

REGULAR MEETING CITY COUNCIL

February 6, 2023

The City Council of the City of Albemarle met in a regular session on Monday, February 6, 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.

Consider Approval of January 23, 2023 Regular and Closed Session Meeting Minutes

Council did not consider minutes for January 23, 2023 Regular or Closed session meetings.

AGENDA ADJUSTMENTS

There were no agenda adjustments.

ANNOUNCED DELEGATIONS

Josh Hicks and Others – To Discuss Text Amendment to Establish Bars Downtown

Joy Almond, Main Street Manager and Director of ADDC introduced Josh Hicks from Badin Brews, Colton Baker from Uwharrie Brewing, Garret Starnes from Tomahawk Throwing Range, and DJ Zelensky from Armadillo Axe Throwing, who requested a text amendment to the City zoning ordinance that would allow bars in the downtown. Mr. Hicks said that he purchased Badin Brews to stimulate the economy and that since he has been in Albemarle he has noticed the downtown has become more vibrant. Councilmember Bramlett asked for a definition of bar. Mr. Hicks responded that a bar is an establishment that can serve alcohol but not food and that whatever restrictions can be removed would help to provide greater flexibility. Colton Baker said that this is a good opportunity for people downtown. DJ Zelensky said he wants people to enjoy downtown and believes this change would be consistent with the Social District provisions and will be good for business.

A resident who lives on 4th street spoke against making changes that would allow bars in the downtown. She said that since alcohol had been introduced, she feels there has been an increase in crime.

Following the comments from the announced delegation, Planning and Development Services Director Kevin Robinson requested that if Council would like for him to proceed with the

process of developing language for an ordinance change it would be helpful for them to voice any concerns they might have in order that he and planning staff can tailor the amendment language in a manner that addresses these concerns. Mayor Pro Tem Hall submitted that this was just the first step of a process that requires a public hearing. Also, the Mayor Pro Tem asked that Mr. Robinson look at the Planner listserve to see what all the options for addressing this issue. Councilmember Dry concurred with the Mayor Pro Tem as did Councilmember Whitley in expressing their interest in seeing what other cities allow. Mr. Hicks said that although the changes to state law are relatively new for bars there are number of new bars that have opened in neighboring cities such as Asheboro, Salisbury, and Concord.

Mike Hargrove – To Discuss Traffic Concerns at Wiscassett Street and Carolina Avenue

Mike Hargrove spoke to Council about traffic concerns at Wiscassett and Carolina. He was concerned about people pulling out into traffic due to limited visibility and speeding. Mayor asked Police Department and Public Works to investigate this issue.

UNANNOUNCED DELEGATIONS

Donald Long – To Discuss Concerns with Group Home Development

Donald Long 1910 Hemlock Drive spoke to Council about an email sent to him from Billy Mills. In the email he said that Travis Swain, Senior Planner, clearly stated that a recent group home application was granted in error since the separation requirements in the City zoning ordinance for this land use were not met. Mr. Long stated further that Council should not have approved this application. The Mayor corrected this statement by clarifying that Council did not approve this application. Mr. Long requested that Council review and revoke the application to correct this mistake. Mr. Long further stated that he was concerned about property values and although he is not opposed to group homes wants the regulations followed. Following these comments from Mr. Long, Mr. Robinson spoke to Council and stated that Mr. Swain did everything “by the book” and took full responsibility for this issue. He also said that it was very difficult to track group homes since the definitions of various types of homes changes and the state often does not update maps that show where these homes are located.

Billy Mills 401 Brenda Drive spoke to Council next on this issue. Mr. Mills said he was not here to debate the nobility of group homes. He went on to say he has taught autistic students in the past. Mr. Mills read an email from Travis Swain dated 1/13/23 that Mr. Mills said demonstrated that the application for the group home should not have been issued. Mr. Mills submitted a master list of group homes compiled by the State which he said showed we have 38 group homes in Albemarle. He said that several group homes were closer than allowed by the separation requirements in the ordinance. He further stated that the property in question is scheduled to close on January 14. Councilmember Aldridge asked how group homes are processed. Kevin said that a simple coordination form is all that is required.

Lisa Long spoke to Council next and said that the home at 1900 Hemlock Drive would qualify for a group home facility as well and asked the Council to check on this property.

ADMINISTRATIVE REPORTS

Adam Kiker from LKC Engineering spoke to the Council about loan funds that have been received for I&I Phase 3 and the possible need to seek additional funding due to increased project costs. Mr. Kiker said that in order to proceed with the project at its present scope, and additional \$1,555,000 would need to be borrowed. The alternative to increased funding would be to reduce the scope of the project. The current scope includes replacing West Albemarle line that follows Little Long Creek and stops behind the DOT facility on NC Highway 73. Also, Mr. Kiker said the scope includes manhole replacement at several locations along 24/27 and replacement of the Five Points line under 2nd Street.

Mayor Pro Tem Hall referenced the Dellinger bid sheet and sought clarification on whether soft costs were included. Councilmember Bramlett asked why bid amount from Dellinger had changed. Mr. Kiker said that at the time of the bid prices were less than they are today and he said that at the time he was pleased with the bid. Councilmember Dry asked how could the scope be reduced? Mr. Kiker said that replacement of the Five Points line and Kingsley Road would be eliminated.

He stated that the three options before the Council were:

1. To reduce the scope and keep current budget,
2. To reduce the scope under 10% and increase the budget (would not require permission from Local Government Commission (LGC) or
3. Keep the current scope and increase the budget by \$1,555,000 (would require permission from LGC).

Councilmember Dry made a motion to adopt option 3 with a second from Mayor Pro Tem Hall. The motion was approved unanimously.

Agenda item 7 – b) Update 2nd Quarter Strategic Plan was continued by the Mayor to the next meeting.

Agenda items 8 – a) Utility Easement for Milton Drive and b) Ordinance 23-03 – Project Budget Amendment for Alleyway Project were also continued.

CONSENT AGENDA

Agenda item 8 – Resolution 23-02 to Consider Seeking State Approval for a ¼ Sales Tax Increased to Fund Streets.

Following discussion Councilmember Dry made a motion to approve the resolution with a second from Councilmember Whitley. The motion was defeated with the following Councilmembers

voting in favor, Dry, Whitley, and Townsend and the following Councilmembers voting in opposition, Aldridge, Bramlett, Hunt, and Mayor Pro Tem Hall.

COMMENTS

In comments from Council, Councilmember Aldridge offered congratulations to the Fire Department's graduates, Mayor Pro Tem Hall expressed gratitude to Human Resources staff for helping cover for Public Housing in assisting customers while Housing staff was temporarily utilizing office space in City Hall. Also, the Mayor Pro Tem offered congratulations to Fire Department graduates and encouraged sponsorship of Food Truck Fridays. Councilmember Whitley also lauded the Fire Department training program and asked where one could purchase a Wampus Cats Hat. Councilmember Dry expressed excitement over the Wampus Cats as well and submitted that the new baseball team will provide more reasons for citizens to come downtown.

Mr. Mills addressed Council again and asked how long it would take for the City Attorney Burch to report back on the issue of the group home that was discussed earlier in the meeting? The Mayor said that he would not tie the City Attorney's hands by asking for a deadline. Mr. Robinson said staff would work with the Attorney to report back in a timely manner. Councilmember Bramlett asked what exactly is being requested of the Attorney? City Attorney Burch said she would present options to Council about how to handle this issue.

CLOSED SESSION

At 7:59, upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett, 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 Polk v. City of Albemarle et al, 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 Mayor Pro Tem Hall, seconded by Councilmember Dry, 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 Polk v. City of Albemarle et al, N.C.G.S. 143-318.11(a)(4) Economic Development, and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

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

In open session there was a motion to adjourn to a Budget Workshop to be held on February 9, 2023 at the E.E. Waddell Center at 4:00 pm by Mayor Pro Tem Hall and seconded by Councilmember Dry. The motion was carried unanimously