial action is warranted. Is there a customer safety liability? Since the gas issue is coming from underneath the landfill and is not confined in the open air it's not as dangerous as if it was confined inside a building. Has the new Risk and Safety Manager been involved? Both Mr. Holshouser and Mr. Preslar thanked HR Director Dana Chaney for helping them out with the personnel and claims issues. The new Risk and Safety Manager met with them last week but does not yet know all of the details of the situation.

The intent at this point is to use the funds from the insurance claim to relocate the buildings for the recycling center.

Update on Minimum Code Properties Approved for Demolition

Planning and Development Services Director Kevin Robinson along with Fire Chief Pierre Brewton updated Council on the disposition of properties Council approved for demolition in July, namely: 443 Colston Street, 661 Colston Street, 622 Lee Street, 700 South Fifth Street, 1510 and 1602 West Main Street, and 2403 Badin Road. Chief Brewton noted that 1510 and 1602 West Main Street are scheduled for burn on December 19th, a Monday, at approximately 8 am. Due to that being a school/work day, Fire has reached out to NCDOT and the Police Department for traffic detours and management. Council was concerned about the impact the traffic detour would have and asked why the 8 am start time. Chief Brewton replied that the time of day came down to staffing.

For the rest of the properties Mr. Robinson replied as follows:

- 2403 Badin Road – Not scheduled yet. Need regulatory agency approval first before Fire gets the go ahead to burn. Hoping to have go ahead in 2023.
- 661 Colston Street and 622 Lee Street – Need to find another method of demolition for these structures. There is not much room left in Planning's budget and so the department would like to work on them in 2023.
- 443 Colston Street – Currently under contract by new owner who should be demolishing it. The Code Enforcement Officer is keeping tabs on this structure and will update if needed.
- 700 South Fifth Street – Someone is supposed to be fixing that structure, but will follow up on that.

With the Old Concord Road commercial property, since there is not room in the department budget currently, the department hopes to be able to work on that next year.

Mr. Robinson reported that Planning had \$14,000 in its demolition budget for this fiscal year, most of which has been spent for asbestos abatement, advertising public hearings, and property

assessments. He showed Council a list of structures' cost for demolition and clean up by the quoted cost.

There was a discussion about the length of time needed in order to complete all required steps prior to structures actually being demolished.

Councilmember Aldridge asked about the property on North 2nd Street and US Highway 52. Planning will look into this with the current owner who is presumed to be Mr. Huneycutt.

Update on Christmas Parade

Main Street Market Manager/Director, Albemarle Downtown Development Corporation Joy Almond came in front of Council to update Council on various preparations for the Christmas Parade. The Parade will be held on Saturday December 10th starting at 4:00 pm.

Ms. Almond discussed the grand marshal selection and status of different aspects of the parade as known thus far. There have been 23 applicants submitted to participate in the parade to date. Ms. Almond reported that she secured a classic Cadillac convertible for the Grand Marshal.

For the Santa float, there are 2 options: Parks and Recreation can decorate a trailer, or the Stanly County Historical Society has offered to allow the City to borrow an antique sleigh for Santa as a back up.

Uwharrie Bank is the only entity expressing interest in sponsoring a float for the parade this year. Crook Motor Company does have three trailers that can be used at no cost to the City if needed for floats.

Council asked about transport for itself. The City Manager is handling that and had noted in a recent City Manager update newsletter that Council will be riding on a trailer as they requested.

Will there be any bands participating? The marching band in Union County has noted that it plans to participate this year, as well as North Stanly High School.

Is there an entry fee for participation in the parade? The City does charge a fee unless it's a civic or educational group. The fee is nominal and was set before she came on board 7 years ago.

Departmental Monthly Reports

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

Mayor Pro Tem Hall had a few questions for HR Director Dana Chaney. What is the status of a wellness program for City employees? Ms. Chaney replied that she had a meeting with a Pfeiffer representative today, and has set a meeting tomorrow to further discuss Atrium Stanly and possibly Pfeiffer's participation in an onsite clinic for employees next year.

Is there an update on gym membership participation? The City currently has partnerships with Gold's Gym in Albemarle and the YMCA, with an estimated 40 participants.

UNFINISHED BUSINESS

Stormwater Management Plan Next Steps

At the most recent budget planning work session, Council requested this item be placed on the November 21st agenda for City Council to discuss and determine a path forward for considering the stormwater management plan. Public Works Director Ross Holshouser facilitated discussion and provided information to Council.

Background: The current proposal was developed after City Council requested City staff develop alternative level of service proposals to lower the monthly fee associated with the proposed program. Council requested the alternative level of service proposals following input from citizens, commercial, and non-commercial property owners. Originally proposed to be \$11.50 per month, the proposed fee has now been reduced to \$5.80 per month. This reduced fee was achieved by cuts to the capital improvement component, staffing levels, and operations and maintenance components. The attached PowerPoint presentation, which was reviewed with Council on July 25, 2022, provides greater detail on the cuts made to achieve the reduced monthly rate. Additionally, under the original proposal, residents would have seen a slight reduction in their solid waste fee as leaf collection would have been part of the stormwater program. In the new proposal, leaf collection would remain part of the solid waste fee.

To date, development of the stormwater management program has cost approximately \$600,000. Funding has come entirely from the General Fund. The stormwater contract with WK Dickson totals \$1,054,144.50. It was anticipated that stormwater fees, planned to be collected in July of 2022, would pay the remainder of the contract. This has not occurred and additional costs were added when Council requested that consultants revise the program to lower the fees associated with it.

At tonight's meeting, Council has options to consider to move forward:

-Vote to move forward based on the plan provided to council at the stormwater workshop in July which establishes a \$5.80 ERU. This decision would require a public hearing to take place before the budget is adopted for Fiscal Year 2024.

-The current Council can choose to allow the new board to move forward with the proposed stormwater management plan at a date no later than January 9, 2023. If this date is not met, program implementation will not be ready by July 1, 2023.

Related to Stormwater as well as the ARPA Tranche #2 discussion, the City of Albemarle has been awarded a \$250,000 Stormwater Grant from the Golden Leaf Foundation to conduct a pilot study on Little Long Creek. The matching portion for this project will be \$350,000. City Council has provided their input that part of the Tranche #2 funds should support Stormwater grant match

needs. The General Fund tax base has funded the project to date and further use of the General Fund will continue to impact our ability to address other needs across the City.

Councilmember Hughes began the discussion by noting that with the discussion from the November 15th planning and budget work session, Mr. Holshouser noted that the City was awarded a Golden Leaf Foundation grant and that the City would need to provide matching funds, so due to the time sensitive nature of the grant, Council should at least decide tonight whether to move ahead with a stormwater management plan/program, or shut the program down.

Mayor Pro Tem Hall added that with the possible tie in with ARPA tranche #2 funds, if the City decides to use these funds and then pulls out of implementing a program it would be funding wasted.

Council raised the main factor in their decision to hold off on approving a stormwater management program, through public input back in the spring, that many had never heard about the program at all. They discussed methods which could be used at this point to communicate with the public about the proposed reduced storm water management program as put forth by consultant WK Dickson back in July. Council and Mr. Holshouser discussed the pros and cons of utility bill stuffers, which staff did use to update that portion of the public about the reduced program proposal, versus a letter to all addresses in the City in order to appropriately convey at this point the reduced plan prior to Council considering and taking action on the plan.

Mr. Holshouser raised the Foundation funding opportunity and noted that in a recent call with the Foundation, the grant has certain requirements which need to be met in order for the City to receive these funds, among them a City match of \$350,000 for the \$250,000 award.

Councilmember Townsend again raised the concern about Council taking action before the public has been given an opportunity to be updated about the new reduced plan proposal. At this time of year it would not be ideal to schedule a public hearing on this issue if Council wanted to meet the deadline of early January 2023 to make a decision on the program in order to implement it by July 2023.

Council then discussed timing of a public hearing and further Council consideration by early 2023, debating the dates of January 3rd, 2023 and December 12, 2022 and whether staff could get a mass mailing out ahead of these 2 dates. The method of communication to the public was again discussed, with Council consensus supporting a mailed letter to all addresses that Public Utilities has on record. Mr. Holshouser said that per his and PIO David Fath's efforts with the utility bill stuffer, that communication option would be manageable even within this short timeframe.

The Mayor called for Council to make a motion.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council approved holding a special Council meeting on the proposed reduced stormwater management program on Tuesday, January 3, 2023 at 6:00 pm in City Hall, with a mailing sent out to the public beforehand about the program and notice of public hearing at the January 3rd meeting.

Consider ARPA Strategic Work Group Recommendations for Tranche #2

Per Council discussion of the ARPA tranche #2 funding recommendations at the November 15th planning and budget work session, an updated tranche #2 presentation has been provided for further Council discussion.

Councilmember Hughes began the discussion by asking Public Works Director Ross Holshouser if he had an update on the contractor who bid the lowest on the Alleyway Project last fall. Mr. Holshouser stated that he did receive the quote. Last year the contractor NJR bid \$733,509 for the Alleyway Project which at that time did not include certain improvement work that City crews were anticipated to complete. As turnkey, NJR has now quoted a cost of \$761,450 plus a standard 10% contingency (\$76,000) which would bring the current bid total to \$837,595. This would include all parts of the project except electrical work.

Council asked the City Attorney Britt Burch whether using this bid price from this bidder was appropriate per the General Statute. Ms. Burch replied that since Mr. Holshouser negotiated the bid based on the bidder being the low bid initially this was allowable.

Council and Mr. Holshouser then discussed what the total project budget was to date and what would be needed funds wise in order to meet that cost. The total project budget is \$547,000 currently, requiring between \$300,000 and \$350,000 more to completely fund the project.

Council then debated the funds unused from tranche #1, namely the park feasibility study amount of \$250,000, as a potential source of funding for the Alleyway Project. Mayor Pro Tem Hall lobbied to keep the funds for a park study citing Council's desire to locate a park near Wiscasset.

Councilmember Hughes suggested to Council that the body consider only the Alleyway Project tonight. The Mayor countered with concern over piecemealing the tranche #2 packet the work group brought forth to Council, highlighting the City Hall security improvements as an item which needed immediate attention. Councilmember Hughes stated she would support the City Hall security improvement item but only if the cameras installation was cut out of that item. She considers camera purchases, much like the new emergency radios in this tranche #2 package, as ongoing expenses which should be added to the City budget rather than become an ARPA-based purchase. Councilmember Whitley reminded Council that the ARPA work group did a comparison of other municipalities' uses of ARPA funds thus far, with many opting to fund a mix of "routine" expenditures with one-time "legacy" projects.

Councilmember Hughes made a motion to allocate \$350,000 of ARPA funds, \$250,000 from Tranche #1 related to the park feasibility study and \$100,000 from Tranche #2, to fund the balance needed to complete the Alleyway Project. Mayor Pro Tem Hall seconded the motion.

Upon a vote, with 5 Council members for the motion and 2 Council members opposed, the motion passed. Council members voting for the motion included: Mayor Pro Tem Hall and Council members Hughes, Aldridge, Dry, and Lowder. Those Council members opposed included Townsend and Whitley.

Councilmember Whitley made a motion to fund the radios needed for safety personnel totaling \$1,442,000. Councilmember Dry seconded the motion.

Upon a vote, with 3 Council members for the motion and 4 Council members opposed, the motion failed. Council members voting for the motion included: Whitley, Dry, and Townsend. Those Council members opposed included Mayor Pro Tem Hall, and Council members Hughes, Lowder, and Aldridge.

Councilmember Townsend remarked that he is concerned about piecemealing the ARPA package in this manner, and wanted to go on record that he opposes this approach.

There were no further votes or discussions on this item.

NEW BUSINESS

Dr. Kim Scott, Director of Public Housing – To Present Proposed Revisions to the Lease Agreement

Dr. Scott and the new Program Specialist Jennifer Bowman came in front of Council to review the proposed revisions to the lease agreement and associated lease policies.

Dr. Scott began by the changes are being recommended in part to encourage residents to view and use Conventional Public Housing and the Section 8 programs as temporary services, with the goal to move toward self-sufficiency. This will open apartments and vouchers to others in need to be served by the Department.

Ms. Bowman reviewed the lease agreement changes which were also provided to Council in meeting as hard copies. Highlighted changes include:

- Flat versus income based rent;
- Initial period of the lease and due date of rent (includes stipulations in zero rent/temporary rent and minimum rent);
- Retro repayment agreement;
- Assessment of late rent payment charge;
- Management/tenant agreement;
- Occupancy of the dwelling requirement;
- Provision for administrative hearing prior to tenant eviction;
- Apartment upkeep section;
- Bedbug prevention and treatment;;
- Probation agreement;
- Pet policy;
- Satellite and Antenna Installation; and
- A new Section B – Guidelines for Violence against women

Dr. Scott took questions from Council. Have these changes been shared with HUD? Yes they have. Council and Dr. Scott had a discussion about bedbug removal (equipment, process, frequency). There was a clarifying discussion about when the assessment of the court fee was levied in relation to the eviction hearing, and who had the authority to waive that fee. Has the \$25 pet deposit always been levied? Yes but it hasn't been enforced. Does the weight limit of pets as stipulated take into

account therapy pets? Yes it does. Have these changes been presented to the Public Housing Resident Council yet? No – staff has waited until Council approved these changes before they scheduled a resident meeting. Now that Council is considering them staff is planning to schedule a mandatory meeting for all residents in December to go over all of these changes.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved the lease agreement and lease policy changes as presented.

Consider Request to Stanly County Board of Education Regarding Attendance

Boundaries

Given the recent growth of our land area and population, Councilmember Townsend requested this matter be placed on the agenda for discussion. Councilmember Townsend further explained in meeting that due to the many annexations Council has approved the last few years, he's estimating that 1,000 new homes are being built or will be built bringing in a group of new families with young or school-aged children and wondered if this has been considered by Stanly County School board yet.

Council discussed the current attendance of all levels of schools in Albemarle, noting that the elementary schools are cramped, but that middle and the high schools have room.

Council then discussed the most effective method to convey their concerns to the Stanly County School Board, with the consensus that a letter should be drafted to the Board and would include the Superintendent. The Mayor noted that he met with the Superintendent recently where they both recognized concern about growing attendance levels in the elementary schools. He then noted that new members just were voted in for the Stanly County School Board and that Council should wait to deliver their letter until the new Board was seated.

Discussion – UNC School of Government "Essentials of Municipal Government" Training

Per Mayor Pro Tem Hall's request, Council discussed participation in the UNC School of Government (SOG) "Essentials of Municipal Government" training to be held on December 12-13, 2022. The School of Government and its Center for Public Leadership and Governance, in partnership with the North Carolina League of Municipalities, will offer their biennial orientation of newly elected municipal officials with the Essentials of Municipal Government course.

As part of the training, an ethics section is listed on the agenda. The City Manager reached out to the course instructor and confirmed this will count toward the required ethics training for newly elected and re-elected officials. The Mayor noted that the City Manager has reached out to the newly elected members of Council to work with them on confirming attendance.

Information – City Employee Christmas Lunch

Parks and Recreation Director Lisa Kiser provided information to Council about the Christmas Lunch and took questions from Council.

The City of Albemarle will celebrate Christmas with staff on Wednesday, December 14th at EE Waddell Center (621 Wall St.) from 11:30 am – 1:30 pm. The Mayor asked Council to place this date on their calendars.

COMMENTS

Councilmember Townsend:

- Is there an update on the Eben Street properties? No update currently but staff will update Council on those soon.

Councilmember Hughes:

- She thanked the Public Utilities Electric Division for quick work during a recent power outage which affected the bank where she works and her home.

Councilmember Aldridge:

- He wished everyone a Happy Thanksgiving.
- Since this begins the time of year that extra water on the roads creates issues and accidents, he thanked City crews who work to quickly fix water main breaks.

Councilmember Lowder:

- She noted that signs are crooked throughout the City. The Mayor replied that she should let the Clerk know so this can be moved forward to staff to fix.
- She said goodbye to all as an outgoing Council member.

Mayor Pro Tem Hall:

- She asked about the status of cars sitting on the side of the street near Depot Street and Grant Hatley.
- She thanked Council members Whitley and Hughes for joining her at the Arbor Day celebration.
- She reminded Council about the November 29th Stanly County COG meeting in Misenheimer. She thought that it would be a good opportunity for Council to speak with their neighboring municipality peers as well as County staff. She noted that she intends to speak with Chris Lambert with the Stanly County Convention & Visitors Bureau about trying to develop a countywide portal of municipal and county events.
- She noted that she had reached out to Hospice Stanly for their Festival of Tress fundraiser and asked Council if they wanted to participate this year. Council agreed that they would once again sponsor at the \$300 level and should hand their portion of the funds to the Clerk by November 29th if possible.

Councilmember Whitley:

- He reported at the RRRPO meeting last week there was a presentation by NCDOT that now there are funds available through the state for carbon reduction projects, which could include sidewalk installation. He suggested that the City submit an application for sidewalk development.
- He wished everyone a Happy Thanksgiving.

Councilmember Dry:

- He gave remarks about outgoing Council members Hughes and Lowder. He has had the pleasure to work a number of years with Councilmember Hughes and noted that in 9 years she has accomplished much on Council. He noted that as a whole these 2 members have been part of a Council that although there are differing opinions among individual members, as a whole they have been able to find common ground and reach the same conclusion. He has known Councilmember Lowder for a long time and considers her a dear friend. He thanked them both for their contributions on Council.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, the meeting was adjourned to Monday, December 5, 2022 at 6:30 pm in Council Chambers at City Hall.