

REGULAR MEETING CITY COUNCIL

February 20, 2023

The City Council of the City of Albemarle met in a regular session on Monday, February 20, 2023 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 Chris Bramlett, Chris Whitley, Dexter Townsend, Bill Aldridge, David Hunt, and Benton Dry.

Mayor Michael called the meeting to order.

SPECIAL PRESENTATIONS

Centralina Regional Council Award for Excellence for the Firefighter Cadet Academy

The Mayor announced that this item would be postponed.

The Mayor called for a motion to approve the January 23, 2023 regular and closed minutes, and the January 30, 2023 special and closed minutes.

Mayor Pro Tem Hall commented that she wanted to correct the portion of the January 23, 2023 regular minutes dealing with the update on the Alleyway Project. She recommended that the paragraph dealing with bringing a project budget ordinance forward should be amended to reflect that the Public Works Director suggested that the budget ordinance and the contract bid be considered together at the first Council meeting in February. In addition, Councilmember Whitley noted that for the event street closure item under consent agenda there was a typographical error, noting the word "Fellowship" should be stricken.

Mayor Pro Tem Hall made a motion to approve the January 23, 2023 regular minutes as corrected. The motion was seconded by Councilmember Dry, and with a unanimous vote, the motion passed.

Mayor Pro Tem Hall also noted for the January 23, 2023 closed minutes that she wanted to pull them to be discussed in closed session tonight. She made a motion to review this set of minutes in closed session, which was seconded by Councilmember Bramlett and unanimously passed.

The Mayor called for a motion to approve the January 30, 2023 special and closed minutes. Upon hearing no motion, the Mayor tabled Council consideration of this set of minutes for the next Council meeting.

PUBLIC HEARINGS

Ordinance 23-04 – To Rezone 218 Leslie Street from SCD to R-6 (ZMA-23-02)

Council conducted a public hearing to consider a request to rezone 218 Leslie Street from Shopping Center District (SCD) to R-6 Neighborhood Residential to develop a duplex home. Currently the dwelling is a single-family home that is beyond repair.

Planning and Development Services Director Kevin Robinson presented the rezoning request to Council. The applicant wants to build a duplex residence on this property. Staff's recommendation is to approve the rezoning with the consistency statement. The Planning and Zoning Board at its February meeting voted 8 to 1 to approve the rezoning request using the map amendment statement.

The Mayor asked if Council had questions. Mayor Pro Tem Hall noted that for public notification of owners there is 1 property on the notification list Planning provided where she is not sure the owners of record actually own the property there anymore. Mr. Robinson replied that Planning has adopted a process using Stanly County GIS records to send notifications. Also there is a sign posted at the site and public notice is advertised in SNAP and on the City's website.

Per a comment from Councilmember Bramlett, Council and staff discussed prior and current surrounding commercial land use and how this residential use fits in. Mr. Robinson replied that currently there is no commercial component on current surrounding properties.

Councilmember Townsend noted that the applicant is head of the Stanly County Inspections Department and wanted to know if there was a potential here for a conflict of interest. The applicant Chris Moon came in front of Council to explain how this property work would be handled based on his position with the County. He said it is common practice to contract out inspection work to a neighboring county's inspection staff. For this property, he plans to personally contract with Cabarrus County inspections staff to manage the inspections process for this potential build.

Mr. Moon also noted that per the earlier Council discussion about use of the lot for a residential dwelling, his father wanted to keep the family housed that had lived there, and in that vein, he thought that using the lot to build a duplex targeted for seniors would be in line with his father's wishes. The duplex would have a bank, a drugstore, and a few other amenities close by so seniors would not have to travel far.

The Mayor opened the public hearing. No one came forward to speak.

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

The Mayor asked if Council had any further questions. There were none.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, Council approved Ordinance 23-04 which contains ZMA-23-02, with the following map amendment statement:

The Albemarle City Council finds the action to amend tax parcel 32703 from SCD/Shopping Center District to R-6 Residential District to be inconsistent with the 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.

[Ordinance 23-04]

Ordinance 23-05 – Renaming Glendale Avenue to Bishop J.E.R. Drive

Council conducted a public hearing to consider a request to rename Glendale Avenue to Bishop J.E.R. Drive. Upon a request by the church located on this street and moved forward on their behalf by Councilmember Townsend, this proposed street renaming was publicly advertised and any adjacent property owners along this portion of street were notified of the request via certified mail.

Ms. Brenda Stanback, residing at 249 Groves Avenue, came forward to speak in support of this proposed street renaming. She noted that Bishop James E. Richardson grew up in this community and eventually became the pastor of Saint's Delight Church, which was located on this street for many years before finally moving to Wall Street. She added that the church is the only developed property located directly on the street, and that another church is renting this property.

Ms. Stanback noted that since Bishop Richardson was a pillar of the community, on behalf of members of the community she was requesting that Council honor the late Bishop by renaming this street.

The Mayor asked if Council had questions or comments. Councilmember Townsend commented that it is up to Council to give honor where it is due with this street renaming.

The Mayor opened the public hearing. No one came forward.

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

Councilmember Townsend made a motion to approve Ordinance 23-05 to rename Glendale Avenue Bishop J.E.R. Drive, which was seconded by Councilmember Aldridge.

Before the vote Councilmember Townsend commented that he was working with Public Works Department to adopt the street, with that signage providing the Bishop's full name.

Upon a vote, the motion was unanimously carried.

[Ordinance 23-05]

ANNOUNCED DELEGATION

Dion Brooks, Founder – Stanly Avengers Inc. - To Discuss The Kingville Project

Mr. Brooks came in front of Council to introduce himself and discuss the Kingville Project.

He relayed to Council the history of the old Kingville school which was a trade school for many years located at Wall Street and Lundix Street, and which was funded by the Rosenwald Schools. He distributed several copies of documents supporting its existence and transfer where it eventually became the old South Albemarle School and now is the site of EE Waddell Community Center.

Since this school was an anchor and an institution in the local community, and its history and that of the original neighborhood are fading, Mr. Brooks founded the Stanly Avengers, Inc. In 2021, a nonprofit to support the memorializing of the historically African American community in this community surrounding Wall Street.

The Kingville Project has three goals: conservation, preservation, and celebration. He and Ms. Stanback mentioned that there is a desire to celebrate the 125th anniversary of Kingville this summer.

Council and Mr. Brooks engaged in discussion about the historic markers he would like to place. His information noted that there are 10 markers totaling a cost of \$20,000 that his nonprofit would like support to erect. Council discussed with him the location of the 10 markers and clarified that only 5 would be located within the City limits, whereas the other 5 are scattered throughout the County.

Council as a body was in support of the concept of the historic markers but requested that Mr. Brooks obtain specific information about the cost of the markers with a breakdown of prices for and a list of the materials needed for the markers and come back in front of Council at a later meeting with a specific request for funding.

Council thanked Mr. Brooks for coming forward tonight.

UNANNOUNCED DELEGATIONS

Arthur Bailey – Various Concerns

Mr. Bailey, residing at 1015 Spruce Street, came in front of Council to raise the following concerns in his neighborhood/the City:

- Speeding in the neighborhood;
- He suggested that the City needs more police and firefighters due to safety concerns in the neighborhood such as drug use and sales;
- Road conditions (e.g., potholes) in the neighborhood are not good;
- Perception of lack of a grace period the City gives utility customers to pay their bill;
- Inconsistent or no service with WM.

He offered to sit on a City board or commission to help.

Council thanked him for his feedback.

Jean Dennis – Concern about WM

Ms. Dennis, who resides at 211 Chestnut Street, came in front of Council to discuss her concern about WM not following up with her regarding damage to trash bins. She has consistently paid the fee for years and now is not getting the service for which she is paying.

The Mayor replied that Council understands the public's frustration with WM. He noted that the City would be going to bid this summer for collection services to start a new contract in 2024. Council and the City acknowledge that WM is providing poor service.

Council thanked her for raising this issue again.

ADMINISTRATIVE REPORTS

Strategic Plan Quarter 2 Report

City Manager Michael J. Ferris noted that this item was held over from last meeting. The City continues to make progress with Year 1 Strategic Plan tactics. The 1-page highlight document distributed in the agenda packet shows high level accomplishments.

Police Chief Jason Bollhorst, Parks and Recreation Director Lisa Kiser, and Public Utilities Director Jay Voyles shared accomplishments of note for Quarter 2.

- Police – The upgraded bodycam system purchased through Axon has features which support officers, with filming when they are out in the field, automatic activation, backup, and syncs up with phones for officer location tracking while in pursuit. Police are training on the system now.
- Parks and Recreation – Atrium Health is partnering with the City to purchase playground equipment at EE Waddell Community Center.
- Public Utilities – Through using the rebates through the electric cooperative, the department was able to invest it into converting the City's meters to the smart meter system, which is automated and can provide customers with data on their usage. Currently a little over half of the water meters are capable of the meter technology. For electric over 10,000 meters need to be installed which will be handled by a 3rd party contractor.

Council thanked staff for the update.

CONSENT AGENDA

Consider Street Closure for Still Running 5K Walk/Run

The Still Running 5K Walk/Run will occur on May 13th. Between 10:00 am and 2:00 pm the following street/s are being requested to be closed: Harris Street between West Main Street and North Street.

Consider Settlement Agreement for Illegal Dumping at the Landfill

The proposed agreement will offer Mr. Ford paying the City \$15,000 to cover portion of the cost the City incurred to settle this matter.

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

- Street closure for the Still Running 5K Walk/Run on May 13th; and
- Settlement agreement for \$15,000 for illegal landfill dumping case.

NEW BUSINESS

Resolution 23-03 – To Accept the Golden Leaf Foundation Grant to Study Long Creek

Council will need to adopt the resolution to commit to the \$250,000 Golden Leaf Foundation grant that was awarded to do a pilot watershed study of little Long Creek. The is a foundation grant requirement. This resolution shows the City’s commitment to fund mitigation recommendations that may come from the pilot study once completed.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry and unanimously carried, Council adopted Resolution 23-03.

[Resolution 23-03 -]

Consider Approval of the Contract with WK Dickson to Perform Study of Long Creek

City Manager Michael J. Ferris summarized this item for Council. Approval is needed to conduct the pilot watershed study of Little Long Creek. Enclosed as part of the agenda packet is an agreement with WK Dickson to manage and oversee the project. In response to Councilmember Bramlett about whether WK Dickson was responding to an RFP, Mr. Ferris noted that bids went out in 2020 when Council decided that it wanted to move forward with developing a stormwater management plan. From that original process WK Dickson was selected. WK Dickson has since taken the lead on stormwater-related business for the City including submitting grants for funding.

In terms of the agreement, it is lengthy and full of legalese, but that is necessary to provide the scope of work to be undertaken with this mapping study.

Public Works Director Ross Holshouser took further questions from Council. The Mayor noted that in the agreement there is mention of three bridges in the scope of work – which bridges? Can staff clarify where on the creek system they are? Mr. Holshouser specified that this grant will map the northern half of the Little Long Creek system, whereas the southern portion would be funded by federal ARPA pass-through funds through the state should the City be awarded a grant. He further announced to Council that it is favorable that the City would be awarded the state/ARPA grant. If the City does not get the state/ARPA grant, what is the backup funding source? That would be up to Council to decide.

Mayor Pro Tem Hall made a motion to approve the agreement with WK Dickson to conduct the pilot watershed study of Little Long Creek, which was seconded by Councilmember Dry. A

member of Council commented before the vote that it should be clarified that this agreement approval would cover the northern portion of the Little Long Creek system.

Upon a vote, the motion was unanimously carried and the agreement was approved.

Ordinance 23-03 – Amending the Alleyway Project Budget

City Manager Michael J. Ferris announced that Assistant City Manager Darren Rhodes would provide the update and current status of the project with Council. In November 2022 Council approved full funding for the Alleyway Project, by using ARPA funding to increase the contractor's scope to include work previously planned to be performed by the Public Works Department. Mr. Rhodes thanked Mr. Holshouser for managing the project up to this point, and also mentioned the efforts of Public Utilities Director Jay Voyles and Finance Director Jacob Weavil in supporting the infrastructure and financial aspects of the project.

Tonight Council will be considering the budget ordinance and bid by NJR Group.

The budget amendment ordinance would increase the project budget for the following:

- Construction contract with NJR Group - \$837,595
- Electric Fund estimated costs - \$150,000
- Other costs (WiFi, engineering, landscaping, etc.) - \$77,000

Per Council's requests, additional funds for this project are to be drawn from the American Rescue Plan Act (ARPA) funds. Total funding sources for this project are as follows:

- ARPA funds - \$864,145
- General Fund - \$98,000 (previously funded)
- Electric Fund - \$97,450 (previously funded)
- Private grants - \$5,000 (Albemarle Downtown Development)

The total project budget is \$1,064,595.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley and unanimously carried, Council approved Ordinance 23-03 to amend the Alleyway Project budget.

[Ordinance 23-03 – Amending the Alleyway Project Budget]

Approval of the Alleyway Construction Bids

For the revamped bid for the Alleyway Project NJR Group submitted the low bid of \$837,595, which is a revised bid from their original bid in 2021. Increases in the bid amount reflect the additional scope approved by Council in November 2022. Approval of the bid, budget ordinance, and notice of award will allow NJR Group to obtain surety bonds and return a signed contract to the City for consideration in March.

Mayor Pro Tem Hall noted that this project has been referred to by three different names over the past few years. Council should make a decision on its name. Councilmember Bramlett added his opinion that the name should reflect an earlier era of the City's history. Mr. Ferris replied that there has been no official name given to the project yet, but that Council can discuss and consider a name at any time. The Mayor added that this could be placed on the agenda in the next few Council meetings.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall and unanimously carried, Council approved the lowest bid of NJR Group for the development of the Alleyway Project contingent on Council providing an official name to the project.

[insert bid sheet here]

Information Regarding Parking Area Redevelopment

The Mayor provided an update to Council. The area in question is behind the Residences Apartments through to the Stanly County History Center. Council has agreed to perform the work in the area behind the Residences Apartments to the History Center. The estimate for the full project concept has been received and totals \$458,000.

While easements are being secured, staff is meeting to see what parts can be performed by the City which would reduce the cost. The engineer's estimate is based on the concept. Estimates would be refined if construction plans are developed. Construction plans would not be authorized until all easements are secured and the City has identified the source of the funds. In the meantime the City will be able to proceed with repaving the existing former hotel parking area when the construction contractor is out of the way. This will allow for tenants to park in this area once again and allow time for decisions to be made regarding the larger project.

Consider Attendance at Stanly County COG Meeting – February 28th at 6:30 pm

The next Stanly County COG meeting will be held in New London on February 28th. The Mayor asked for a response from Council on attendance so the clerk can RSVP by tomorrow. Seven of the 8 members of Council indicated they would be attending.

COMMENTS

Councilmember Townsend

- He noted that Albemarle will have a very busy weekend this coming weekend with the premiere of Social Saturdays, the Winter Wine Festival, and the grand opening of Uwharrie Brewery.
- Last Tuesday EE Waddell hosted a seniors Valentine's Ball which was very well attended. He gave a shout out to Billy McRae and EE Waddell staff for a job well done.

Mayor Pro Tem Hall

- She asked for an update on tranche #1 and tranche #2 ARPA funding to date at an upcoming Council meeting.
- Relating to the emergency radios Council approved recently, she wondered if it would be better for the City to enter into a lease agreement with Motorola while under warranty since there is a limited life to the radios.
- She noted that per a comment made to her, she looked at handicapped parking at the Albemarle Neighborhood Theater. Since apartment residents tend to fill up the handicapped spaces, maybe staff can look into additional handicapped parking there.
- Relating to the Heart of Albemarle building, it's an eyesore, and the City needs to answer to the public regarding the state of the building.

Councilmember Dry:

- Thoughts and prayers go out to Kellie Pickler at this time. Folks in Albemarle wish her all the best.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consult with the City Attorney and William Furr and Summer Jordan v. City of Albemarle et al, N.C.G.S. 143-318.11(a)(6) Personnel, and N.C.G.S. 143-318.11(a)(9) security plans.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hunt, unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consult with the City Attorney and William Furr and Summer Jordan v. City of Albemarle et al, N.C.G.S. 143-318.11(a)(6) Personnel, and N.C.G.S. 143-318.11(a)(9) security plans.

There was nothing to report.

The Mayor called a motion to approve the January 23, 2023 closed meeting minutes as corrected.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, the motion passed.

The Mayor announced that Council would adjourn to Monday, March 6, 2023 at 6:30 pm in City Hall and called for a motion to adjourn.

Upon a motion by Councilmember Dry, seconded by Councilmember Hunt, unanimously carried, the meeting was adjourned.