

REGULAR CITY COUNCIL MEETING

March 20, 2023

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

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett and unanimously carried, the minutes of the March 6, 2023 regular and closed sessions were approved as submitted.

PUBLIC HEARINGS

Ordinance 23-07 – Request to Rezone a Portion of 330 North Second Street from NBD/Neighborhood Business District to RO/Residential Office (ZMA-23-03)

Council conducted a public hearing to consider a request to rezone a portion of 330 North Second Street (tax parcel 24431) from NBD/Neighborhood Business District to RO/Residential Office. The lot in question is slated to become duplex/multi-family housing.

Senior Planner Travis Swain presented the rezoning request to Council. The applicant intends to rezone .48 acre portion of this lot to RO/Residential Office in order to reuse and revitalize the Sinclair Building for duplex/multi-family housing. Staff's recommendation noted that given the rezoning request in relation to the 2028 Land Use Plan, the request has merits and is consistent with the Plan.

The Planning and Zoning Board in March meeting voted unanimously for the approval of the rezoning request with the consistency statement.

The Mayor asked if Council had questions. Councilmember Dry asked if there was any environmental testing being done on the property. To the best of the Planning Department's knowledge, there is no such work being done.

The Mayor opened the public hearing.

The Mayor asked if the applicants, John T. Williams or David E. Scarboro wanted to make remarks. Mr. Williams came before Council to make a statement and answer the environmental testing question. Environmental testing was done a few years ago and came back clear. He distributed to Council a rendering of the proposed duplex/multi-family dwelling and noted that the proposed dwelling would be housing for his two grown sons.

The Mayor asked if anyone else wanted to speak. No one came forward.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, Council approved Ordinance 23-07 which contains ZMA-23-03, with the following consistency statement:

The Albemarle City Council finds the action to amend .48 acre portion of tax parcel 24431 from NBD/Neighborhood Business District to RO/Residential-Office Re-Use District to be consistent with the adopted 2028 Land Use Plan. Council finds the RO/Residential-Office Re-Use District zoning on this parcel to be reasonable and in the public interest.

[Ordinance 23-07]

AGENDA ADJUSTMENT

Mayor Pro Tem Hall requested that a closed session to discuss personnel be added.

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

ANNOUNCED DELEGATION

Marilyn Wells, Waste Management – To Provide Update on Services

Marilyn Wells, along with Tim Davis, Travis McClung, and Kurt Dutton, came in front of Council to provide an update on WM collection service issues. The last time WM was in Front of Council earlier this year, the group provided commitments regarding staffing, customer service, and collection improvements.

Ms. Wells noted that since their last appearance in front of Council, new drivers have been hired to cover routes and are being trained. She then turned over further updates to Tim Davis, a district manager.

Mr. Davis introduced himself as a District Manager covering a region which includes Albemarle and a few other municipalities. Since December 2022, 6 drivers have been hired, and 4 are now on routes. Seasonally WM is transitioning from leaf collection to limb collection. In Albemarle WM's focus is on consistent service. He then took questions from Council.

Councilmember Aldridge commented that on roads leading to the City's landfill, there always seems to be trash on the side of multiple roads like Park Ridge and Ridge Streets, and wanted WM to address whether blowing trash from WM trucks might be a source of that roadside trash. Mr. Davis stated that drivers are instructed to break off at a certain truck capacity to dump into the landfill and to check that their hopper lids are closed. In response to Councilmember Aldridge's comment and question, drivers are adjusting to checking hopper lids more frequently.

Mayor Pro Tem Hall asked what the specific updates are from the end of 2022. Two additional drivers have been hired for Albemarle, 1 on route and 1 in training. What is the number of trucks in the Albemarle fleet? There are 3 trash trucks, and 1 each for recycling, leaf/limb collection, and bulk trash collection. What are the hours the customer service representative takes calls? The representative works Monday-Friday 8:00 am until 5:00 pm. Where is that office based? In Granite Quarry. What is the turnaround time from call received and pick up? All manager level representatives have shared access to a call log spreadsheet, and from time of entry into that log there is a 1-day turnaround timeframe. Who is in the City of Albemarle on a regular basis among the group? None live in Albemarle and all but Kurt Dutton typically work elsewhere. Mr. Dutton is in Albemarle overseeing drivers and routes daily throughout the week.

Councilmember Aldridge raised a complaint about missed limb pick up at Bluff and 2nd Streets. That limb pile has been sitting for 2 months. However once he called WM, pick up occurred quickly. Why does it take someone interceding with WM from the City to get the pickup done? Ms. Wells replied that sometimes there could be an access issue such as a barrier to the truck being able to get close enough to complete the pick up.

Councilmember Whitley asked if there was a limit for a limb/brush pile before WM would not be able to perform pick up. Ms. Wells replied that over 4 cubic feet, or the equivalent of what can fit inside a bed of a truck, is the limit of the pile that can be picked up.

Council thanked the Waste Management team for the update.

UNANNOUNCED DELEGATION

Dion Brooks, Founder – Stanly Avengers Inc. - Follow Up on Signage for The Kingville Project

Mr. Brooks came in front of Council to provide them with his specific request for the City to assist with the cost of erecting 5 marker signs in Albemarle related to historic Kingville structures. Council had a copy of a document detailing costs distributed to them.

Mr. Brooks reviewed the Kingville Project and his proposal and then distributed a modified document to Council. He then proceeded to read aloud the text he proposed for the signs and then took questions from Council.

Mayor Pro Tem Hall commented that some of the text may not fit on the signs per the dimensions. Mr. Brooks replied that the signage dimensions are based on the amount of text and so the dimensions he quoted in the handout take into account the amount of text.

The Mayor confirmed with Mr. Brooks that the total cost of the signage would be closer to \$20,000.

Per a question by Councilmember Aldridge about the source from which this quote was generated, Mr. Brooks replied the company is Sewah Studios out of Ohio.

Per questions from Mayor Pro Tem Hall and Councilmember Townsend about whether the private owners of the old schoolhouse property have been notified of the request and signage

placement, Mr. Brooks noted that the owners are not aware yet, but that he is in process of trying to contact them now.

Councilmember Bramlett asked if other local historians have checked this text. Mr. Brooks replied that he has been working with Mr. Lewis Bramlett on the research and the text related to these properties.

The Mayor stated that next steps would be Council forming a committee to review this request, who will contact Mr. Brooks to engage with them on a path moving forward.

Council thanked Mr. Brooks for updating them on this project.

ADMINISTRATIVE REPORT

Update on the Purchase of Radios

City Manager Michael J. Ferris provided background on this item. Council approved the use of ARPA funds for the acquisition of new radios. Fire Chief Brewton has served as the point of contact with Motorola. Per previous communication the price had been \$1,800,000. Negotiations with Motorola have resulted in the City receiving a quote for purchase of \$1,501,711.33. The City is prepared to make this purchase.

Per recent suggestion by Council for researching the potential to lease the radios, Chief Brewton inquired with Motorola. Motorola quoted a 5-year lease term with an annual payment of \$347,945.20. Over the term the total payment would be \$1,739,726.

It is the City Manager's recommendation to Council to proceed with the outright purchase rather than incur finance charges.

Mayor Pro Tem Hall explained that she requested this to come back on the agenda because it has been her intention to explore the leasing of the radios to potentially have upgrades occur under lease. She also commented that until this time, the City previously handled ongoing needs like radios as a budgeted line item in the General Fund rather than using ARPA funds. She wanted to go on record that she believes this radio purchase is not a good use of ARPA funds.

NEW BUSINESS

Consider Request from NJR Group for a Change Order for a Construction Timeline

Extension

Previously Council was made aware that this change order for a contract extension would be forthcoming. In the agenda packet there is a letter from the contractor NJR Group requesting the contract extension to be amended to October 1, 2023.

The City Manager announced that the intent was to have Mr. Steven Chambers from Chambers Engineering make the presentation, but he is not in attendance tonight.

Council discussed whether it would be advisable to table this item until representatives from Chambers Engineering could be present.

Mayor Pro Tem Hall made a motion to table the item to the next Council meeting, which was seconded by Councilmember Aldridge.

Councilmember Dry asked if this item in front of Council would prevent the NJR Group from moving forward with contracted work. The City Manager replied that this change order request would not impact NJR Group's work timeline on the project.

Upon a vote, with 3 Council members for the motion and 4 Council members against, the motion failed. Council members against the motion included: Townsend, Dry, Whitley, and Bramlett.

Councilmember Bramlett made a motion to approve the change order for the construction timeline extension by NJR Group, which was seconded by Councilmember Townsend. The motion passed with a vote of 4 Council members for the motion and 3 Council members against. Mayor Pro Tem Hall and Councilmembers Aldridge and Hunt voted against the motion.

Approval of Bids for Albemarle Business Center Electric Underground Construction

The City Manager provided the summary to Council. On September 27, 2022 sealed bids were opened for the Albemarle Business Center electric underground construction contract. The low bidder was Dynatek Solutions with a bid of \$371,508.85. Once the bid award is approved, staff will then proceed with execution of the contract so that construction can begin. There needed to be coordination between the general contractor to ensure the electrical work did not interfere with their work and schedule.

Public Utilities Director Jay Voyles took questions from Council. Mayor Pro Tem Hall clarified with Mr. Voyles that although the bid occurred 6 months ago it is still good. Per the bid sheet, she commented that the bid sheet appears as though there are not direct comparisons in terms of scope work among the 3 bidders. Mr. Voyles noted that 1 of the bidders was an outlier but that Public Utilities is comfortable moving ahead with Dynatek Solutions.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, unanimously carried, Council awarded the Albemarle Business Center electric underground construction contract bid to Dynatek Solutions in the amount of \$371,508.85.

[insert bid sheet here]

Consideration of Kayak Self-Service Rental at City Lake Park

Parks and Recreation Director Lisa Kiser came in front of Council to present an overview of a kayak self-service rental kiosk at City Lake Park, including the upfront financial impacts, how the program works, the maintenance/upkeep of the equipment, and how the program can be expanded.

Ms. Kiser, via a handout distributed to Council, walked through the self-serve kiosk rental procedure, what comes with a rental (life vests and paddles are included in the rental of the kayak, and are all available in the rental locker), and the product the City of Albemarle is proposing to purchase. The City will purchase a smart locker system which includes 4 kayaks which does not need a concrete pad.

The company will handle maintenance and inspections of the smart locker system. In terms of liability, the renter will sign a digital waiver when renting the kayak. The company Rent Fun will assume all liability for this program. Rent Fun also will place the City on its insurance policy for the program.

The smart locker is expected to be placed near the dock at the boat launch. The recommended price per rental is approximately \$15 per hour. Using that rental fee rate, the program should pay for itself in 3 years.

Ms. Kiser took questions from Council. How much is the cost for this? The cost would be \$16,000, with \$6,000 budgeted for this fiscal year, and \$10,000 to be budgeted for the program in the next fiscal year.

Are there proceeds for the City? Yes, there will be proceeds that the City receives. Based on the market rate the City will see proceeds of 50%. Ms. Kiser estimates the City proceeds to be \$3,000 for a season.

What happens to the locker system in the off season? Because the locker system has a corrugated roof, it is anticipated that Parks and Recreation can leave the locker system outside year-round.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved a kayak self-service rental kiosk at City Lake Park.

Discussion of Potential Names for the Alleyway

City Manager Michael J. Ferris presented this item to Council. Per an online process, potential names for the alleyway were gathered and are being presented to Council. The list of names gathered was detailed in the agenda packet.

The Mayor recommended that the next step would be for Council to send Public Information Officer David Fath their top 3 names from the list by March 25th.

Information – The Town of New London Voted Down the Proposed Annexation Agreement

City Manager Michael J. Ferris provided the update to Council. The proposed agreement was not approved by the New London Town Board on March 7th. State law does not allow the voluntary annexation of an area closer to another municipality's primary corporate limits. With the denial of the proposed agreement, the property cannot be annexed by the City of Albemarle.

COMMENTS

City Manager Michael J. Ferris:

- He called up Public Utilities Director Jay Voyles for an announcement. Mr. Voyles announced that 2 leadership positions in Public Utilities have been filled by longtime department employees. The new Assistant Public Utilities Director is Bryan Hinson, who has worked in the department for 20 years with increasing levels of responsibility, most recently as Water Resources Manager. The new Electric Division Superintendent is Bryan Chandler who has been with the City for 20 years and has developed relationships with key partners like Electricities which will help him in his new role. Council congratulated both men for their promotions.

Councilmember Bramlett:

- He made a plug for Courthouse Plaza for the alleyway name.

Mayor Pro Tem Hall

- She stated that if departments were to be heard in terms of their budget needs Council would need to hear from them soon.
- She noted that she attended a stormwater management workshop sponsored by City of Charlotte-Mecklenburg County, and that 1 of the panelists was the mayor of Spencer who had very good comments about stormwater financing and processes.
- She noted that she requested from the City Manager the cost of a City employee as a means to show new job candidates, as well as active employees, what the City is investing in them.
- She requested an update on the status of the City's technology issue.

Councilmember Hunt:

- He stated that he would like to see departmental budget requests.

The Mayor noted to Council that there is revolving fund training coming up for the utility fund set up by the state and that they all should plan to participate.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hunt, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, 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)(6) Personnel.

There was nothing to report.

The Mayor announced that Council would adjourn to Monday, April 3, 2023 at 6:30 pm in City Hall and called for a motion to adjourn.

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