

REGULAR MEETING CITY COUNCIL

April 17, 2023

The City Council of the City of Albemarle met in a regular session on Monday, April 17, 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, and David Hunt. Absent: Councilmember Benton Dry.

The Mayor called the meeting to order.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, the minutes of the April 3, 2023 regular meeting were approved as submitted. Per Mayor Pro Tem Hall's request, Council would review closed meeting minutes from April 3rd in closed session tonight.

ANNOUNCED DELEGATIONS

Mr. Jerry Thompson, 1427 Salisbury Avenue – To Request the Closure of a 15-Foot Unopened Right of Way

Mr. Thompson came in front of Council to request closure of a 15' right-of-way between his home at 1427 Salisbury Avenue and his neighbor, Cornelia Brown's home at 1417 Salisbury Avenue.

The City Manager provided an overview of the City's research on the request to date. Mr. Thompson has told members of City staff that he is under the impression that conversations with the City were held in 1997 and that it was abandoned by the City in 1997; however, there is no record of this occurring. Mr. Thompson has structures currently encroaching into the right of way. The City has no record of any City infrastructure utilizing this right of way, and no concerns were expressed about a potential abandonment by Public Utilities or Public Works.

There currently is a wider, 50', unopened right of way to the rear of Mr. Thompson's property and connected to this portion of right of way that is listed in GIS records as Meadow Ave. This is partially used for driveway access to a property to the west and has potential for use by existing homes and/or development in the future. Planning Staff would not recommend this 50' right of way be closed. A survey showing metes and bounds should be produced prior to abandonment so that these two can be separated.

After a discussion about what Mr. Thompson needs and what the City needs in order to proceed with Mr. Thompson's request, Council agreed that the next steps would be for

Mr. Thompson to provide the Planning and Development Services Department with the metes and bounds of the alleyway in question in order for Council to be able to consider the matter further in a future meeting.

CONSENT AGENDA

The Mayor asked if Council wished to remove any items from the consent agenda. Mayr Pro Tem Hall requested that the setting a public hearing for an annexation request be pulled out of consent agenda.

National Day of Prayer 2023 Proclamation

City Council is being requested to adopt a proclamation designating May 4, 2023 as the National Day of Prayer in Albemarle.

[Proclamation – National Day of Prayer 2023]

Consider Road Closures for the 2023 Pfeiffer University Falcon Night Out

Pfeiffer University invites alumni and friends to Falcon Nite Out on Friday, September 26, 2023 from 5:00 pm - 9:30 pm in Downtown Albemarle. Local restaurants and business will be offering specials for the evening. Food Trucks and beer garden will be available at 6:30 pm.

Road(s) requesting to be closed:

- 2nd St from W. Main St. To North St.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved the following:

- Proclamation setting May 4th as National Day of Prayer for the City of Albemarle; and
- Road closures as specified within the special event permit application for the Pfeiffer University Falcon Nite Out on Friday, September 26, 2023.

Setting a Public Hearing to Consider a Petition for Annexation

AX-23-01 is a requested annexation of approximately 100 acres on Hwy 73 and City Lake Drive. The owners/applicants have previously had a conditional zoning approval of a subdivision with Stanly County. Due to sewer issues they have brought this development for consideration as a new annexation into the City.

Unlike other annexations and subdivisions the City typically receives, this request will be to consider annexing an already approved subdivision. City Planning, Utilities and Admin staff have worked with the applicants to prepare a development agreement that would allow the developer to keep their subdivision as proposed with some changes as required by City staff to meet City development standards to a reasonable extent. These changes/conditions will be detailed in the development agreement presented at the hearing, which will need to be approved at the May hearing before annexation and zoning can be considered.

Mayor Pro Tem Hall went on record for her opposition to moving this annexation request forward.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, with 5 Council members in favor of the motion and 1 against, Council adopted Resolution 23-04 setting a public hearing for Monday, May 15, 2023 to consider a requested annexation of approximately 100 acres on Hwy 73 and City Lake Drive.

Mayor Pro Tem Hall voted against the motion.

[Resolution 23-04 – Setting a Public Hearing for Annexation]

UNFINISHED BUSINESS

Naming of Alleyway

This item was held over from the previous meeting.

Choices made by Council include:

- Hitching Post, Hitching Post Plaza, City Walk
- Hitching Post Alley, Albemarle Alley, Courthouse Alley
- Courthouse Plaza, City Square Plaza, Courthouse Alley
- Courthouse Plaza, Courthouse Plaza, Courthouse Alleyway
- Back Street Alley, Kings Alley, City Square Alley
- Junction on Main, Wiscassett Way, Mill Town
- Social District Plaza, Social District Plaza, King Alley
- City Square Plaza, Courthouse Plaza, Carriage Way Plaza

The Mayor distributed 2 different design drawings from the contractor of how the sign for the alleyway project would look with a short name and a long name.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett and carried with a vote of 4 Council members for the motion and 2 against, Council approved the name Courthouse Plaza for the alleyway project. Councilmembers Townsend and Hunt voted against the motion.

Councilmember Townsend went on record stating he was against naming the alleyway project Courthouse Plaza because it seems like there are too many courthouse related names downtown already.

NEW BUSINESS

Consider Bids for Street Preservation and Maintenance Contract

City Manager Michael J. Ferris summarized the street preservation bid process and staff’s recommendation. On February 14, 2023, City staff held a bid opening for the FY22/23 Pavement Maintenance Re-Surfacing Project. Only two bids were received at that time, so the project had to be readvertised. Bids were received on April 11th at 2:30 pm. and again, only two bids were received. Per State bid laws, we were permitted to open the bids after this second attempt.

The bids received were as follows:

- JT Russell & Son, Inc.: \$951,466.00
- NJR Group, Inc.: \$1,079,267.45

The agenda packet contained the official bid tabs that were received on Tuesday, April 11th, the proposed Street list to be resurfaced, as well as the Notice of Award for acceptance. It is staff's recommendation to award the contract to the lowest and responsible bidder, JT Russell & Son, Inc. in the amount of \$951,466.00.

Public Works Director Ross Holshouser took questions from Council. What is the difference between the City performing the streets work and contractors doing it? City crews do not have the expertise to perform street milling, so this work must be outsourced. When the outsourcing of milling occurs, the resurfacing would not occur immediately by City crews, and it was therefore felt it was best to have all the work completed at one time in one contract.

When would street work start? The only item left to obtain is a performance bond before the work can begin, so the estimate for a start timeframe would be in a month or two from now.

Per a request by Mayor Pro Tem Hall the Mayor read off the streets which would be resurfaced this year. The streets list was also contained in the agenda packet.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett and unanimously carried, Council approved the low bid of JT Russell & Son, Inc. with their bid of

\$951,466.00 and the contract for street preservation and maintenance as submitted.

[bid tabulation sheet]

Discuss Award of Long Creek Stormwater Grant

City Manager Michael J. Ferris summarized the state stormwater grant notice of award.

The City received a letter of award from North Carolina Department of Environment Quality/ Division of Water Infrastructure, for their intent to fund a stormwater planning study. At the direction of City Council, WK Dickson & Co. applied for a planning grant funded by the American Rescue Plan Act (ARPA) that would fund a pilot study of the lower portion of Little Long Creek. The \$400,000 ARPA grant award is fully funded and will require no matching funds. This grant funding and project is separate from the earlier awarded Golden Leaf Grant that will fund the upper portion of Little Long Creek.

In all, the City of Albemarle has been awarded \$650,000 in grant monies and matched up to \$250,000 in City ARPA funds to conduct watershed pilot studies within our jurisdiction. That totals \$900,000 in studies that have no burden on current or reoccurring revenues. Council will need to formally accept the award and a project scope will need to be submitted.

Mr. Ferris noted the fifth paragraph in the award letter as a consideration to accepting this award:

"This project included a commitment that by completion of this project your governing body will have adopted a stormwater management plan for the study area. This completed plan and documentation of adoption must be submitted to the Division by July 1, 2026."

The Mayor asked whether Council adopting a stormwater plan would require them to include a fee. Public Works Director Ross Holshouser noted that the State, like the Golden Leaf Foundation, will expect that the City will address some of the mitigation findings as a result of the study. Addressing issues raised would involve funding projects.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and carried with a vote of 5 Council members for the motion and 1 against, Council approved an award totaling \$400,000 from North Carolina Department of Environment Quality/Division of Water Infrastructure to fund a stormwater planning study, as well as the condition they would adopt a stormwater management plan by July 1, 2026.

Councilmember Townsend voted against the motion.

Consider Request for Sanitary Sewer Extension Outside of the Corporate Limits of Albemarle

Public Utilities Director Jay Voyles came in front of Council to discuss the request for sanitary sewer extension outside of the City limits of Albemarle based on his memo which is contained in the agenda packet.

A developer (Lennar Homes) has approached the City of Albemarle Department of Public Utilities with the request to extend public sanitary sewer services outside of the corporate limits of Albemarle. Pfeiffer-North Stanly Water Association (PNS) would be the retail water purveyor for this property as they have public water infrastructure adjacent to the development to be served. PNS does purchase water, in bulk, from the City of Albemarle. The developer would pull their primary source of water off of US Hwy 52 North and the developer would be required to extend public water services along Carter Rd and pull in on the rear side of the development north of Saw Mill Road as well.

The future customers of this development would be "sewer-only customers" to the City of Albemarle since other providers would be serving electric and water. The City would have to acquire the water usage reads from Pfeiffer-North Stanly Water Association, convert from gallons to cubic feet reads, manually key the reads into our billing system and bill the outside sewer rate. The outside sewer rate is currently \$30.42 minimum charge for the first 300 cubic feet and then \$6.67 per 100 cubic feet thereafter.

It is unknown to the City at this time whether Stanly County has or has not been approached with this topic by the developer. Should City Council not be interested in extending City infrastructure outside the corporate limits of Albemarle at this location, there is also the option to the developer where they could approach Stanly County Utilities. The developer could approach Stanly County with the idea of installing the new wastewater network and turning it over to Stanly County for ownership and maintenance.

Staff's recommendation is either of the following options:

- Approve the request to extend City of Albemarle public sanitary sewer collection infrastructure to the benefit of the Efir Farms, LLC property tax record 7061. OR
- Deny the request to extend City of Albemarle public sanitary sewer collection infrastructure to the Efir Farms, LLC property tax record 7061.

Mr. Voyles took questions from Council. Is there any precedence for this kind of request? Yes, this has been requested in recent history, and one request in particular was summarized for Council. Three property owners came to the City to request utility services, however they paid an assessment fee in order to access the City's utilities. How far was that request to access City utilities? It was 300 feet and was approved.

Why didn't the developer go to the County to request services? The developer, who was in the audience, replied to Council that the City's sewer line is closer to the property.

Planning and Development Services Director Kevin Robinson came up to alert Council that the likelihood the City would be able to annex this lot is very slim. The portion of the lot

near Carter Road could be a possibility in the future.

The developer stated to Council the reason for this request in front of them was due to them wanting to be annexed into City limits, but admitted he knew that ultimately it wouldn't work. He still came to Mr. Voyles to discuss the request and see if there were any viable options to take to a City Council meeting. He added that the County has yet to rezone the property in question.

The Mayor noted that Danny Buchanen had requested to speak on this topic and called him forward. Mr. Buchanen who resides at 983 US Highway 52 North in New London, is a neighbor to the lot in question. When this was going to be heard as a rezoning petition at the town level Lennar Homes had a meeting with neighborhood property owners. The developer noted that they were going to petition for an R10 designation which allowed for a tighter clustering of homes per acre, which he and other nearby property owners are against.

Mr. Buchanen noted that the Town of New London turned down the annexation agreement with Albemarle. He further asserted that he believes that the developer wants to align with Pfeiffer-North Stanly Water Association to connect to their sewer line in the interim then go to the County for a rezoning request as R10.

At this point the Mayor stopped Mr. Buchanen and asked the City Attorney whether Council should continue to hear from Mr. Buchanen about dynamics which are the County's purview. The City Attorney stated that as long as Mr. Buchanen only spoke to the proposed sewer arrangement before Council, he could continue his remarks.

Mr. Buchanen finished his remarks and then staff took questions from Council. Is there an option for development in the County? Mr. Robinson replied that currently the lot is zoned for 2 units per acre but if there was no sewer connection the density would drop to 1 or 1 ½ units per acre. He also noted that from what he has noticed the County has been conducting conditional rezoning much like the City is doing.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, Council denied the request to extend City of Albemarle public sanitary sewer collection infrastructure to the Efird Farms, LLC property tax record 7061.

Approval to Seek a Rural Transformation Grant

City Manager Michael J. Ferris debriefed Council on a NC Department of Commerce Rural Transformation grant opportunity with a downtown focus.

City staff has met to discuss potential projects and intends to submit an application for improvements on 4th Street. The area of focus will be 4th Street between North Street and Dr. MLK, Jr. Drive. The project scope will incorporate elements of two existing City plans. Funding will be sought to implement another phase of downtown parking improvements. The current intent is convert this section of 4th Street to one way (southward traffic flow), and to

increase on-street parking with the creation of angle parking. This change in traffic flow will also eliminate a long-standing issue where large vehicles turning south off Main Street onto South 4th Street at the 5-Points intersection have difficult time making the turn when a vehicle is at the traffic signal traveling north on 4th Street. The project to be supported by the grant will also extend many of the features of the streetscape master plan onto 4th Street with new sidewalk, consolidation of electric lines and poles, vegetation edits for improved appearance and safety, and other improvements, where possible.

Not all the anticipated elements are eligible for grant reimbursement. However, much of what is occurring is part of existing plans for improvements and the grant provides funding support for the activities. If awarded, in-house labor would be utilized where possible and we would most likely seek an appropriation of fund balance, where needed. The application is currently being developed and will be fully developed and submitted if approved.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett and unanimously carried, Council adopted Resolution 23-05 approving the submission of a grant for rural transformation from the NC Department of Commerce for a downtown development project.

[Resolution 23-05 – Approval to Seek a Rural Transformation Grant]

COMMENTS

Councilmember Townsend:

- Three to 4 months ago there was movement towards demolition of 443 Colston; is there an update on that property? Mr. Robinson replied that Code Enforcement Officer Greg Morris has been working with the new property owner but there has been no recent update. Planning has to weigh the department budget against the number of properties it can work on to demolish, but promised that he would provide Council an update.

Councilmember Bramlett:

- He gave thanks to Council for picking a great name for the alleyway project and hoped it wouldn't take too long.

Councilmember Aldridge:

- He reminded the public that the home opener for the Uwharrie Wampus Cats is Memorial Day. This collegiate baseball team is a lift for the City and the County and he encouraged residents to buy paraphernalia and tickets to home games.

Mayor Pro Tem Hall:

- She wanted to know if the Speights/Badin property demolition was still occurring on April 26th. The City Manager replied that the City still is waiting for state clearance for

the burn but that as of right now the scheduled date for the burn is still moving forward.

- She inquired about the status of the garage burn at the back of a property on West Main Street. Mr. Robinson stated that although the City has taken down the properties on either side of this one being mentioned, the garage is straddling multiple property lines. He asked for a legal opinion on whether the City should proceed with the garage demolition. The City Attorney advised that the appropriate course of action would be to doublecheck the property lines before proceeding with order to demolish.
- She asked where Council was with unsealing or partially unsealing closed minutes. The Clerk replied that Council has approved unsealing/partial unsealing of closed minutes up through 2019.
- She asked if the Saturday night market was operating. It is not operating anymore per Mr. Robinson.
- She inquired about Council meeting with HUD. The Mayor replied that Council is waiting on HUD to reply with a specific date.
- She relayed to staff that a COG grant writing workshop is currently open for registration.
- She asked if Council could have the breakdown on how much the City has paid Star Resources so far this year.
- She reminded the public that there would be a City clean up event on April 22nd. Interested folks should arrive at Rock Creek Park by 9:00 am to participate.
- She announced that the Stanly County Historical Society is hosting a tour on April 29th.
- She noted that this time of the year complaints about overgrown grass begin.

Councilmember Whitley:

- Piggybacking on Councilmember Aldridge's remarks about the Uwharrie Wampus Cats, He noted that there are 25 home games for the team this season at Don Montgomery Park. Season tickets are \$125.

CLOSED SESSION

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, 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.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge and 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.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge and unanimously carried, Council approved the personnel portion of closed minutes from April 3rd with 1 correction, and the balance of closed minutes from April 3rd as submitted.

Mayor Pro Tem Hall asked if there was any activity going on with the buildings (115 and 117) on West South Street. Assistant City Manager Darren Rhodes stated that the property owner Mr. Carpino is working on the building and that staff have a meeting with him on Wednesday about utility connections for the building.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hunt, and unanimously carried, the meeting was adjourned to Monday, May 1, 2023 at 6:30 pm in Council Chambers of City Hall.