

REGULAR MEETING CITY COUNCIL

May 15, 2023

The City Council of the City of Albemarle met in a regular session on Monday, May 15, 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.

Mayor Pro Tem Hall requested closed personnel minutes from April 3rd and April 17th as well as all closed minutes from the May 1st meeting be held for discussion in closed session.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, Council approved the May 1, 2023 regular and closed meeting minutes as submitted.

AGENDA ADJUSTMENTS

The Mayor called for a motion to move the proclamation for Public Works Week to after this item and add category N.C.G.S. 143-318.11(a)(3) consult with the City Attorney to closed session.

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

Proclamation - National Public Works Week – May 21-27, 2023

The Mayor read the proclamation out loud.

[insert proclamation]

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, Council approved the proclamation for National Public Works Week from May 21-27, 2023.

Public Works Director Ross Holshouser along with employees from Public Works came in front of Council to be recognized.

The Mayor remarked that Public Works employees are appreciated in what they do, that employees are the backbone, and thanked them for all they do.

Mr. Holshouser stated that he appreciated the recognition and his staff. His staff are unsung heroes. Public Works is a diverse department with many people who work behind the scenes and who usually don't get credit for what they do. He called out Landfill employees who work on holidays making sure that trash can be taken care of and collected while everyone else is off, Fleet mechanics who keep City vehicles and equipment running so others can do their jobs, Streets Maintenance to keep the City's right of ways and streets clean and in good shape, Warehouse maintaining City inventory, and the Downtown crew keeping the downtown looking pretty.

The assembled group received a round of applause.

PUBLIC HEARINGS

The Mayor announced that the public hearings for the development agreement, annexation, and rezoning of a 100-acre property on City Lake Drive near the intersection of Highway 73 (tax parcel #23160) would be continued to the June 19th meeting per the request of the developer. He added that for those who came to speak in relation to these items had an option to come in front of Council tonight and/or the second meeting in June or defer their remarks until the meeting in June. Council would not take action on these items tonight,

The Mayor also noted that this development already has been approved by the County and so will still be built regardless of City action. The County approved the development several months ago. The developer has petitioned the City to be annexed into Albemarle to be built under City rules, and so Council will consider whether to have the development built under City rules or be left to be built under County rules.

Ordinance 23-13 – To Consider a Development Agreement for the Long Lake Annexation

Council opened a public hearing to consider a development agreement outlining development criteria between the City of Albemarle and BRD Land and Investment.

The Mayor opened the public hearing.

Barbara Tuset, residing at 42698 Moonshine Drive in New London came forward. She left hard copies of her remarks in the lobby so Council did not have her written remarks when she spoke. She introduced herself as a biologist and bird enthusiast. She lives in the County and loves City Lake Park. Her remarks highlighted the following concerns:

- City Lake Park is a birding hot spot and the proposed development may not support bird habitats there.
- She verbalized a list of questions related to how City and County infrastructure and delivery of services could be impacted by the development.
- She verbalized a list of questions related to potential environmental impacts of the proposed development.
- She noticed that per the application the developer is requesting a vegetated buffer by the lake which she hopes they keep.
- Native trees are critical to the local lake habitat but the developer's landscaping plan proposes to use non-native trees.

- Possible impacts on aquatic wildlife, the biological health of the lake in general, inadequate buffer zones which could impact the ecosystem and create issues such as flooding, negative impacts on bird wildlife.
- She wondered if the landscaper for the development will use fertilizers and pesticides and urged the City to get the methods for landscaping ahead of time.
- She then touched on a list of questions related to impacts on the local habitats should the development not responsibly consider the lake and local biological habitats.
- She asked what County and local residents would want and what the City's 2028 Land Use Plan would say about this proposed development.
- She commented that she hoped Council would agree that conserving the area around City Lake Park would be in line with aspects of the 2028 Land Use plan.

The Mayor called on Lauren Krug. Ms. Krug chose to defer her remarks to the June 19th meeting.

The Mayor called Bryan Sharp forward. Mr. Sharp residing at 1135 Pee Dee Avenue in Albemarle had a presentation for Council relaying his concerns about this development being annexed into the City. Prior to the meeting he emailed Council his PowerPoint presentation. They included:

- A list of questions related to how City and County infrastructure and delivery of services could be impacted by the development.
- A list of questions related to potential environmental impacts of the proposed development.
- Possible impacts on aquatic wildlife, the biological health of the lake in general, inadequate buffer zones which could impact the ecosystem and create issues such as flooding, negative impacts on bird wildlife.
- Highlighting citizen responses to the County's 2040 Land use Plan wanting natural resources and rural character among other desired traits.
- Excerpt from the City's 2028 Land Use Plan, City Lake Park's role in the City's land use and how annexation of this property would not align in his perception with the City's 2028 Land Use Plan.
- He echoed Ms. Tuset's point about conserving the area around City Lake Park in alignment with the City's 2028 Land Use Plan.

The Mayor called on Paige Emerson, who replied that she would defer her remarks until the June 19th meeting. The Mayor called on Carla Weyrick, who also asked to defer her remarks until June 19th.

No one else came forward.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend and unanimously carried, Council continued the public hearing until Monday, June 19, 2023.

Ordinance 23-09 - Long Lake Development Request for Voluntary

Annexation

Council opened a public hearing to consider the proposed annexation of 100 acre property on City Lake Drive near the intersection of Highway 73 (tax parcel #23160).

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

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall and unanimously carried, Council continued the public hearing until Monday, June 19, 2023.

Ordinance 23-10 – Consider Zoning for Long Lake Development (ZMA23-04)

Council opened a public hearing to consider the proposed rezoning of tax parcel #23160 from County R-10 LLNCD to City R-10.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Dry and unanimously carried, Council continued the public hearing until Monday, June 19, 2023.

Text Amendment (TA) 23-01 – Bars in the Central Business District (CBD)

Council conducted a public hearing to consider a citizen-initiated text amendment to amend the definition of profit Club/Bars and to allow bars in the Central Business District.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis to Council. The owner of Badin Brews, Josh Hicks, has applied for a text amendment to allow “bars” in the Central Business District. Planning has prepared two options for Council to consider: version 1 would amend the definition of “Profit Club” to “Bar” and allow it by right, whereas the other would change the definition and allow “bars” with a Special Use Permit (SUP). The text amendment applies to changes in definitions but not the uses described in this section.

Mr. Robinson pointed out that the comparative matrix that staff developed and included in the agenda packet showed how this was addressed in other municipalities in the County. He noted that the trend was to go with the ABC definition and allow bars in the downtown with some kind of permit.

Mr. Robinson reviewed the language changes in both versions of the ordinances so that Council could see the difference between allowing bars in the downtown by right versus by special use permit.

The Planning and Zoning Board heard this proposed text amendment at its May 4th meeting and voted 5-2 to recommend approval of version 2 (approval via Special Use Permit). Staff are recommending the “by special use permit” version of the ordinance.

The Mayor asked if there were changes for the GHBD and shopping zoning districts. Mr. Robinson stated that there would be no change in criteria in those zoning districts, and that the ordinance changes are largely within the definition portion of that section.

The Mayor asked if the applicant wanted to come forward to speak. Josh Hicks thanked Council for the opportunity to speak. He noted that with the inception of the social district in Albemarle a lot of business has grown in downtown Albemarle. Downtown businesses who serve alcohol have shown they can be profitable, as well as those businesses which serve food. Albemarle establishments and businesses in these two service industries lose out to nearby towns like Locust where those same types of establishments can serve alcohol and food. He thought the idea of offering bars in downtown Albemarle via special use permit is a good one.

The Mayor opened the public hearing.

Joy Almond, Main Street Manager and Director of the Albemarle Downtown Development Corporation (ADDC) came forward. She noted that part of her role is to support downtown businesses and so on their behalf she wanted to make some remarks in favor of the text amendment to Council. She sees this text amendment ordinance as a great opportunity for downtown Albemarle. She considers it a great stride in becoming a business friendly city. This ordinance change could strike a balance between eateries' and breweries' ability to serve both alcohol and food. She would like to see symbiotic business-to-business support and this ordinance could encourage that. She then pointed out that inconsistencies in how that section of the Code of Ordinances in food and drink functions for establishments in downtown can be corrected with this text amendment. Council thanked her for her remarks.

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

Councilmember Dry called for a motion to approve Ordinance 23-12 allowing the amendment of the definition of "Profit Club" to "Bar" in the Central Business District and "bars" to be allowed by Special Use Permit which was seconded by Councilmember Townsend. A member of Council asked whether a statement of consistency/inconsistency was needed, whereupon the City Attorney confirmed that a statement of consistency/inconsistency is legally required.

Mr. Robinson noted that Planning staff did not prepare a written statement but that a statement of consistency would allow Council to state that the text amendment would be harmonious with existing downtown activity or something similar.

Councilmember Dry amended his motion to include a consistency statement as stated by staff which again was seconded by Councilmember Townsend.

Councilmember Bramlett commented before the vote that he was planning to vote against the motion because his perception is that people go to bars to get drunk and this wouldn't look good for downtown.

The Mayor called for a vote. There were 3 Councilmembers in favor of the motion: Dry, Townsend, and Whitley. Mayor Pro Tem Hall and Councilmembers Bramlett, Hunt, and Aldridge voted against the motion. The motion failed and the Ordinance was not passed.

UNANNOUNCED DELEGATIONS

The Mayor called for Arthur Bailey to come forward. He was not present.

ADMINISTRATIVE REPORTS

Albemarle Business Center Construction Progress Update

City Manager Michael J. Ferris gave Council the update. Grading is nearing completion with 90% of the work done. Sewer installation is complete and testing is being finalized with no issues. The installation of the water line continues and is 50% complete. The string line for curb and gutter has been set through the property and the NJR Group anticipates beginning work on US Highway 52 in about 1 month.

The installation of the City electric infrastructure is being coordinated with the work of the general contractor and is set to begin shortly. The order is being processed for the Automatic Transfer Switch.

The Golden Leaf Foundation site preparation project is also progressing. Bid specifications and related documents have been drafted and a bid opening date is set for June 15th.

Departmental Monthly Reports

The Mayor and Council received departmental monthly reports for April 2023. The Mayor asked if Council had any questions or comments.

Mayor Pro Tem Hall had few comments and questions.

- On the HR report we are supervisors in the performance feedback process? In light of technology issues earlier this year supervisors are currently entering in mid-year performance information and will be discussed in a Leadership Team meeting tomorrow.
- She asked for Public Housing how many people are currently on Public Housing wait lists. Public Housing Director Dr. Kim Scott came in front of Council and replied that there are 533 on the Section 8 voucher waitlist and 300 on the conventional housing unit waitlist. A follow up

question was asked about how long an individual/family on average stayed in public housing. Dr. Scott stated that it depended on the person/family – some moved out after 6 months and some have stayed in public housing for over 20 years.

The Mayor asked if the collections correction has been handled. Public Housing is working on this currently with the Finance Department. Tenmast system should be up and running within the next month or budget ordinances will be brought in front of Council.

Mayor Pro Tem Hall and Dr. Scott had a discussion about the Tenmast system, describing what it is and how it works in conjunction with HUD’s application to figure rent calculations, among other important functions. Public Housing staff has not been able to calculate any rent differentials for Public Housing residents, shortchanging both staff and residents. Dr. Scott declared that this inability to get the Tenmast system operational was creating housing instability for Public Housing residents.

In addition, as part of a nationwide trend, there is a critical shortage of rental properties in good condition to apply Section 8 vouchers. Councilmember Dry reported that some local residents who are enrolled in the City’s Public Housing programs have reached out to him to let him know that no payments to them have been distributed for the month of March. Dr. Scott noted that due to technology issues the City faced early in the year, it has been impossible for staff to perform rent adjustment calculations since they are computed with complex formulas. Has this been explained to Public Housing residents? Yes this information has been provided to the Public Housing residents.

The Mayor asked for an update on timing of Tenmast coming back online. Tenmast IT staff have 80% of the data inputted with the balance to be entered by Public Housing staff. The estimation for Tenmast coming back online is June.

CONSENT AGENDA

Consider Street Closure Request for a Professional Healthcare Solutions Community

Event

The purpose of this event is to introduce Professional Healthcare Solutions to the community by direct marketing and interactions with the community and surrounding areas. The event will provide information about the company, useful resource information, free health screenings, and light refreshments.

Street closures include:

- Lincoln Street from Elizabeth Avenue to Martin Luther King Jr. Drive;
- Health Street from Elizabeth Avenue to Martin Luther King Jr. Drive;
- Martin Luther King Jr. Drive from Lincoln Street to Health Street.

Resolution 23-06 – To Establish Street Assessment Rates for FY 2023-24

The City must establish street assessment rates each fiscal year based on actual costs. The agenda packet contains a memo from Public Works Director detailing the rates for the upcoming fiscal year, and are also itemized on the resolution.

[Resolution 23-06 – To Establish Street Assessment Rates for FY 2023-24]

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

- Street closures as detailed in the special event application for the Professional Healthcare Solutions community event on June 17th from 11:00 am – 5:00 pm; and
- Adoption of Resolution 23-06 establishing street assessment rates for Fiscal Year 2023-24.

NEW BUSINESS

Consider Major Subdivision MJSR 23-01

Council is being requested to hold an administrative hearing and consider a proposed major cluster subdivision of 227 single family attached (townhome) units on 30 acres on St. Martin Road. The applicant is Joseph Burleson of Burleson Square LLC and the property in question contains tax parcels 15882, 32779, and 21932.

Planning and Development Services Director Kevin Robinson presented the request and staff analysis to Council. The proposed development will consist of lots that are between 2,400 and 11,600 square feet to accommodate townhomes. The property lies within R-8 Neighborhood Residential District.

Primary access to the proposed subdivision would occur through 2 locations: from Highway 24/27 bypass or on St. Martins Road. Per staff's recommendation a stub street has been included to the south for future connectivity.

Highlights of the proposed subdivision include:

- Open Space – The developer has met open space criteria for cluster subdivision;
- Traffic Analysis – A traffic impact analysis needs to be done by NCDOT;
- Utilities – The developer proposes to use City water, sewer and electric, and utilities are readily available to the site;
- Road Design – Roads will conform to 26' wide with a 5' sidewalk on each side of the road. Set back issues with extra vehicles have been addressed by the developer and engineer;
- Setbacks – They will be 10' in the front, 4' on the sides, and 12.5' in the rear.
- Lot sizes – To accommodate a townhome, the smallest lot size can be 2,000 square feet.

Per staff analysis, the plan is in general conformance with requirements. Staff recommends approval of the subdivision with the following conditions:

- Complete a traffic impact analysis and adhere to the recommendations; and
- Submit all site details of open space during civil.

The Planning and Zoning Board heard this request at its May 4th meeting and unanimously voted to recommend approval of the subdivision with staff recommended conditions.

Councilmember Bramlett commented that when Council heard the annexation request there were estimates of the development's effect on City and County systems and knew its impact, but it has been a while since the annexation was considered. With all of the recent development approved by Council in the last few years, he wondered if any updated effects could be provided if they were known. Mr. Robinson replied that yes typically Planning would conduct a City impact analysis during annexation with development of a matrix 18 months ago, but with this year's technology issue Planning lost that matrix and is trying to recover it in order to model a potential development's impacts on City services and systems for Council in the future. The City Manager added that the impact evaluations are performed when property is considered for annexation. At this point, the proposal meets the development standards of the City and the owner has a right to develop. Planning Director Kevin Robinson confirmed this.

Mayor Pro Tem Hall and Mr. Robinson had a brief discussion about the proposed subdivision's access to other local roads and the need for the stub out road proposed to reduce traffic congestion.

Councilmember Aldridge commented that like other Council members, he wanted to continue to raise the concern about the impact of newly proposed development such as this cluster subdivision and whether the safety and educational infrastructure has the capacity for this growth. Mr. Robinson replied that these considerations come with development. Councilmember Aldridge followed up by asking if this was a mixed development or just townhomes. This development would be townhomes only.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley and unanimously carried, Council approved a major cluster subdivision of 227 single family attached (townhome) units on 30 acres on St. Martin Road tax parcels 15882, 32779, and 21932 MJSR 23-01 with staff recommended conditions specified above.

Consider Asset Inventory & Assessment Award Recommendation

The Department of Public Utilities solicited RFQ 23-01 to engineering firms to perform an asset inventory and assessment of the underground water and wastewater system. The City has received a grant for \$350,000 to perform this assessment. Per a memo in the agenda packet from the Public Utilities Director Jay Voyles, staff is recommending the approval of LKC Engineering.

Mr. Voyles came in front of Council to summarize the RFQ process for Council. Per the NC Department of Environmental Quality (DEQ) grant the City received, a condition for receipt of the grant was to have inventory and assessment completed of the water and wastewater system. The RFQ

packet was sent to 7 firms, with 2 responding: CDG Incorporated and LKC Engineering. Based on scoring of RFQ solicitations, LKC Engineering scored higher among the 2 firms.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, Council approved LKC Engineering to perform an asset inventory and assessment of the water and wastewater system.

Consider Approval of a Proposed Utility Easement Agreement from Stanly Water & Sewer Authority

The City has received a public utility easement request from the Stanly Water & Sewer Authority for approximately 1,539 square foot area off of Vickers Store Road. The City's sanitary sewer lift station is situated on the property through which the easement is running. The easement would not impact sewer lift station operations.

Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett and unanimously carried, Council approved the public utility easement request from the Stanly Water & Sewer Authority for approximately 1,539 square foot area off of Vickers Store Road.

Information – City of Albemarle Employee Cookout on Wednesday May 17th

The Employee Cookout will go from 11:30 am until 1 pm at City Lake Park this coming Wednesday May 17th. If there is rain the event will move to EE Waddell Center.

Budget Ordinance 23-14

City Manager Michael J. Ferris summarized the budget ordinance for Council. The ordinance would cover end of the fiscal year budget appropriations for Public Works street maintenance and preservation work and appropriate grant funds to Parks and Recreation for an afterschool program at EE Waddell Center.

Mayor Pro Tem Hall asked if there were any more budget ordinances coming in front of Council soon. Budget ordinances covering Golden Leaf Foundation funds for ABC work, stormwater grant funds appropriation, and ARPA appropriations will be in front of Council before the fiscal year ends. Finance Director Jacob Weavil came in front of Council to add that he was expecting to bring about 5 budget ordinances, some related to stormwater studies and some related to ARPA fund budget transfers, in front of Council likely the first Council meeting in June.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hall and unanimously carried, Council approved Ordinance 23-14.

[Ordinance 23-14]

COMMENTS

City Manager Michael J. Ferris:

- This coming Wednesday's Employee Cookout should be a good time to mingle with colleagues and retirees and encouraged Council and fellow employees to attend.

Councilmember Townsend:

- He requested that staff provide a summary of the number of homes proposed versus the actual number of homes built or under construction over the last year or year and a half. His request is in response to some social media comments he has seen asking if development is actually occurring based on Council's approval of them. Mayor Pro Tem Hall added that she was interested in finding out the number of homes bought versus those rented. Planning and Development Services Director Kevin Robinson responded to Mayor Pro Tem Hall's comment that her information request could be obtained through culling from tax records on the county level. Per Councilmember Townsend's request Mr. Robinson replied that typically a developer takes 18 months to a couple of years to begin construction on a development. Based on recent previous statistics Planning collected last year, 200 new units were built in 2022 and it appears as though that the estimate of 230 units could be built before the end of this year.
- He commented on the parking lot layout for Starbucks on Highway 24/27 being backed up to the point of not having access to get out of the lot during peak demand times. Mr. Robinson replied that the plans had called for a 50' driveway to accommodate this traffic and that the lot between Starbucks and Biscuitville was built with the Chik fil A and gas station traffic management pattern in mind.

Councilmember Bramlett:

- Last Saturday's car show was very popular and many had a great time downtown.

Councilmember Aldridge:

- He again commented that he is concerned about infrastructure capacity for new development here in Albemarle. A municipality needs to have it for new development.
- He noted that National Police Week is May 14-19th so please keep police officers in prayers. He also gave a shout out to Albemarle Police Detective Doug Hicks who participated in the Bike 2 DC Ride for Honor to honor fallen police officers last week.

Mayor Pro Tem Hall:

- She inquired whether APD would be sponsoring a police memorial event this year. Police Chief Bollhorst replied that there has been no County-wide public event but that APD is hosting an event at the Police Headquarters building. He noted that Council was recently invited to attend the APD event.
- Is there a Courthouse Plaza (pedestrian mall project) update? The City Manager replied that there is no change and NJR Group is planning to start construction in August. Who is leading this project? The Assistant City Manager Darren Rhodes is coordinating efforts.
- She announced that the first Uwharrie Wampus Cats collegiate wood bat team game will be on Memorial Day.
- Has there been follow up with Ms. Lowder's public record request regarding the GHA property on Hemlock Drive? The City Attorney replied that Ms. Lowder will receive a reply from the City by the end of the week.
- She reminded Council that the Stanly County COG meeting will be Tuesday May 30th.
- She reminded City staff that the regional COG does provide grants assistance and that this Thursday May 18th there will be a grants workshop.
- She alerted the public that there has been an expected upturn in complaints about high grass and that she has been providing the link to the online property nuisance complaint form per staff recommendation. She added that the Code Enforcement Officer is keeping up with the volume of complaints on this issue.
- She noted for the audience that the Badin Road property burn did occur on April 30th.
- She again raised a suggestion that the City engage Homes of Hope to discuss the homelessness problem.
- She noted that she tonight got a hard copy of a presentation she thought was worth Council seeing from the CityVision conference titled "From Conflict to Conversation" which Council received electronically via email. A takeaway for her was one of the final quotes in the presentation: "'No one should ever leave City Hall feeling defeated; there is always something that can be done to help.'" Mayor Herb Drinkwater Scottsdale, Arizona 1980–1996
- She thanked the City Manager for making the debt service schedule available to Council.
- She is glad that the Council/Planning and Zoning Board meetings will restart again. She suggested that early meetings focus on infrastructure.

Councilmember Whitley:

- He welcomed Councilmember Dry back.

Councilmember Dry:

- He spoke about his health issue and bypass surgery and urged the public to take their heart health seriously. He also thanked Council, local residents and others around the state who prayed for him and sent him well wishes.

Councilmember Hunt:

- He was glad that Councilmember Dry was back.

CLOSED SESSION

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

RETURN TO OPEN SESSION

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant 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.

The Mayor announced that Council would adjourn to Monday, June 5, 2023 at 6:30 pm in City Hall and called for a motion to adjourn.

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