

**REGULAR MEETING CITY COUNCIL**

March 6, 2023

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

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Mayor Michael called the meeting to order.

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Mayor Michael gave the invocation.

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**SPECIAL PRESENTATION**

Presentation of Centralina Regional Council Award of Excellence for the Fire Cadet Academy

The Mayor first made some remarks. The City won the award in the Cross-Community Collaboration category and the Fire Cadet Academy won the award for demonstrating the value of partnerships across communities to achieve better outcomes for their community. The Academy is the result of partnerships with Rowan-Cabarrus Community College and Stanly Community College. The Academy provides 18 weeks of instruction through classroom and hands on training led by City of Albemarle firefighters.

The Mayor called up Fire Chief Brewton, Assistant Chief Kenny Kendall, and Battalion Chief Jason Barbee.

Chief Brewton made some remarks. He said it was a great honor to be recognized and is humbled to receive the award. He thanked Public Information Officer David Fath for drawing attention to the Cadet Academy by publishing an article about it. He noted that when he came on as Fire Chief he wanted to address the issue of why Fire personnel were leaving. It was discovered that sending recruits to training externally and then having them retrained internally was not an effective way to retain new fire personnel. He, Assistant Chief Kendall, and Battalion Chief Barbee among others had a conversation with the City Manager about developing a City-based fire recruit training academy, and the concept took off from there.

Assistant Chief Kendall in his remarks recounted how he had approached Chief Brewton with the idea along with command staff. The colleges partnering with the City he considers the instruction engine for the Academy. He noted that AFD should be proud that 3 classes of the academy have been completed and not one recruit has left the department yet. He thanked Mr. Fath and his colleagues in the Fire Department for all their support.

The Mayor presented the award to Chief Brewton and the Fire Department crew in attendance.

Council congratulated the Albemarle Fire Department.

Councilmember Aldridge congratulated the Fire Department and Chief Brewton and noted that he attended the recruit graduation last month and noticed how first class and impressive it was. He thanked the Department for all that they do.

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The Mayor noted that in the review of minutes for Council consideration tonight, on the January 30<sup>th</sup> closed minutes his remarks should have noted an increase rather than a decrease.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend and unanimously approved, Council approved the minutes from the January 30, 2023 special meeting, the February 6 regular and closed meetings, the February 9, 2023 special meeting and the February 20, 2023 regular and closed meetings as submitted, and the January 30, 2023 closed minutes as corrected.

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**PUBLIC HEARING**

Ordinance 23-06 – To Enter into an Annexation Agreement with the Town of New London

Council conducted a public hearing and considered an annexation agreement for a lot (tax parcel 7061) owned by Efird Farms LLC, which was brought in front of Council last year. At that time it was discovered that the lot was closer to the corporate limits of the Town of New London.

The City Manager presented the overview of the agreement to Council. This agreement is the result of the Town of New London agreeing to cede that lot to the City of Albemarle. Both the Town of New London and the City of Albemarle governing bodies need to approve this annexation agreement in order for the lot to then be considered for annexation into the City of Albemarle at a later date. The Town of New London’s governing body is considering this annexation agreement this week also.

The Mayor opened the public hearing.

Danny Buchanan, residing at 983 US Highway 52 North in New London came forward. His property adjoins the lot in question near Carter Road. He had received a written notice from the City about this agreement. He is concerned that if the City and the Town of New London agree to the annexation agreement, eventually the development group could build there in a City of Albemarle R-10 district which could bring in up to 400 homes. That would tax the roads and schools, and is not in line with why he moved there. Mayor Pro Tem Hall asked Mr. Buchanan to show on the map provided in the agenda packet where his property was located. The Mayor stated that only the agreement with New London would be considered tonight and if both municipalities agreed to the annexation the City would then wait for the property owner to submit an application for annexation and rezoning to be heard by the Planning Zoning Board before Council considered the actual development of that property.

The Mayor asked if anyone else would like to come forward to speak.

Jody Cook came forward. He stated that he was in opposition to this agreement. Like Mr. Buchanan he expressed concern over more traffic congestion in the area, more density of home development, whether the City can handle and invest in future development there, as well as safety and security concerns. He suggested to Council that the County could maybe handle this rather than the City.

The Mayor asked Council if they had questions. Upon a question by Mayor Pro Tem Hall, Council discussed where the lot lines were for the property in question and their relative distance to the City limits. City Manager Michael J. Ferris estimated 100-200 feet between the lot line of the proposed lot to be considered for annexation between New London and Albemarle and the City of Albemarle City limits. Planning and Development Services Director Kevin Robinson came forward and stated that about a quarter mile from Highway 52 North there are 2-3 properties by Carter Road which are 800 feet from Clover Park Circle and the Gus Schad property which mark the City limits for Albemarle in relation to the lot in question.

Councilmember Aldridge expressed his concern much like Mr. Buchanan about possible housing and school density issues and fire and police protection. The Mayor reminded Council that they only were considering the annexation agreement tonight, and the next step should both municipalities approve the agreement would be to consider a potential petition for annexation and rezoning request.

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

Upon a motion by Councilmember Whitley, seconded by Councilmember Bramlett, and with 4 Council members in favor of the motion and 3 Council members against, Council approved Ordinance 23-06 for the City's interlocal agreement with the Town of New London for the right to annex tax parcel 7061 conditional upon the Town of New London governing body's approval. Mayor Pro Tem Hall, Councilmember Dry, and Councilmember Aldridge voted against the motion.

[Ordinance 23-06 - To Enter into an Annexation Agreement with the Town of New London]

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**ADMINISTRATIVE REPORTS**

Presentation of the FY 2022 Annual Comprehensive Financial Report

Ms. Jill Vang from Martin Starnes and Associates, P.A., L.L.C. presented highlights the Fiscal Year 2022 audit.

In general, the auditors reported an unmodified opinion for the audit, tested 2 programs for single audit reporting, worked with Finance to make sure City was reporting appropriately for leases, and established performance indicators and findings.

Specifically, Ms. Vang reviewed the following:

- General Fund balance broken down into restricted, non-spendable, assigned, and unassigned for a total of \$9,267,157. Councilmember Bramlett asked what restricted funds were, followed by an explanation by both Ms. Vang and the City Manager.

- Available General Fund balance between Fiscal Year 2021 and Fiscal Year 2022. The available fund balance against net expenditures showed less available in 2022 than 2021.
- Revenues of the General Fund primarily came from 2 sources: unrestricted intergovernmental and property taxes.
- Expenditures of the General Fund concentrated around public safety, public works, and other expenses not categorized.
- Enterprise Funds review comparing revenue and expenditures from 2021 and 2022 specifically going over the Electric and Water and Sewer Funds.
- Audit findings both positive and negative.

Ms. Vang and Finance Director Jacob Weavil took questions from Council. Mr. Weavil explained the audit finding around not having timely deposits. The finding was related to satellite City facilities rather than City Hall, where 95% of City proceeds flow.

In answer to a question about the audit being submitted late, Mr. Weavil replied that late last year the City requested an extension from the LGC which was granted. When asked why the City couldn't conform to the timeline this time, Mr. Weavil noted that 2 other compliance reviews for Public Housing held the Finance team from hitting audit timelines.

Mr. Weavil noted on the positive side, the City still has a General Fund balance which is well above the state minimum level, the quick ratios for Electric and Water and Sewer are good, there is a stable property tax revenue, and operating net income in the enterprise funds is good.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry and unanimously approved, Council accepted the Fiscal Year 2022 comprehensive financial report.

Update on the Walk of Fame Committee

The inaugural meeting of the Walk of Fame Committee will occur on Wednesday, March 22<sup>nd</sup> from noon until 2:00 pm in the Ray Allen Community Room in City Hall. Public notice will occur prior to the meeting.

Municipal Calendar

Council received a Council calendar covering March – June 2023. The Mayor asked if Council had any questions or comments.

Mayor Pro Tem Hall asked if there were any vacancies on boards and commissions at this point. There are vacancies on the Tree Commission, Historic Resources Commission and the Planning and Zoning Board. City Manager Michael J. Ferris noted that spring is the time for all boards and commissions to review their memberships in advance of the summer membership term expirations and that staff will begin working on membership review soon.

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**CONSENT AGENDA**

Consider Special Events Committee Recommended Date for the 2023 Albemarle Christmas Parade

Mayor Pro Tem Hall/ Main Street Manager Joy Almond noted that the recommended date is Saturday, December 9<sup>th</sup> at 4:00 pm, which was vetted with other municipalities in the county first before being considered by Council.

Consider Approval of the Use of Fee in Lieu Funds for Sidewalk Installation in the Parkwest Subdivision

Council would consider \$4,000 from Fee in Lieu funds for installation of 300 feet of sidewalk in Parkwest. Planning and Public Works staff proposed using \$4,000 from Pedestrian District 1 to install 300 feet of sidewalk on the north side of Parkwest Drive and Platinum Drive. This will close a gap in the sidewalk and connect to the new phase of development for a continuous 3,400 square foot sidewalk section through the neighborhood. The cost is approximately \$13 per linear foot and also covers materials. Labor cost will be covered by Public Works staff.

Mayor Pro Tem Hall called for a motion to approve the consent agenda, which was seconded by Councilmember Townsend.

Before the vote Councilmember Bramlett had the following questions/comments with responses noted:

- December 9<sup>th</sup> is too late for the Christmas Parade.
- He didn't understand why the City is paying for sidewalk construction for a development. The Mayor replied that the developer either pays for sidewalk construction outright or pays into the fee in lieu fund for the City to complete the service.

Upon a unanimous vote, Council approved the following:

- The 2023 City Christmas parade date of December 9<sup>th</sup> at 4:00 pm and
- The use of \$4,000 from Fee in Lieu funds for installation of 300 feet of sidewalk in Parkwest.

After the vote Mayor Pro Tem Hall noted that the date for this year's Christmas Parade is the same date as last year. She then announced to Council that another member of Council is needed to sit on the Special Events Committee which meets the 3<sup>rd</sup> Wednesday of the month at 6:00 pm in the Niven Center.

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**NEW BUSINESS**

Information – City Council Approved ARPA Funding

City Manager Michael J. Ferris noted that Council recently took action to appropriate additional ARPA funds and was asked to provide an update on authorized projects/expenditures.

Approved 1<sup>st</sup> tranche:

- Safety and Risk Manager - \$65,000
- Public Housing Free Wi-Fi - \$50,000
- Downtown Free Wi-Fi - \$150,000
- Downtown Alleyway Project - \$250,000
- Downtown Alleyway Project - \$250,000 (formerly park study)
- Downtown Business Grants - \$150,000
- Part-time position for ARPA reporting and tracking - \$50,000
- Water and Sewer Infrastructure at ABC - \$1,600,000

Approved 2<sup>nd</sup> tranche:

- Radio Replacement - \$1,800,000
- Long Creek Stormwater Study - \$250,000
- Facility Safety and Security Improvements - \$140,000
- Downtown Alleyway Project - \$300,000

Mayor Pro Tem Hall noted that she requested this update so that new Councilmembers would understand the background of the City's actions to date on ARPA funding. She asked a series of clarification questions about the breakdown amounts for both tranches. The City Manager noted that some of the figures are actual and some are estimated.

Mayor Pro Tem Hall asked again if there was consideration for a lease agreement for the radios. The Mayor replied that Chief Brewton is researching this option.

Information – NC League of Municipalities (NCLM) Annual Conference

The NCLM CityVision Conference will be held April 25-27, 2023 in Concord.

The location is the Embassy Suites by Hilton Charlotte Concord Golf and Spa on 5400 John Q. Hammons Drive NW in Concord.

Council needs to work with the Clerk to register for the conference.

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**COMMENTS**

Mayor Pro Tem Hall:

- She stated that she went to an event at the Albemarle Neighborhood Theater over the weekend and noticed that in fact the handicap parking spaces were already filled. She suggested that staff look into developing more handicap parking spots in this area.

- Related to the Heart of Albemarle property, what can the City do with it at this point? The City Attorney can work with the Code Enforcement Officer to get an update on the property.
- Will Retail Strategies be in Albemarle in June? The City Manager confirmed that the visit is scheduled for June. There have been no updates by Retail Strategies recently but when they are received, they will be passed on to Council.
- She announced that the PIO put up a post on social media to have the residents suggest names for the Alleyway Project, and the due date for submitting names is March 15<sup>th</sup>.
- She noted that she and the Mayor have received complaints about a tent city that has been erected on Highway 24/27. The City Manager replied by stating that Police Chief Bollhorst and he have visited that area and have noticed crude shelters there. The City is looking into finding out on whose property this is sitting. Staff have also worked with Code Enforcement to reach out to NCDOT in case it's their land to support efforts to remove the encampment there.
- She noted that a fire hydrant has been knocked down near Pet Smart. Battalion Chief Barbee replied that the Fire Department is aware of it.
- She noticed last Friday that tree lights were not showing on some of the trees along North and South 2<sup>nd</sup> Street, The City Manager explained that there are some trees that so not have lights wrapped around them because they are young and might not grow if wrapped with lights, but that the Public Works Department will check it at night. For a follow up question related to taking trees down on Highway 52, Public Utilities Director Jay Voyles stated that new trees have been ordered.
- She inquired about reverting back to a department head report out meeting with Council for the current budget process. The City Manager replied that this process has occurred as part of the strategic plan/budget process Council has been engaged in so far, with the February 9<sup>th</sup> budget meeting moving forward department budget priorities via the strategic plan tactics Council saw and voted on that night.

#### Councilmember Whitley:

- He congratulated the Fire Department for their award from Centralina Regional Council. They should be proud.
- He congratulated Joy Almond and City staff for the successful Winter Wine Festival.
- He also noted that this past Saturday had other events going such as the grand opening of Uwharrie Brewery and was very busy with a lot of social activities.

#### Councilmember Dry

- He provided a eulogy for Mr. Smith who recently passed away. Mr. Smith became an influential lawyer elsewhere in the state. He is one of many local natives of Albemarle who although moved away and became successful still made good in the community.

Mayor Pro Tem Hall announced that former Assistant Police Chief Jesse Huneycutt's teenaged son won a running competition and now has started a GoFundMe page for a Nike national running competition in case anyone is interested in supporting him for the Nike event.

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**CLOSED SESSION**

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, 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 N.C.G.S. 143-318.11(a)(6) Personnel.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Aldridge seconded by Councilmember Bramlett, 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 N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

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Upon a motion by Councilmember Aldridge seconded by Councilmember Bramlett, unanimously carried, Council adjourned to Monday, March 20, 2023 at 6:30 pm in City Hall.