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Regular Meeting
Monday, September 20, 2021
6:30 PM
Council Chambers
Meeting Agenda

Call Meeting To Order:

1. Mayor Michael

Approval Of Minutes:

2. Consider Approval of the Minutes from the August 23, 2021 Special and Closed Meeting, August 30, 2021 Special and Closed Meeting, and September 7, 2021 Regular and Closed Meeting

Agenda Adjustments:

Announced Delegations:

3. John Scardina et al - To Discuss Sidewalk Ordinance in Neighborhoods

Unannounced Delegations:

Administrative Reports:

4. Stormwater Plan Project Update
5. Public Housing Door Project Final Update
6. Recommendation to Change to Retirement Contribution Policy
7. Departmental Spotlight Presentation - Fire Department
8. Information - Trespassing and Litter on Private Lot
9. Departmental Monthly Reports

Consent Agenda:

10. Ordinance 21-40 - To Consider Ordinance Changes for Code Enforcement
11. Ordinance 21-41 - To Receive Public Housing 2021 Capital Funds
12. Ordinance 21-42 - Renaming Rebel Road to Unity Drive

New Business:

13. McAlister Street Abandonment Request Revisited
14. Discussion of Rules Related to Deer Hunting in the City Limits
15. Closed Session Pursuant to N.C.G.S. 143-318.11(a)(3) & (6) - To Consult with the City Attorney and Personnel.

Adjournment:

16. Adjourn until Monday, October 4, 2021 at 6:30 pm

Print

Title – Mayor Michael

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Consider Approval of the Minutes from the August 23, 2021 Special and Closed Meeting, August 30, 2021 Special and Closed Meeting, and September 7, 2021 Regular and Closed Meeting

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> August_23_2021_special_meeting.docx	August 23, 2021 special mtg minutes
<input type="checkbox"/> August_30_2021_special_meeting.docx	August 30, 2021 special mtg minutes
<input type="checkbox"/> September_7_2021_REGULAR.docx	Septebmer 7, 2021 Regular Minutes

APPROVALS:

Date/Time:	Approval:	Department:	
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SPECIAL MEETING CITY COUNCIL

August 23, 2021

The City Council of the City of Albemarle met in a special session for a closed session for consultation with the City Attorney and a personnel item, on Monday, August 23rd at 6:00 p.m. in Council Chambers of City Hall. Mayor Ronnie Michael was not present, and so Mayor Pro Tempore Martha Sue Hall presided. The following Councilmembers were present, to-wit: Martha E. Hughes, Dexter Townsend, Christopher Whitley, Shirley D. Lowder, Benton Dry, and Bill Aldridge.

Mayor Pro Tem Hall called the meeting to order. She announced that the Mayor sent a message stating that he was sick and not able to attend the meeting. The Mayor requested that the meeting be postponed. Council briefly discussed whether to continue this meeting or adjourn to a later date.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved continuing the meeting as scheduled for tonight.

CLOSED SESSION

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend and unanimously carried, Council returned to open session. Mayor Pro Tem Hall stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge and unanimously carried, the meeting was adjourned until Monday, August 30, 2021 at 6:00 p.m. in Council Chambers of City Hall.

SPECIAL MEETING CITY COUNCIL

August 30, 2021

The City Council of the City of Albemarle met in a special session to discuss personnel items and to consult with the City Attorney in closed session on Monday, August 30th at 6:00 p.m. in Council Chambers of City Hall. Mayor Ronnie Michael was not present, and so Mayor Pro Tempore Martha Sue Hall presided. The following Councilmembers were present, to-wit: Martha E. Hughes, Dexter Townsend, Christopher Whitley, Shirley D. Lowder, Benton Dry, and Bill Aldridge.

Mayor Pro Tem Hall called the meeting to order. She asked for a prayer for Mayor Michael for a return to health.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, unanimously carried, Council appointed Councilmember Hughes as acting clerk for a portion of closed session under Personnel.

Upon a motion by Councilmember Hughes, seconded by Councilmember Whitley, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry and unanimously carried, Council returned to open session. Mayor Pro Tem Hall stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley and unanimously carried, the meeting was adjourned until Tuesday, September 7, 2021 at 6:30 p.m. in Council Chambers of City Hall.

REGULAR MEETING CITY COUNCIL

September 7, 2021

The City Council of the City of Albemarle met in a regular session on Tuesday, September 7, 2021 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 Bill Aldridge, Martha E. Hughes, Chris Whitley, Benton Dry, Dexter Townsend, and Shirley D. Lowder.

Mayor Michael called the meeting to order.

The Mayor gave the invocation.

The Mayor noted that this month is Pediatric Cancer Awareness Month. The City has a program where residents can paint fire hydrants in honor of pediatric cancer awareness month or a loved one. He encouraged anyone in the community who wishes to support the cause in this way to do so.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, unanimously carried, the minutes of the August 2, 2021 regular meeting as submitted were approved.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, the minutes of the August 2, 2021 closed meeting as submitted were approved.

Mayor Pro Tem Hall noted that in the August 12, 2021 special minutes, the day of adjournment for the next Council meeting should be Tuesday not Thursday. Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, the minutes of the August 12, 2021 special meeting as corrected were approved.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, unanimously carried, the minutes of the August 12, 2021 closed meeting as submitted were approved.

PUBLIC HEARINGS

Ordinance 21-35 – To Consider Abandonment of the Former Leonard Avenue Right of Way

Council conducted a public hearing to consider the abandonment of the former Leonard Avenue Right of Way. During the July 12th, 2021 Council meeting Mr. Jody Cook came before City Council to request the City to abandon the former Leonard Avenue right of way that runs in front of two homes that he owns. Staff is not opposed to abandoning this right of way due to it not being an active

street and having no purpose otherwise. Staff does propose a permanent utility easement for the infrastructure that we currently have inside the former right of way.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Mr. Jody Cook, owner of 123 and 125 Leonard Avenue, came forward to speak in front of Council. He requested that Council consider entering into a utility easement with him for this portion of Leonard Avenue, and stated that neighbors are interested in acquiring portion of the right of way should Council approve the request to abandon the right of way.

The Mayor called for a motion to close the public hearing. Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, the public hearing was closed.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, Council approved Ordinance 21-35 to abandon the former Leonard Avenue right of way.

[Ordinance 21-35 – To Consider Abandonment of the Former Leonard Avenue Right of Way]

Consider 48 Lot Major Subdivision MJSR 21-05 Parkwest Phase 2

Council conducted a public hearing to consider approving a 48 lot subdivision of the 18 +/- acre tract, tax ID 15990, on Parkwest Road as proposed by LTC Development LLC for single family dwellings.

Mr. Jay Voyles, Development Coordination Specialist, presented the request and staff analysis to Council. He noted that Phase 2 of the Parkwest subdivision was a preliminary development that was approved in 2003. The City's subdivision ordinance outlines that a preliminary plat is valid as approved by City Council for 2 years. After 2 years, with no recorded final plat, the preliminary plat must be resubmitted to the Planning Board and City Council for approval. The plat currently under review now closely emulates the originally approved subdivision, with minor changes to meet current fire code and subdivision ordinance requirements.

The following aspects of the request were highlighted:

- Access - The accesses are proposed as a primary entrance off of Poplin's Grove Church Road through Parkwest Drive and a secondary emergency vehicle access is proposed through the rear of the platted cul-de-sac and onto Stanly Community College property. Staff comments include planning the emergency vehicle access as a future 60' wide right of way so that it could eventually have the potential to continue as a City street, which is accurately shown as such.
- Open Space - As a traditional subdivision, only 5% of the gross land area is required to be open space. The developer proposes .92 acres of open space which is adequate in size. Since the Planning Board meeting, the developer has revised the plat to show open space within the internal boundary of the development being proposed. Originally, it was shown at the front entrance of the existing subdivision.

- Traffic Analysis - A traffic impact analysis is not currently required as it is under the City's threshold for daily trips. Should the development expand in the future, a traffic impact analysis may be required at that time.

At the Planning Board meeting, staff recommended the developer submit a fully updated preliminary plat instead of the edited copy from the 2003 subdivision. This way, all improvements can be updated with accurate survey data, the open space area can be amended and all stub connections and accesses can be accurately reflected. The developer has provided all of these items to staff that comply with Planning Board's and Staff's recommendation for approval. The Planning and Zoning Board unanimously recommended that Council approve this subdivision at its August meeting with the changes shown.

The Mayor asked if Council had any questions. Council had questions about whether access and stub out roads are being considered as part of this subdivision request, as well as the need for a traffic study. There also was a question about the proposed 2nd access stub out which is on Stanly Community College's (SCC) property.

Mr. Voyles replied in the affirmative about stub out access roads and explained what the NCDOT traffic threshold is for a traffic study. The surrounding streets/roads do not meet the threshold to conduct a traffic study at this time. Mr. Voyles explained for the 2nd stub out impinging on SCC property, emergency access required the developer to include the stub out on SCC property. In answer to follow up questions about the 2nd access, Mr. Voyles explained that the road would be an all weather surface and that currently SCC requires access via a gate. He noted that the SCC access could be revisited.

The Mayor called up Mr. Terry Whitley representing the developer to speak to Council questions. Also coming forward was Mr. Dylan Blalock from Chambers Engineering. Mr. Blalock noted on the SCC access road question, the 2nd access road would be situated just before the SCC parking lot. Mr. Whitley added that they have applied for state funding for this subdivision development and to extend the stub out road on SCC property. They are requesting a 22' wide gravel road for emergency vehicles.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, unanimously carried, Council approved Major Subdivision MJSR 21-05 Parkwest Phase 2.

Ordinance 21-36 – To Consider Annexation of 54.14 Acres off of Morgan Road

Council conducted a public hearing to consider the annexation of 54 +/- acres of tax parcel 6462 otherwise referred to as the second phase of the Morgan Hills development.

Mr. Jay Voyles, Development Coordination Specialist, presented the request to Council.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Ms. Kim Faulkner, residing at 555 Marlbrook Drive in Albemarle, came forward to speak. She is opposed to the subdivision because there would be more zoning and she is opposed to more building. The Marlbrook Drive stub out for this new subdivision leads into their neighborhood.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved Ordinance 21-36 for the annexation of 54 +/- acres of tax parcel 6462 otherwise referred to as the second phase of the Morgan Hills development.

[Ordinance 21-36 – To Consider Annexation of 54.14 Acres off of Morgan Road]

Ordinance 21-37 – To Consider Map Amendment ZMA 21-10 to Initially Zone a 54.14 Acre Property off of Morgan Road

Council conducted a public hearing to consider establishing the initial zoning of 54 +/- acres of tax parcel 6462, Morgan Hills, phase 2 from County R-20 to City R-10, residential in order to build single family dwellings in a cluster subdivision.

Mr. Jay Voyles, Development Coordination Specialist, presented the request and staff analysis to Council. This project is for Phase II of Morgan Ridge Subdivision, of which Phase I annexation and initial zoning to R-10 been approved by Council as ZMA20-04. This overall property is 132 acres, of which +/- 54.14 are petitioned for annexation, initial zoning, and subdivision approval. A cluster subdivision preliminary plat and application has been submitted for planning board review, recommendation and City Council review and approval as MJSR21-04. The Planning and Zoning Board unanimously recommended approval of the zoning to R-10 at its August meeting with the Future Land Use Map Amendment Statement.

The Mayor asked if Council had any questions. Mayor Pro Tem Hall noted that Morgan Ridge and Morgan Hills were both used in the materials presented to Council and wanted clarification on which name would be referring to the same proposed parcel under consideration tonight in the legal descriptions. Mr. Voyles affirmed that the name is Morgan Hills.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Ms. Kim Faulkner, residing at 555 Marlbrook Drive in Albemarle, came forward to speak. She is opposed to the rezoning of the parcel. There is going to be a mess with all of the houses being built and 1 exit onto Morgan Road and 1 onto Marlbrook. There is not a lot of space for the number of homes to be built and her neighborhood is being drawn into this. She lives in an older established neighborhood where the new cluster subdivision will overwhelm and change the scope of her neighborhood.

Ms. Tanya Jones representing the developer came forward to speak in favor of the rezoning request. This continues the existing Phase I subdivision.

The Mayor asked if Council had any further questions. Mayor Pro Tem Hall requested that Mr. Voyles point out Phase I of the subdivision on the plat. Mr. Voyles traced the boundaries on the plat. He then pointed out Highway 52 South and Route 138. She elaborated that she requested this be done because when Council considered the Phase I subdivision request, there already was the issue of the proposed location of the exits/stub outs for the subdivision. It was decided that this dialogue should be held until the subdivision request came up next on the agenda.

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

Upon a motion by Councilmember Hughes, seconded by Councilmember Townsend, and carried with 6 Council members voting for the motion and 1 voting against, Council approved Ordinance 21-37 which includes ZMA 21-10 with the following map amendment statement:

The Albemarle City Council finds the action initially zone a +/- 54.14 portion of tax record 6462, as defined in the attached annexation boundary survey prepared by Dent H. Turner, from County R-20 to City R10/General Residential District to be inconsistent with the adopted 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.

Council members voting for the motion were: Hughes, Townsend, Whitley, Lowder, Aldridge, and Dry. Mayor Pro Tem Hall voted against the motion.

[Ordinance 21-37 – To Consider Map Amendment ZMA 21-10 to Initially Zone a 54.14 Acre Property off of Morgan Road]

Consider a 168 Lot Major Subdivision MJSR 21-04 on a 54.14 Acre Property off of Morgan Road

Council conducted a public hearing to consider approval of Morgan Hills, Phase 2, cluster subdivision.

Mr. Voyles presented the request and staff analysis to Council. A cluster subdivision does not allow any greater number of building units on the property than the R10 classification would allow; however, it does allow for smaller lot sizes in order for the development to be grouped or "clustered" on the property. This concept does provide for great efficiency for the developer as well as in the provision of City services. He then highlighted access and open space considerations, as well as the traffic analysis.

Mr. Voyles stated that the Planning and Zoning Board unanimously recommended approval of the cluster subdivision at its August meeting. Staff's recommendation falls in line with the Planning Board's recommendation with the caveat that further detail should be shown for the amenities provided in the 8 acres of higher intensity open space per the cluster subdivision ordinance.

The Mayor asked if Council had any questions. Councilmember Lowder asked the length of Morgan Road. Mr. Voyles estimated its length to be approximately ½ mile long. Councilmember Lowder then asked when houses would stop being built on Morgan Road. Mr. Voyles replied that there are some areas along Morgan Road which could be developed, but there are barriers such as some of it being on a floodplain, among other difficulties. It therefore is unknown how future developers would plan to develop these parts of Morgan Road.

Mayor Pro Tem Hall asked about whether there were any additional access roads planned since Phase I. Mr. Voyles noted that there have been no additional access stub outs proposed. She then asked about whether there were any plans to provide access to Highway 52 via Henning Drive. He added that the Planning and Development Services team tried to work with NC DOT to provide 2 access roads onto Morgan Road, and ended up with a compromise with the plan for a future stub out to Highway 52.

The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. Ms. Kim Faulkner came forward to speak again. She had heard that a developer had purchased land near Highway 52 some time ago. She was hoping that the stub out to Highway 52 would occur which is what she would prefer. She noted that Marlbrook Drive and Brevard Drive are not that big and have curves and are not suited to build out as access roads. She added that the neighborhood would not be able to handle the increased traffic the new subdivision would cause. She hopes that the stub out to Marlbrook would be temporary not permanent. She finished her remarks by stating that it used to be nice to walk around that end of the neighborhood at the dead end by Marlbrook. Now it's dusty, full of construction traffic and smoke due to the burning by the developer and is not an area to walk in anymore. She and her neighbors are concerned about this development.

Councilmember Dry asked if there was another stub out option besides Marlbrook Drive. The Mayor replied that NCDOT is dictating access roads. Although Henning Drive would be a better access road, if the City stops developing the Marlbrook Drive access point, the City would be in violation of state law.

Councilmember Lowder asked if there was any analysis done about the impact this new subdivision would have on the Stanly County School system and the nearest local school. Mr. Voyles stated that when these proposed new land uses are analyzed they are focusing on engineering and DOT issues typically at this stage in subdivision development. The actual build out could take 2-5 years. To his knowledge there has been no conversations with the Stanly County School system on this proposed subdivision. Mr. Voyles noted that the City could reach out to the Stanly County School superintendent to discuss this. Councilmember Townsend added that when Phase I was in front of Council he noted that the impact on the school system was something to look at and should be addressed at this point.

Ms. Rachel Carter from Chambers Engineering came forward to answer Council's questions about access roads for the proposed subdivision. They have had problems with NCDOT in obtaining 2 access roads onto Morgan Road for the proposed subdivision. The City's ordinances require a stub out from Morgan Road to Henning Drive. NCDOT is requiring a right turn lane from Highway 52 into the new subdivision. Per the traffic study, Marlbrook Drive is cut off as an access road due to DOT requirements. Stub outs are proposed out to Oakhurst near Highway 138.

Mayor Pro Tem Hall asked what the estimated time would be to work on the stub out by Henning Drive. Ms. Carter replied that it hopefully could be done by the end of the year – right now they are waiting on the survey.

Mr. Voyles responded to Council discussion on changes to access roads into the proposed subdivision, specifically the Marlbrook stub out as it related to a potential acquisition of an additional piece of land by Highway 52 which could impact the subdivision access road possibilities. He expressed concern over trying to approve something that was not currently on the plat, and which has not been vetted by the Fire Marshal. Council then discussed keeping this public hearing open to get input on possible changes to access roads for the subdivision before proceeding further. The Mayor asked City Attorney Britt Burch to weigh in on the legality of holding the public hearing open until the disposition of that future land acquisition was known. Ms. Burch stated that with the uncertainties of future actions which could impact this question of access roads, she would not recommend holding the public hearing open, but rather consider the plan already reviewed and approved by the Planning and Zoning Board presented to them tonight.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, and carried with a vote of 5 Council members for the motion and 2 against, the public hearing was closed. Those voting in favor of closing the public hearing were Aldridge, Townsend, Hughes, Dry, and Whitley. Mayor Pro Tem Hall and Councilmember Lowder opposed the motion.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hughes, and carried with a vote of 5 Council members for the motion and 2 against, Council approved Major Subdivision MJSR 21-04 on a 54.14 acre property off of Morgan Road. Those voting in favor of the motion were Aldridge, Townsend, Hughes, Dry, and Whitley. Mayor Pro Tem Hall and Councilmember Lowder opposed the motion.

Consider Renaming Rebel Road

The last time this issue was discussed, City Council held the public hearing over again to the September 7th meeting. The Mayor called for the public hearing to be opened and asked if anyone would like to speak on the topic. No one came forward to speak.

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

Councilmember Aldridge proposed renaming Rebel Road to Unity Drive. Before the vote Councilmember Townsend asked Councilmember Aldridge if the proposed new name came from the original petitioner Cross Community Church. The idea came from Mr. Aldridge not the church.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the renaming of Rebel Road to Unity Drive, pending development and approval of an Ordinance to formalize this change a the September 20 meeting.

AGENDA ADJUSTMENTS

The Mayor requested that Council consider a motion to remove the announced delegation of Mr. Scardina et al because they are not here tonight and move up the consent agenda item of the Constitution Week Proclamation due to the delegation here tonight to next on the agenda.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved the agenda adjustments.

Proclamation – Constitution Week September 17-23, 2021

Ms. Joan Eudy and Ms. Janice Abernathy, representatives of the local Daughters of the American Revolution (DAR) chapter, came in front of Council to request adoption of a proclamation for Constitution Week, which will be observed from September 17 - 23, 2021, and to announce planned activities on Constitution Day. Ms. Eudy noted that this will be the 234th celebration of adoption of the U.S. Constitution. The DAR has been handing out copies of the Constitution and Declaration of Independence to 9th graders throughout Stanly County Schools.

Ms. Abernathy handed out flyers to Council and announced on Constitution Day (September 17th), the DAR will assemble in period dress in Courthouse Square at 2pm after their meeting in the Stanly County Library to ring bells 13 times for the original 13 colonies. They would love for anyone to assemble with them to mark the day.

Mayor Pro Tem Hall noted the City's tie in to supporting the education of residents about the country's founding documents by announcing the dedication ceremony for the Charters of Freedom on October 12th and hoped that the DAR will attend.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council adopted the Constitution Week proclamation.

[Proclamation – Constitution Week September 17-23, 2021]

ADMINISTRATIVE REPORTS

Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for July 2021 prior to the meeting. The Mayor asked if any Council members had any questions or comments. Councilmember Townsend expressed a desire for departmental monthly reports to get back on track every month due to reporting inconsistencies in reports as to which month/s were being reported.

MUNICIPAL CALENDAR

Mayor Michael and Council members received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar.

Mayor Pro Tem Hall noted that for October 12th there seems to be a Historic Resources Commission (HRC) meeting approximate to the Charters of Freedom ceremony and wondered if this was brought up with HRC members. Planning and Development Services staff noted they would pass on the information to members, and the City Clerk added that she had made Planning and Services Department Director Kevin Robinson aware of the timing of the two events when the date was secured for the Charters of Freedom ceremony over the summer.

CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that the Public Works recommendation for the sidewalk on West Main Street be discussed separately.

To Consider a Piedmont Natural Gas Extension on South 3rd Street and on Sunview Drive

Council received a memo provided from Jay Voyles, Development Coordination Specialist regarding the requests of PNG.

Ordinance 21-38 – To Eliminate Parking Restrictions in the Downtown

The cited Ordinance will eliminate Police only parking spaces that are no longer needed by the Department and make these spaces available to the general public. It will also eliminate two 15-minute parking restrictions we feel are no longer needed.

[Ordinance 21-38 – To Eliminate Parking Restrictions in the Downtown]

Resolution 21-23 – To Approve Preservation NC Exercising their Option to Purchase 115-117 West South Street

The City previously entered into an agreement with Preservation NC to market and sell the property located at 115 - 117 West South Street. The property was donated to the City in lieu of the owner demolishing the structures. The City partnered with Preservation NC to find a suitable developer with a focus on preserving the historical, architectural and cultural significance of older properties. The property was advertised online to find experienced developers equipped to buy and refurbish the property into a suitable condition. Two developers showed interest in the property and submitted their plans and qualifications for consideration. Preservation NC chose Michael Carpino/Washington Street Holdings, LLC as the most qualified developer.

[Resolution 21-23 – To Approve Preservation NC Exercising their Option to Purchase 115-117 West Main Street]

Department of Public Housing Write-Offs for FY 2021

HUD requires City Council's approval before write-offs can be removed from Tenant Accounting. It is requested that the attached accounts be written off and turned over to the City of Albemarle Finance Department for the NC Local Government Debt Setoff Clearinghouse. In addition, this implies if someone applies for Public Housing, or Section 8, and owes a back debt, they will have to pay that debt before being placed on the waiting list.

Consider Road Closure for Pfeiffer University Falcons Night Out

Pfeiffer University invites alumni and friends to Falcon's Night Out on Friday, September 24th from 5:00 pm - 9:30 pm in downtown Albemarle. Local restaurants and businesses will be offering specials for the evening. Live music will be played in Courthouse Square Park starting at 6:30 pm. Tours of the new Pfeiffer Center for Health Sciences will be offered from 5:00 pm - 8:30 pm.

They are requesting the following road closure: Second St. from Main Street to North Street.

Consider Road Closures for Charity Motorcycle Ride

DC Investigations and Security will be hosting a charity motorcycle ride for the elderly on Saturday, September 11th between 11am and 2pm. They are requesting the following road closure/s: East Main Street and Moss Springs Road and Freeman.

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

- A PNG gas extension on South 3rd Street and on Sunview Drive;
- Ordinance 21-38 eliminating police and 15-minute parking downtown;
- Resolution 21-23 allowing Preservation NC to exercise their option to purchase 115-117 West South Street;
- Department of Public Housing write-offs for FY 2021;
- Road closures for Pfeiffer University's Falcons Night Out on September 24th; and
- Road closures for a charity motorcycle ride on September 11th.

Public Works Recommendation for Sidewalk on West Main Street

Public Works was asked to review the construction project taking place at the corner of West Main and North First Streets. The question was how to best address the sidewalk work needed to accommodate the construction of window wells being re-established as part of the project, as well as the drainage. Public Works is recommending to replace the sidewalk to the middle of the sidewalk. This will allow the work for the window wells and provide an opportunity to move water away from the building.

Mayor Pro Tem Hall asked if there were other agreements made related to the property, like the parking lot. A request was made for the City Clerk to research minutes to find out if Council considered and took action on the parking lot associated with the property in question.

Council asked Public Works Director Ross Holshouser to come forward. Mr. Holshouser began by stating that he had prepared a memorandum outlining the work done on the sidewalk which was in the agenda packet. He then noted that he was invited by the City Manager at the site a few weeks back to discuss the plan for the sidewalk work. He summarized Public Work's approach to the work by stating that care had to be taken to cut only a portion of sidewalk away so as to not disturb the brick row-lock in the center of the sidewalk which houses an electrical conduit. New concrete would be poured at a slope and grade which will allow flow of water away from the building. They are working with the contractor who is installing the window well and backfills alongside of the building to be notified once that part is done to do their work.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved Public Works replacing the sidewalk to the middle of the sidewalk on a portion of West Main Street for the development project being managed by TEK Development.

UNFINISHED BUSINESS

Heritage Court – Curb and Gutter Assessment Follow Up

The City has received engineer estimated costs on the Heritage Court Curb & Gutter Assessment request. City staff met with the private property owner that is going to be impacted by storm water discharge. The property owner has agreed to allow the City to obtain a utility easement along their property line only if it is piped to Melchor Branch in the rear of the property. With this verbal agreement in place, staff was able to discuss a plan and possible design with LKC Engineering.

Before entering into an agreement with LKC Engineering to move forward with project design, surveying, and planning, a request to staff was made at the January 4th regular City Council meeting for cost estimates to be provided to Council for a decision to move forward.

Council received the estimated cost for the entire project prior to the meeting. There may be some cost savings due to some elements of the project being completed by City staff.

- Estimated Total Project Cost: \$167,000
- Estimated Assessment Fees Collected: \$16,169

This estimate is based on a contractor cost. The City's out-of-pocket expense should be reduced by approximately \$25,000 as a result of elements we are able to perform with our staff. The estimate also includes a contingency. Overall, assessments are not designed to recover full cost; however, the estimated cost of this project is much higher than on other curb and gutter projects due to the need to acquire a drainage easement and install pipe from the cul de sac to the creek, which is what the affected property owner will agree to. With the project also comes improvements to the travel surface of Heritage Court. This would eliminate an estimated \$13,000 expense from the pavement management list that would be incurred at some point to improve Heritage Court. If Council wishes to continue with the project, staff will prepare a budget amendment to be approved at an upcoming Council meeting.

Public Works Director Ross Holshouser came forward to take questions from Council. Mayor Pro Tem Hall and Mr. Holshouser dialogued about the timeframe when Council was made aware of the possibility of this pipe through at the 1 owner's house as part of the Heritage Court curb and gutter improvement project. They also discussed the action needed to fund this pipe installation project.

Councilmember Dry asked if this work would coincide with any stormwater management plan for Melchor Branch. No – the two projects would be separate as they are accomplishing 2 different solutions.

The Mayor asked about easements for this. Mr. Holshouser replied that it could have been done earlier in time with either an open ditch or piped in option, but now that the property owner has weighed in with their request in front of Council to have the City install piping for the right of way, the cost of the project as a whole has increased.

Councilmember Aldridge asked for confirmation that the project cost is now \$142,000 with the City performing some of the work. Mr. Holshouser confirmed that.

Mayor Pro Tem Hall thanked Mr. Holshouser and Public Works for their due diligence on this process. Although she is in favor of making a motion to approve this plan, she still is concerned about the funding needed to pay for it, and that no line items under Public Works would be impacted by this unforeseen cost.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and carried with a vote of 6 Councilmembers for the motion and 1 against, Council approved the utility easement with installation of piping from the right of way to Melchor Branch along 1 property owner's property line. Councilmember Townsend voted against the motion.

NEW BUSINESS

ARP First Tranche Draft Spending Plan

The memo Council received prior to the meeting details of the recommended spending plan of the Strategic Planning and American Rescue Plan (ARP) workgroup. Assistant City Manager Nyki Hill came in front of Council along with Parks and Recreation Director Lisa Kiser to present the City's ARP plan. A workgroup was formed on August 23rd after initial federal guidelines were published on authorized uses of ARP funding. Ms. Kiser is heading this workgroup, which includes multiple staff members, City Manager Michael J. Ferris, the Mayor, Mayor Pro Tem Hall, and Councilmember Whitley.

The workgroup decided to work through the City's newly approved vision and mission as a method of determining how the initial draw down of ARP funds would be distributed. They also wanted to develop a plan in a transparent and fiscally responsible manner.

Congress passed the bill in March 2021 authorizing \$1.9 trillion for the program distributed to the states. Local municipalities received their share of funding from NC. The City of Albemarle received an installment of \$5 million, half of which was sent in July 2021, and half of which

will be distributed in July 2022. The Department of the Treasury has authorized 5 allowable categories of uses for ARP funds.

Ms. Hill then outlined the first tranche plan the workgroup is presenting to Council, which includes:

- Public Health –
 - Risk Manager position (COVID response) - \$65,000 (60% of compensation and supplies/equipment)
 - Public Housing Wifi - \$50,000
- Negative Economic Impacts –
 - Downtown free Wifi - \$150,000
 - Downtown Alleyway revitalization - \$250,000
 - A park in a qualified census tract - \$250,000
 - Downtown business grants - \$150,000
 - Finance for a part-time position for ARP reporting and tracking (100% compensation and supplies/equipment)
- Investments in Water, Sewer and Broadband –
 - ABC – Water and Sewer infrastructure - \$1.6 million

Ms. Hill explained that many of the above costs are suitable for spending under the presumption by Treasury that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT) or families in a QCT.

Key dates are as follows:

- Federal final guidance is expected this month or next;
- Expense reports for ARP 1st round funds is due by October 31, 2021;
- Funds are to be spent by December 2024.

The City's plan for funds is contingent on the final federal guidance being issued.

Mayor Pro Tem Hall gave an attaboy to the workgroup for pulling this together and then asked Ms. Hill to define what a QCT is for the public. A QCT is an area where 50% of the population in that area makes 60% of the median household income. The boundaries here in Albemarle are: Rock Creek Park to the north, Optimist Park to the east, Moss Springs Road to the south, and Highway 24/27 to the west.

When will the funding for the second tranche be decided? During Council's strategic planning process.

Mayor Pro Tem Hall gave attaboys to Ms. Hill and Ms. Kiser for guiding the workgroup in how to use the money and split it out, taking care of multiple departments' requests. She noted that the Capital Improvement Plan (CIP) will be part of the workgroup process. Councilmember Hughes asked if the second round will incorporate the CIP. Ms. Hill confirmed that it would.

Councilmember Townsend asked if the Risk Manager position would be absorbed by HR when the ARP funds are spent. Ms. Hill confirmed that it would. He also stated that he hoped with the downtown business grants that criteria be established such that grants are well distributed and not just 1 or 2 business owners. Ms. Hill confirmed that this would be the case since the program now has morphed from a loan to a grant program.

Councilmember Hughes asked if staff have what they need for employees too. Ms. Hill said that the workgroup took that into consideration. There have been General Funds put into reserves for other projects, but now with ARP funds they can get these projects going. The process is a balance. The second tranche process will be more strategic.

Ms. Hill noted that the workgroup considered using ARP funds for stormwater management, but they are waiting on state funds and the Congressional infrastructure bill to maximize all resources.

Councilmember Dry noted that the ARP plan might be public, but residents might not know the thought process behind the ARP funding bill. Ms. Hill stated that the ARP bill passed Congress in March 2021 to address the economic and health impacts of COVID-19. This funding opportunity is a once in a lifetime gift to the country. The City will put information on the website to further explain the ARP plan.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the first tranche draft plan for spending of ARP funds.

Ordinance 21-39 and Resolution 21-26 – To Consider Designation of Funds for the Albemarle Business Center

With the first phase of the construction now awarded and under contract, the City needs to designate the specific funding sources to support the project. Finance Director Jake Weavil and City Manager Michael J. Ferris have developed a recommended funding plan to support the project. Finance Director Jacob Weavil came in front of Council to explain the funding structure for ABC and to take questions.

The funding plan as detailed in the memorandum provided to Council ahead of the meeting is summarized as follows. The General Fund is proposed to fund its share 50% interfund loan and 50% cash contribution. This is a significantly more favorable proposition than when First Tryon first estimated the budgetary impact of the development of the ABC. It was initially estimated to require a tax increase of several cents to fund the project. Our strong financial planning has greatly reduced the need for additional revenues. The cash contribution would not drop reserves below our self-designated 20% fund balance level.

In the Water and Sewer Fund it is recommended that a significant percentage be funded with our portion of our first allocation of ARP funds. The remainder can be funded through a cash contribution from reserves. The City's ARP workgroup discussed funding for this project as well as many others. The amount of \$1,600,000 in ARP funds toward the Water and Sewer cost of the ABC was

established by backing out the estimated cost of the other projects identified for the first allocation of ARP funding. The Water and Sewer cash contribution keeps this fund well above the recommended days of cash on hand level. The cash contribution and ARP money fully funds the cost of the Water and Sewer portion of the project and no borrowing would be needed.

The Electric Fund expense is a very small portion of the overall costs and can be funded from its reserves. The cash funding will allow the Electric Fund to remain in a very strong position with regard to reserves. Line item information regarding the expenses to date and future costs is also provided.

Mr. Weavil took questions from Council along with Economic Development Director Keith Tunnell. Mayor Pro Tem Hall asked how much already has been spent on the ABC project to date. Mr. Weavil directed Council to the ABC budget tracking workbook. He and Council discussed the totals spent in the design and construction phases of the project so far. It was established that the City has spent in sum \$830,000 to date on various design and construction costs, including permitting, thus far.

Council, Mr. Weavil and Mr. Tunnell discussed various concerns related to ABC project costs to date such as permitting, engineering, and design. The Mayor reminded Council that when the ABC project budget was set up by former Finance Director Colleen Conroy, Ms. Conroy had to estimate costs at that point in time, which could not have accurately reflected actual costs. Now Council has to see the project budget as different phases come up for their consideration, such as the Leonard Avenue extension.

Mr. Tunnell noted to Council that since the City is in a construction phase, the activity of “moving earth” will make the ABC more marketable because it shows potential businesses that the City is serious about moving forward. Speculative building can move forward and the City can market this based on local statistics.

Councilmember Dry noted that recently Montgomery County brought in a manufacturing business opportunity and wondered why it didn’t come to Stanly County. Mr. Tunnell replied that 70% of manufacturing companies begin their search online largely looking for existing modern buildings.

Councilmember Townsend noted that Mr. Weavil can help Council moving forward with tracking expenses related to the ABC project. Mr. Weavil replied that in the future the original budget and amount spent to date will be tracked and will be included for Council when ABC agenda items are to be considered. Mr. Tunnell added that safeguards have been placed on spending in the next phase of the project, and that the City won’t entertain change orders.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, and carried with a vote of 5 Council members in favor and 2 Council members against, Council approved Ordinance 21-39. Council members voting in favor of the motion were Whitley, Townsend, Dry, Lowder, and Aldridge. Mayor Pro Tem Hall and Councilmember Hughes voted against the motion.

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend, and carried with a vote of 5 Council members in favor and 2 Council members against, Council approved

Resolution 21-26. Council members voting in favor of the motion were Whitley, Townsend, Dry, Lowder, and Aldridge. Mayor Pro Tem Hall and Councilmember Hughes voted against the motion.

[Ordinance 21-39 – To Amend the FY22-23 Operating Budget to Designate Funds for the Albemarle Business Center Project]

[Resolution 21-26 – To Authorize the Interfund Financing Agreement for the Albemarle Business Center Project]

Resolution 21-24 – Consider Setting a Public Hearing for Voluntary Annexation of 136.063 Acres off of Highway 52 South

A petition has been submitted for Council to consider setting a public hearing to consider annexation of 129 +/- acres on Hwy 52 S. If Council wishes to consider the annexation, the hearing can be set for Monday, October 18.

Before the vote, a question was asked if there was enough time for Planning to work with Public Utilities and other departments to coordinate ahead of the October 18th meeting. Development Coordination Specialist Jay Voyles replied that Planning should have time to engage other City departments by the listed meeting date for the public hearing.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved Resolution 21-24 setting a public hearing for Monday, October 18th for voluntary annexation of 136.063 acres off of Highway 52 South.

[Resolution 21-24 – Consider Setting a Public Hearing for Voluntary Annexation of 136.063 Acres off of Highway 52 South]

Resolution 21-25 - Consider Setting a Public Hearing for Voluntary Annexation of 85.53 Acres off of City Lake Drive

A petition has been submitted for Council to set a public hearing date to consider annexing the 86 +/- acre tax parcel 13976 on City Lake Drive. A public hearing can be set for the October 18th Council meeting to hear the request if Council is interested in considering the potential annexation.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved Resolution 21-25 setting a public hearing for Monday, October 18th for voluntary annexation of 85.53 acres off of City Lake Drive.

[Resolution 21-25 - Consider Setting a Public Hearing for Voluntary Annexation of 85.53 Acres off of City Lake Drive]

Resolution 21-27 – To Provide Incentives for Employees Vaccinated Against COVID-19 and Provide Additional Leave for Employees Adversely Impacted by COVID-19

This Resolution provides an incentive for employees who choose to be vaccinated for COVID-19 as well as additional time away from work for employees impacted by COVID-19.

Human Resources Director Dana Chaney came in front of Council to present to Council and take questions. She stated that the reason this resolution is in front of Council is to add benefits for COVID for employees and their families. For the incentive portion of the resolution, since the City has no idea at this point which employees have been vaccinated and which have not, the incentive of 2 days paid vacation for all employees showing proof of vaccination will help. The incentive program would be in effect through October 31st should Council decide to adopt the resolution tonight.

The second portion of the resolution is to extend 1 week of paid COVID leave for all employees. As of today, 62% of employees have maxed out their 2 week COVID leave granted by Council in March 2020. Fifteen percent (15%) have gone over the 2 week COVID leave and subsequently have had to use personal or sick time to make that time up.

Mayor Pro Tem Hall asked a hypothetical question about those employees who have already maxed out their COVID leave and had to apply accrued time – would they be able to use this extra week against any personal time already taken? Ms. Chaney replied that no, that kind of retroactive action could not occur – only time used moving forward would be impacted by the extra 1 week of COVID leave time should Council decide to adopt the resolution. Mayor Pro Tem Hall then asked what proof would be needed in order to get the incentive of 2 days paid leave. In order to get paid leave employees would need to show full vaccination occurred regardless of the timeframe of when vaccination occurred. Assistant City Manager Nyki Hill added that the ARP funds can be used retroactively for the incentive proposal.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, Council adopted Resolution 21-27 providing incentives for employees vaccinated by COVID-19 and additional leave for employees adversely impacted by COVID-19.

[Resolution 21-27 – To Provide Incentives for Employees Vaccinated Against COVID-19 and Provide Additional Leave for Employees Adversely Impacted by COVID-19]

COMMENTS

Councilmember Townsend:

- Re: Piedmont Natural gas stakes – he noted that the stakes for gas line work had been planted quite a while ago to the point that grass has overgrown around them.
- Re: September 9th Fire recruit graduation – is it still on? Yes it is – it will be held at 6 pm at North Albemarle Baptist Church.

Councilmember Aldridge:

- This coming Thursday September 9th Vac and Dash is offering free Pfizer COVID vaccines from 2:00 – 7:00 pm. All who are vaccinated will be entered into a \$500 giveaway. He thanked Peter Ascitutto for keeping the community safe.

Mayor Pro Tem Hall:

- Food Truck Friday for September will be held this coming Friday September 10th at Market Station to coincide with the Tour de Elvis 5K bike tour.
- Re: Charters of Freedom dedication ceremony - a lot of time has been spent on planning the event on October 12th. She asked if a request to block off the driveway where the drive through is located could occur so that the band scheduled to play can sit there. Assistant City Manager Nyki Hill noted that she could ask to see if billing collections could shut down at 4:30 pm that day. The Mayor asked about street closures for that day. Ms. Hill replied that she will follow up with Public Works on this.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of confidential or privileged information and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Dry, 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)(1) to prevent the disclosure of confidential or privileged information and N.C.G.S. 143-318.11(a)(6) Personnel. There was nothing to report.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the meeting was recessed to September 8th at 6:00 pm in City Council Chambers to continue closed session discussion of a personnel item.

Print

Title – John Scardina et al - To Discuss Sidewalk Ordinance in Neighborhoods

Description:

Mr. Scardina has said he and his neighbors would like to discuss the sidewalk ordinance. It is our understanding he has documented several locations since the ordinance was adopted that he is assuming are not in compliance. Planning Director Kevin Robinson reached out to him since this request was made and the one property referenced by Mr. Scardina had made the payment. We are unaware of other properties he is referring to that have not installed sidewalk or paid into the fund. It would be impossible for Mr. Scardina to be aware of who paid into the fund without asking the Planning staff. We recommend that if his issue is who has paid and who has not, that he be asked to continue to communicate with Planning regarding this issue. If his issue is the fact there is a develop fee for sidewalk, we know from discussion when this was established it is very common and the City's overall development fees are very reasonable. The payment in lieu option is an option that is below cost.

The program now has sufficient funds in potentially two of the zones to allow us to begin evaluating possible infill sidewalk projects to utilize the funds. This is the goal of the payment in lieu option. If we determine there are sufficient funds to select and begin projects, we will provide project recommendations within the next few meetings.

Is this item budgeted?
Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
No Attachments Available	

APPROVALS:			
Date/Time:	Approval:	Department:	

Print

Title – Stormwater Plan Project Update

Description:

WK Dickson will provide an update to Council on the status of the Stormwater program development project. Staff is not asking Council to take any action. Staff is simply asking for feedback from Council.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> AlbemarleSWCouncilUpdate2021-09-20-2_(agenda_version).pdf	Stormwater update

APPROVALS:

Date/Time:	Approval:	Department:	



ALBEMARLE
NORTH CAROLINA
Water. Air. Land. Opportunity.

Stormwater Program Development

September 20, 2021



Today's Discussion



General Program Categories

- Program Management – Administration & regulatory responsibilities
- Operation and Maintenance - Day to day maintenance of the drainage system
- Capital Improvement - Large investments in drainage improvements

Program Management

- Typical activities can include
 - Administration (budget, personnel, billing, audit)
 - New development plan review, inspection, enforcement
 - Strategic Planning (watershed or neighborhood studies)
 - Water Quality Compliance (federal and NC rules)
 - Floodplain regulation
 - Citizen complaint / information request response
 - Asset management / inventory

Program Management

- Proactive vs. Reactive Management
- Upfront investment may save on Capital Expenditures (CIP)
 - Construction inspection to ensure correct design and installation
 - Floodplain regulation to keep improvements out of harm's way
 - Asset management to identify needs

Program Management Recommendations

- Administration position (customer response)
- Ordinance updates, design standards, and new development review
- Construction inspections
- Water quality compliance
- Watershed planning

Operation and Maintenance

- Typical activities can include
 - Open System (streams/ditches) - Remove nuisance vegetation, debris, sediment that can impede flow
 - Street or Utility ROW access
 - Closed System - Clean catch basins & flush pipes
 - Minor repairs to catch basins and pipes
 - Street sweeping
 - Private drainage system assistance (when conveys runoff from public property)
 - Limited in initial years of program

Operation & Maintenance

- Proactive vs. reactive maintenance
- Upfront costs associated with proactive maintenance - staff and equipment
- Proactive maintenance provides long term cost savings
 - Reduction in damages during storm events
 - Rehabilitation and maintenance costs typically less than replacement when fails – can be planned

Operation & Maintenance Recommendations

- Increased frequency of routine maintenance of street right-of-way system
- Increased frequency of routine maintenance of open streams adjacent to utility easement
- Maintenance of critical locations and choke points outside of right-of-way (locations identified during watershed planning)
- Begin proactive replacement of aging infrastructure

Capital Planning

- Projects identified in Watershed Planning process
- Typically require design, permitting, and outsourced construction
- Projects resolve flooding and/or replace aging infrastructure
- Prioritized based on agreed upon quantitative process

Capital Planning Recommendations

- Allocate annual amount to capital fund
- Develop prioritized list of capital projects
- Identify and pursue funding opportunities
- Implement early action capital project
- Consider revenue bonds in future to accelerate critical projects

Public Outreach



Outreach Activities Conducted To Date

- Web Site Activated and Updated
- Press Release
- Fact Sheet
- Survey
- Project Information Distribution
- Public Engagement Plan
- Events
- Bill Stuffer
- Social Media (City's Platform)



Outreach Conducted to Date

- Events
- Participated in 5 To Date
- To Bring Awareness, Provide Information and Establish Relationships
- Two Food Truck Events
- Two Farmers Market Events
- Biker Event – All Saints Church



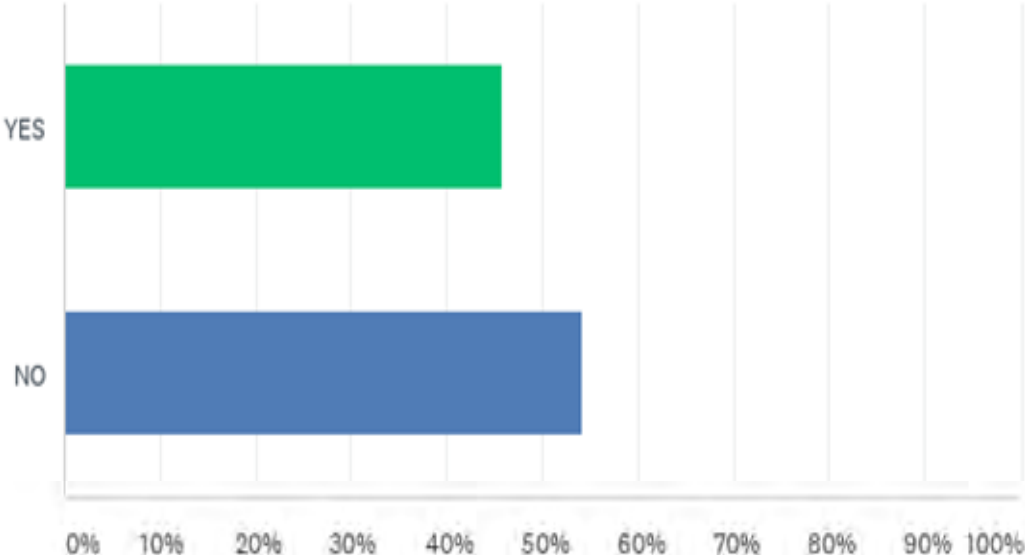
What Are We Hearing?

- Sources of Information
 - Educational for Team and City
 - Dialogue – Public Interested
 - Distribution of materials
 - Survey Completion
 - Online
 - Hard Copy
 - Mail
 - Early Responses



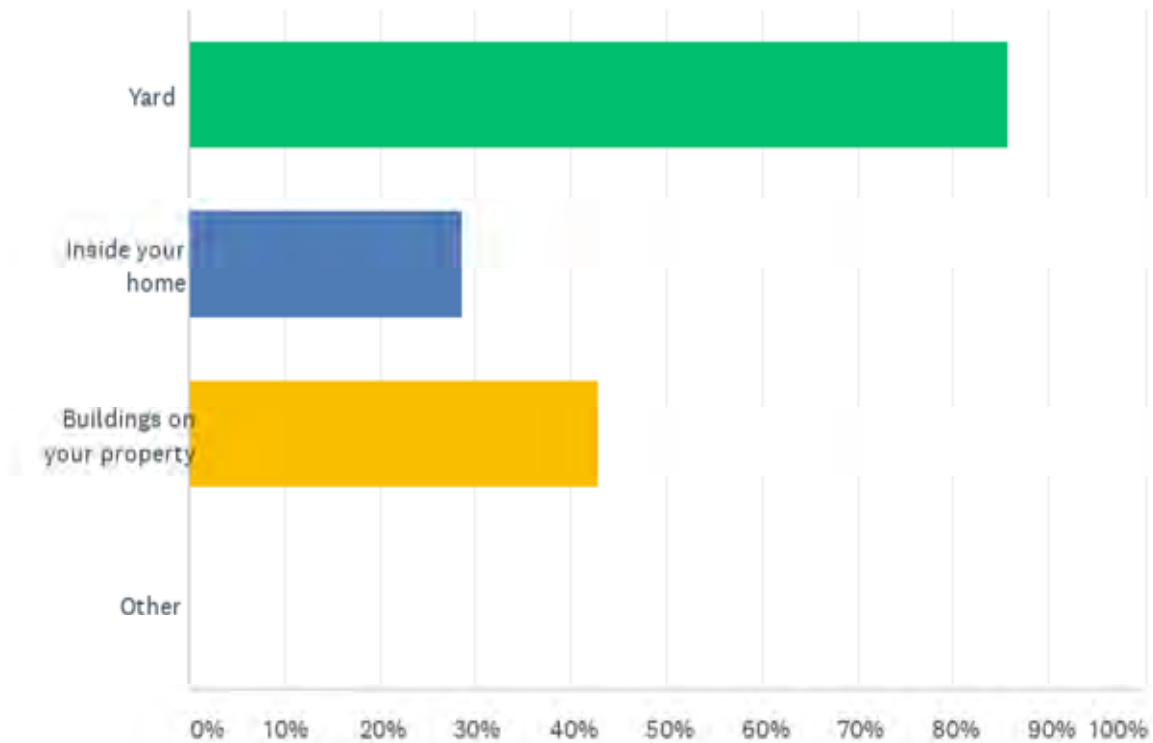
What Are We Hearing?

Q1 Have you experienced flooding on your property?



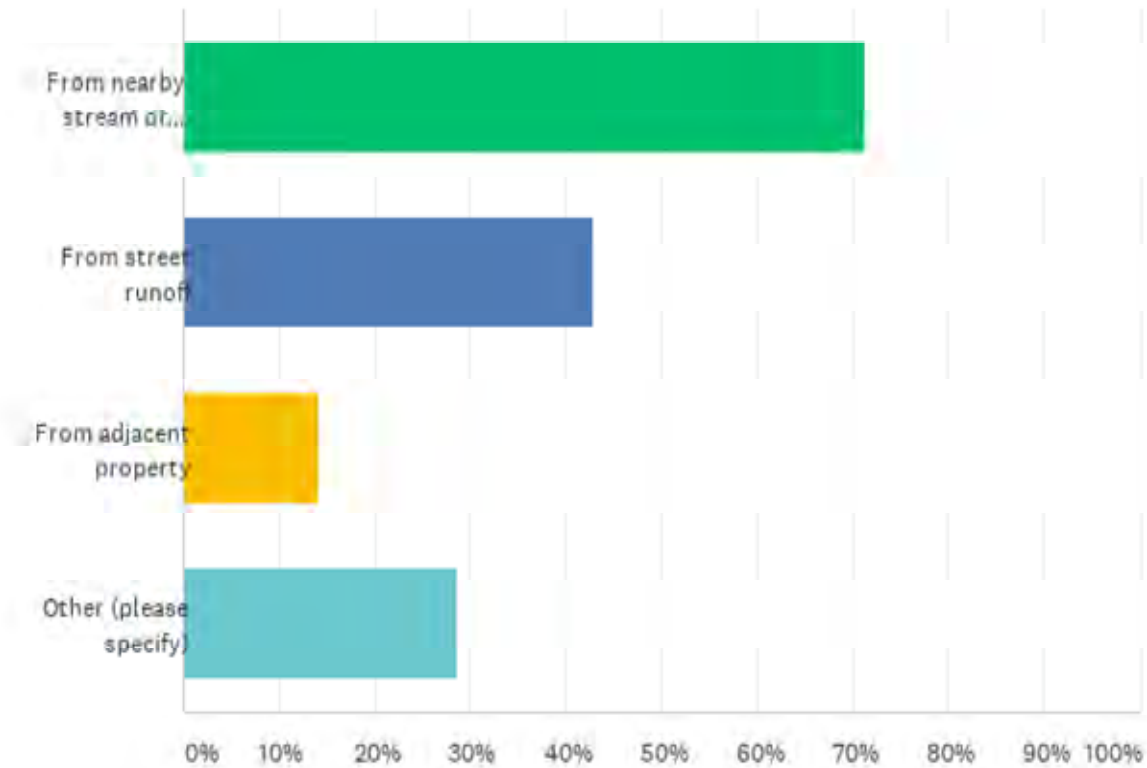
What Are We Hearing?

Q2 Where does flooding occur on your property? Check all that apply.



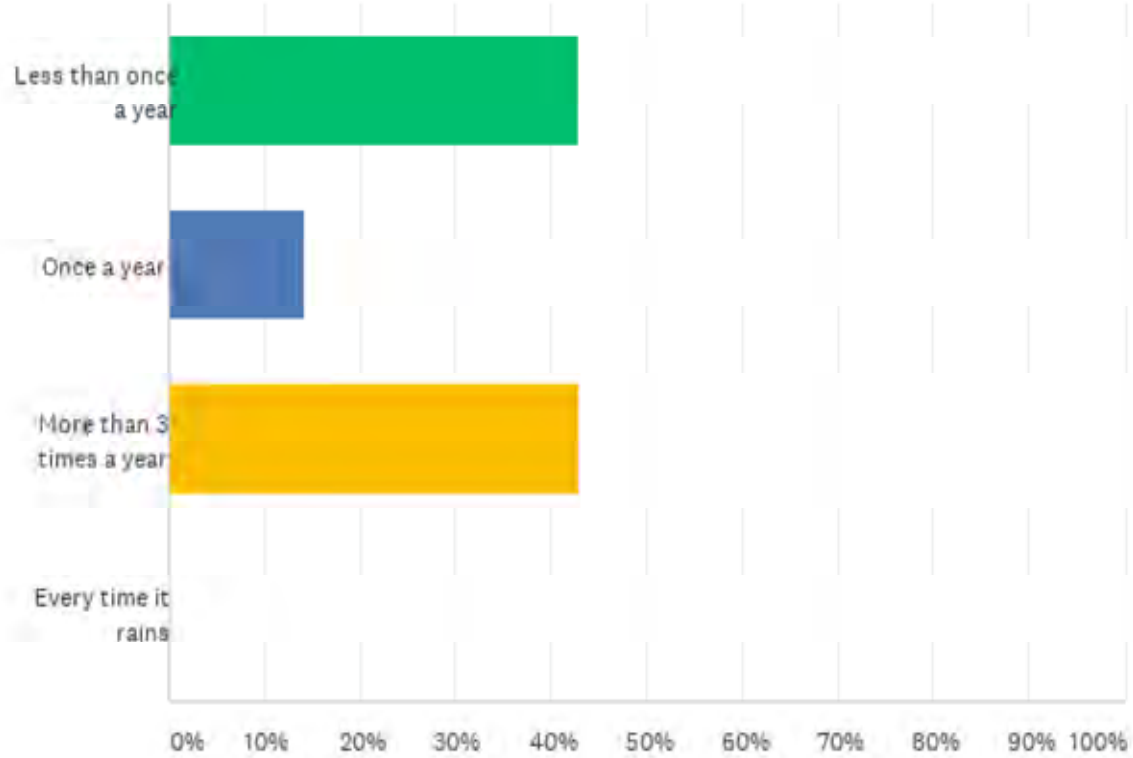
What Are We Hearing?

Q3 Where does the flood water come from that enters your property? Check all that apply.



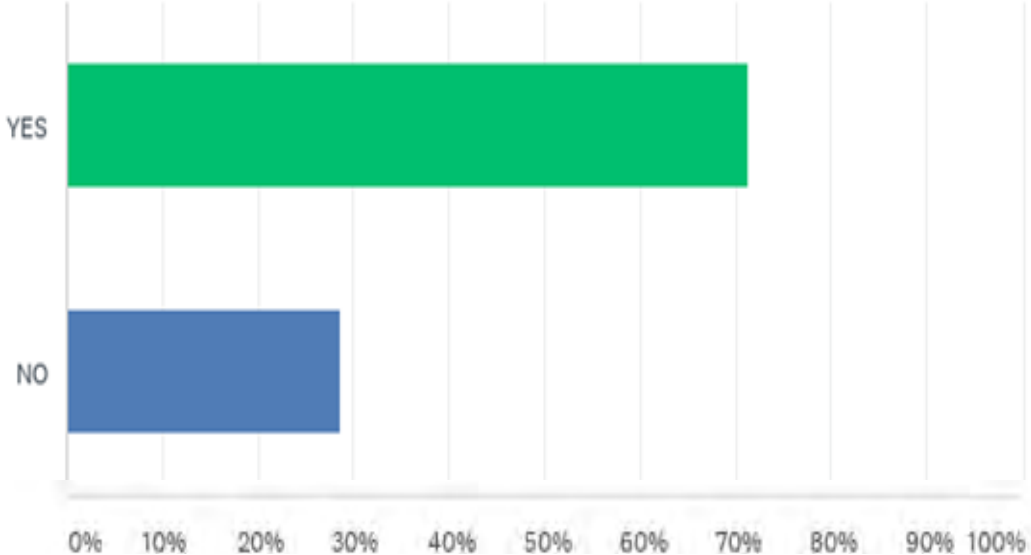
What Are We Hearing?

Q4 How often do you experience flooding at your property?



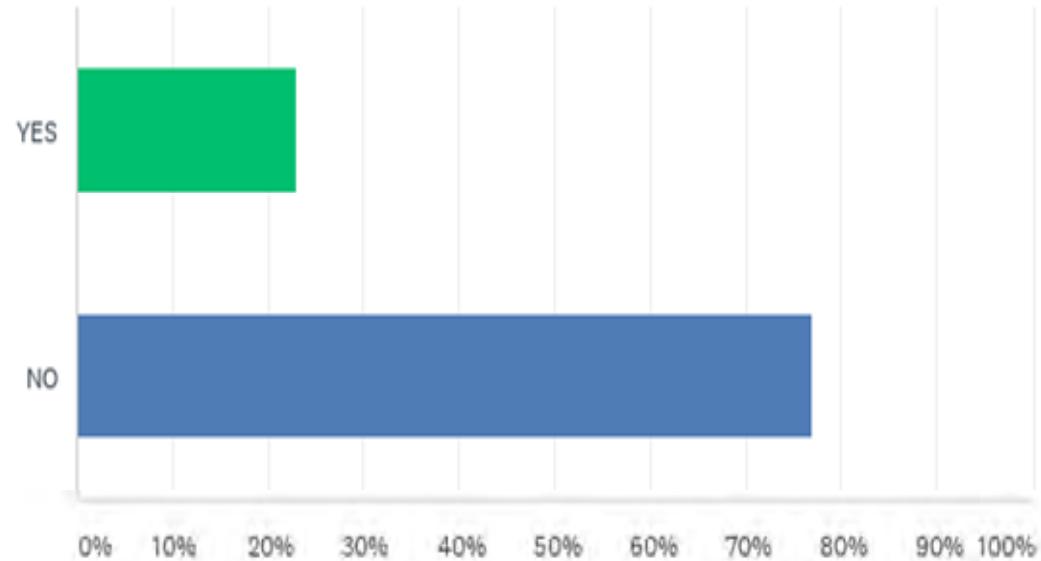
What Are We Hearing?

Q5 Has flooding ever caused damage to your property?



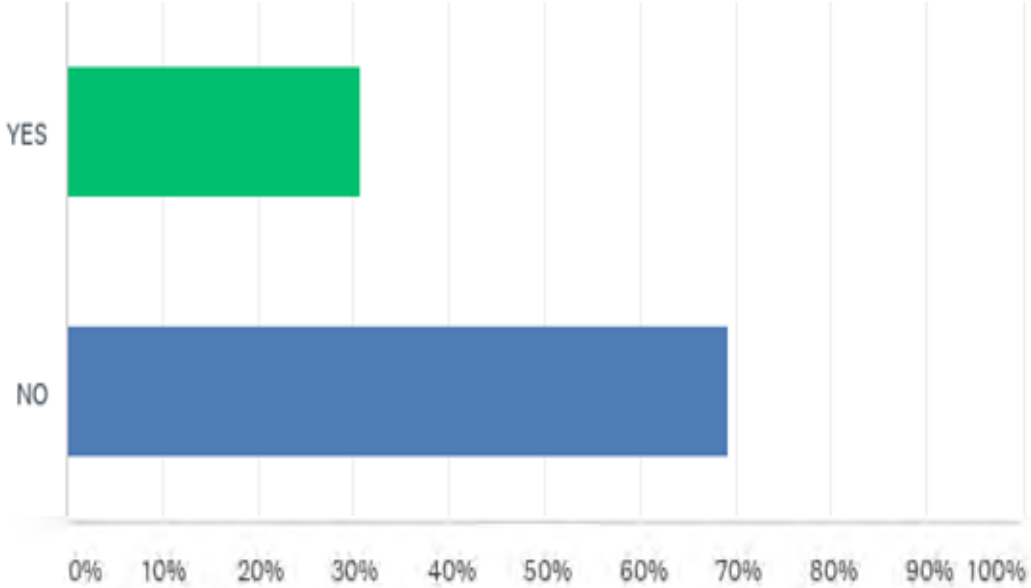
What Are We Hearing?

Q6 Have you ever contacted the City about flooding (whether on your property or elsewhere)?



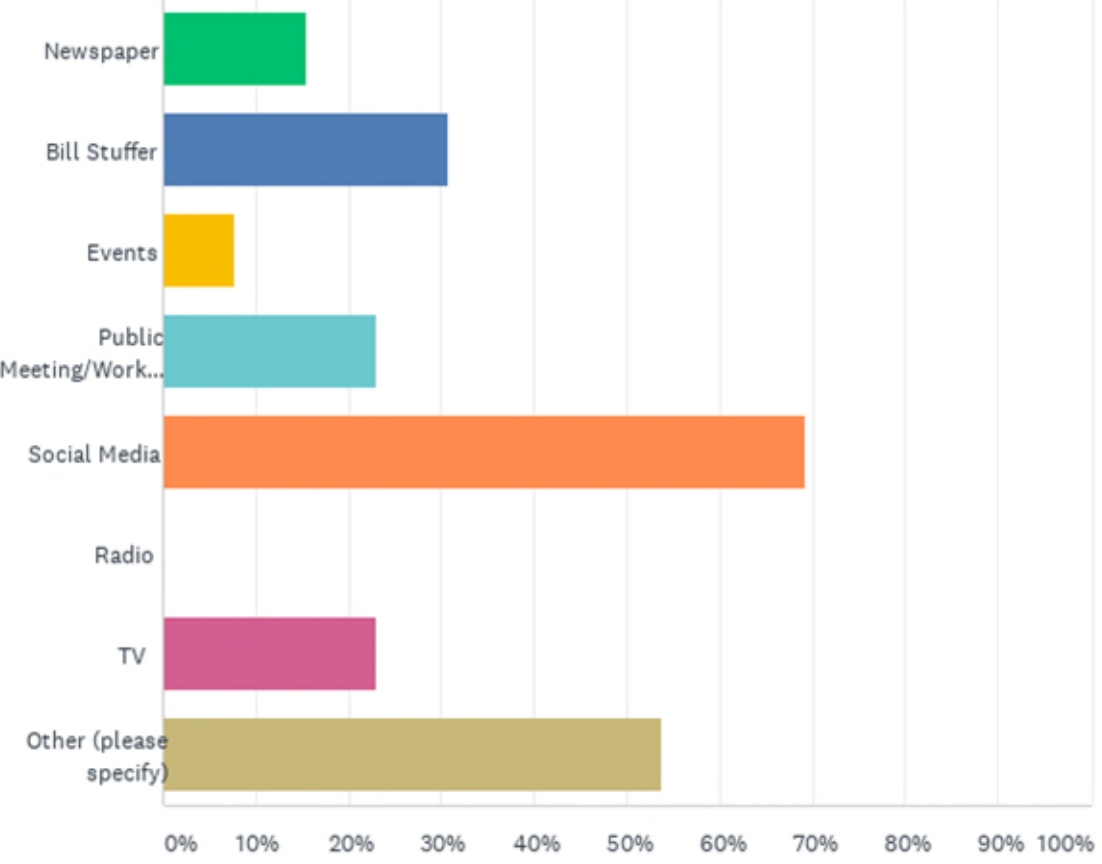
What Are We Hearing?

Q11 Are you familiar with a stormwater utility?



What Are We Hearing?

Q15 What is the best way to inform you about stormwater/flooding issues?



Upcoming Outreach

- Continue Conducting Survey
- Crafts Market – October 30
- Rotary Club – November 18
- Church Attendance – TBD
- School System Coordination - TBD
- Public Meetings - TBD



Cost of Service



Existing Stormwater Program

- Streets Crew (Total of 4 FTEs)
- A portion of a Utilities Crew (Total of 1.5 FTEs)
 - 50% of time of a ROW Operator
- A portion of Public Works Administration (Total of 0.65 FTEs)
 - 25% of time for Public Works Director
 - 25% of time for Planner
 - 15% of the time for Public Works Assistant Director
- Leaf collection not funded through the stormwater fee

Existing Program

Existing Program	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<u>Existing Program</u>						
Streets Crew Total	\$ 290,474	\$ 300,858	\$ 311,636	\$ 322,826	\$ 334,443	\$ 346,506
Utilities Crew Total	\$ 98,664	\$ 102,217	\$ 105,907	\$ 109,738	\$ 113,717	\$ 117,849
Public Works Administration Total	\$ 70,868	\$ 73,341	\$ 75,905	\$ 78,565	\$ 81,324	\$ 84,185
Total Existing Program	\$ 460,006	\$ 476,416	\$ 493,448	\$ 511,129	\$ 529,484	\$ 548,540

Enhanced Stormwater Program - Personnel

- Additional Streets Crew (Total of 4 FTEs)
- Additional Utilities Crews (Total of 2 FTEs)
 - To be added in FY 2023
- Additional Public Works Administration (Total of 3 FTEs)
 - Stormwater Manager
 - Stormwater Admin (To be added in FY 2023)
 - Stormwater Technician (To be added in FY 2023)

Enhanced Program - Personnel

Enhanced Program	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<u>Enhanced Program</u>						
Street Crew Total - New	\$ 290,474	\$ 300,858	\$ 311,636	\$ 322,826	\$ 334,443	\$ 346,506
Utilities Crew Total - New	\$ -	\$ 131,552	\$ 136,290	\$ 141,209	\$ 146,317	\$ 151,622
Public Works Administration Total - New	\$ 100,286	\$ 247,634	\$ 256,452	\$ 265,603	\$ 275,101	\$ 284,961
Total Enhanced Program - Personnel	\$ 390,760	\$ 680,044	\$ 704,377	\$ 729,637	\$ 755,862	\$ 783,089

Enhanced Stormwater Program – O&M and Capital

- Infrastructure Replacement (Non-Capital)
- Contracted Services (starting in FY 2023)
- Supplies and Materials
- Equipment (financed for 5 years starting in FY 2022)
 - Trucks (1 Large, 2 Standard)
 - Mini-Excavator
 - Jet-Vac Trailer
 - Street Sweeper
- Reserves and Overhead Allocation
- Capital

Enhanced Program – O&M

Enhanced Program	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<u>O&M New</u>						
Infrastructure Replacement (Non-Capital)	\$ 60,000	\$ 61,200	\$ 62,424	\$ 63,672	\$ 64,946	\$ 66,245
Contracted Services	\$ -	\$ 400,000	\$ 408,000	\$ 416,160	\$ 424,483	\$ 400,000
Supplies and Materials	\$ 50,000	\$ 51,000	\$ 52,020	\$ 53,060	\$ 54,122	\$ 55,204
Equipment Total - New	\$ 165,147	\$ 165,147	\$ 165,147	\$ 165,147	\$ 165,147	\$ -
Total O&M Enhanced	\$ 275,147	\$ 677,347	\$ 687,591	\$ 698,040	\$ 708,698	\$ 521,449
<u>Reserves and Overhead</u>						
Reserves and Overhead Allocation	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Total Reserves and Overhead	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000

Enhanced Program – Capital

Capital	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<u>Capital - New</u>						
Capital Improvement	\$ 500,000	\$ 535,000	\$ 572,450	\$ 612,522	\$ 655,398	\$ 701,276
Total Capital Improvement	\$ 500,000	\$ 535,000	\$ 572,450	\$ 612,522	\$ 655,398	\$ 701,276

Stormwater Program – Cost Summary

Stormwater Program	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<u>Existing</u>						
Streets Crew Total - Existing	\$ 290,474	\$ 300,858	\$ 311,636	\$ 322,826	\$ 334,443	\$ 346,506
Utilities Crew Total - Existing	\$ 98,664	\$ 102,217	\$ 105,907	\$ 109,738	\$ 113,717	\$ 117,849
Public Works Administration Total - Existing	\$ 70,868	\$ 73,341	\$ 75,905	\$ 78,565	\$ 81,324	\$ 84,185
Total Existing	\$ 460,006	\$ 476,416	\$ 493,448	\$ 511,129	\$ 529,484	\$ 548,540
<u>New</u>						
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Public Works Administration Total - New	\$ 100,286	\$ 247,634	\$ 256,452	\$ 265,603	\$ 275,101	\$ 284,961
O&M - New	\$ 275,147	\$ 677,347	\$ 687,591	\$ 698,040	\$ 708,698	\$ 521,449
Total New	\$ 665,907	\$ 1,357,391	\$ 1,391,968	\$ 1,427,677	\$ 1,464,559	\$ 1,304,538
Total Reserves and Overhead	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Total Capital Improvement	\$ 500,000	\$ 535,000	\$ 572,450	\$ 612,522	\$ 655,398	\$ 701,276
Total Revenue Requirement	\$1,725,913	\$ 2,468,807	\$ 2,557,867	\$ 2,651,328	\$ 2,749,441	\$ 2,654,354

Financial Model Overview

- Framework of model has been developed
- Incorporates inflation rates based on cost category
- Cost categories can be turned on and off
- Conservative growth rate applied to units of service
- Fee collection rate has been factored into the rate calculation

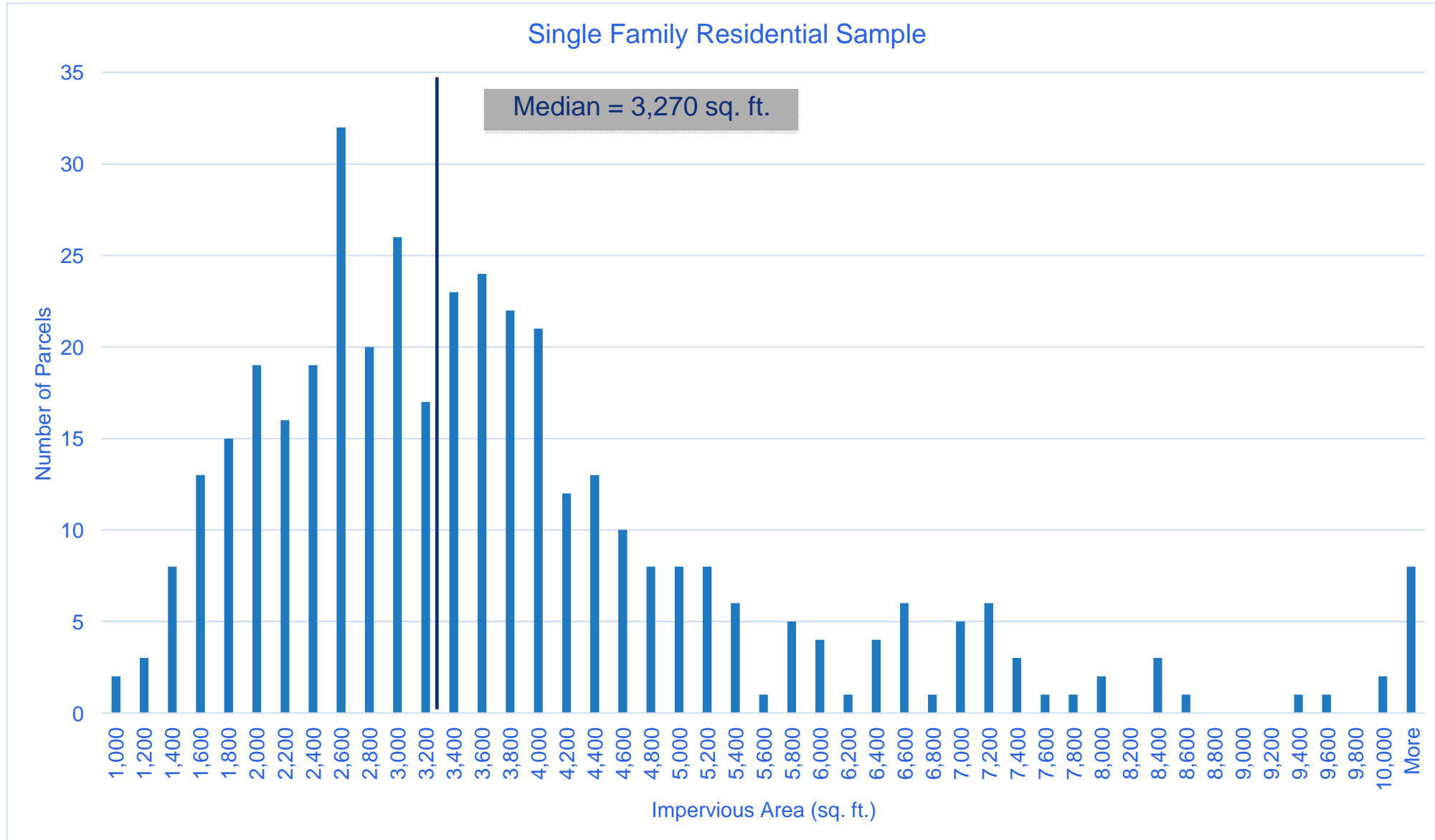
ERU and Rate Base



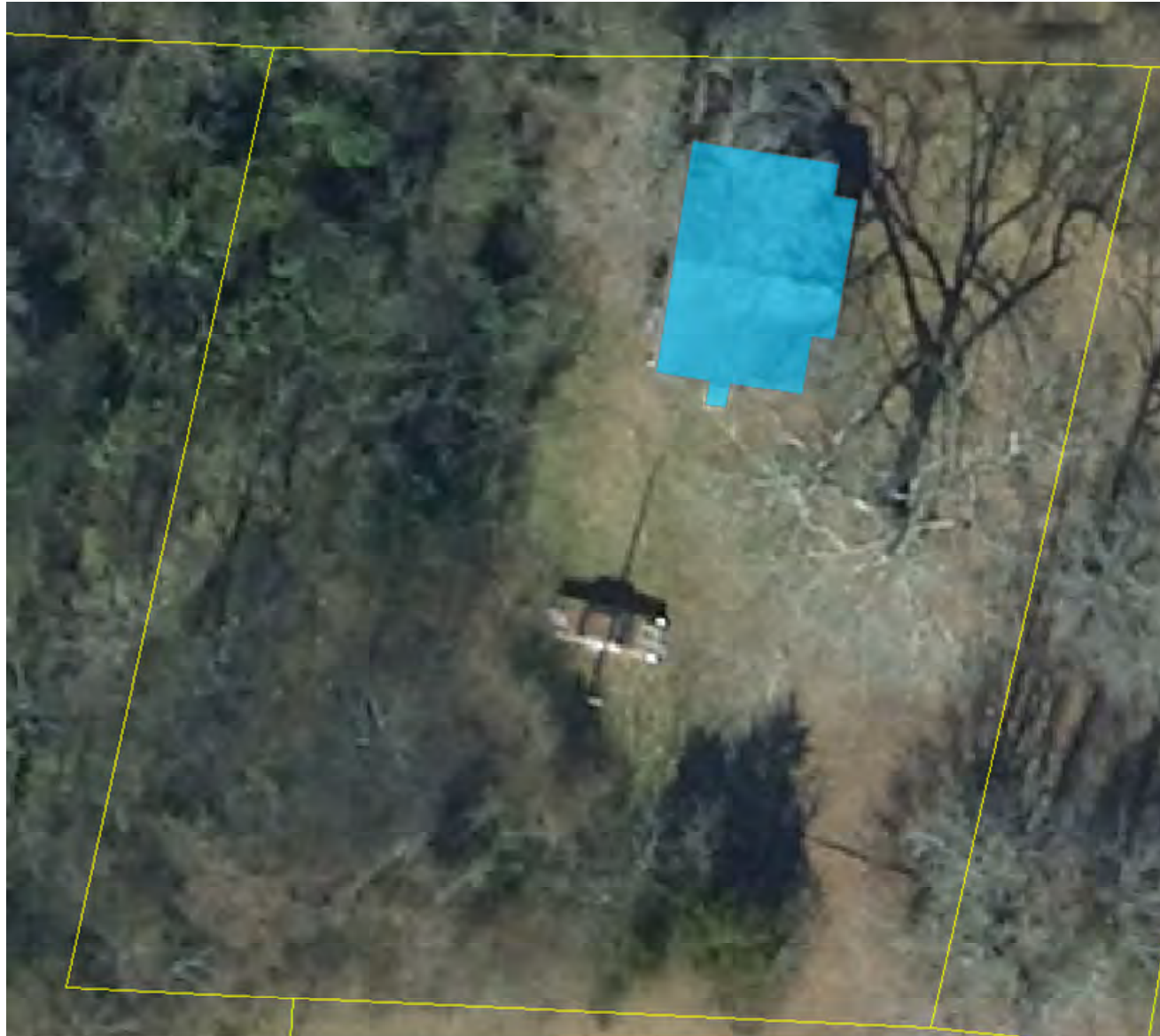
Equivalent Residential Unit (ERU)

- Represents the amount of impervious surface on a “typical” single family property
- Digitized a random sample of 400 single family residential properties
- Statistics of Sample
 - Average = 3,756 sq. ft.
 - **Median = 3,270 sq. ft.**

Sample Distribution



Minimum



Maximum



Median



Digitizing Progress

- Assumed that all single family residential parcels will be charged a single flat rate (5,847 parcels out of 8,899 total parcels within the City (66%))
- Estimated that there are 1,191 non-single family residential parcels in the City that have impervious area
 - All non-single family residential parcels have been digitized
 - Approximately 400 parcels are still pending QC
- Total approximate units of service = 17,376 ERUs
 - Includes residential and non-single family residential

Potential Range of Rates

	FY 2022	FY 2023	FY 2024
Stormwater Program Rates	\$8.54 - \$9.43	\$12.09 - \$13.05	\$12.41 - \$13.09

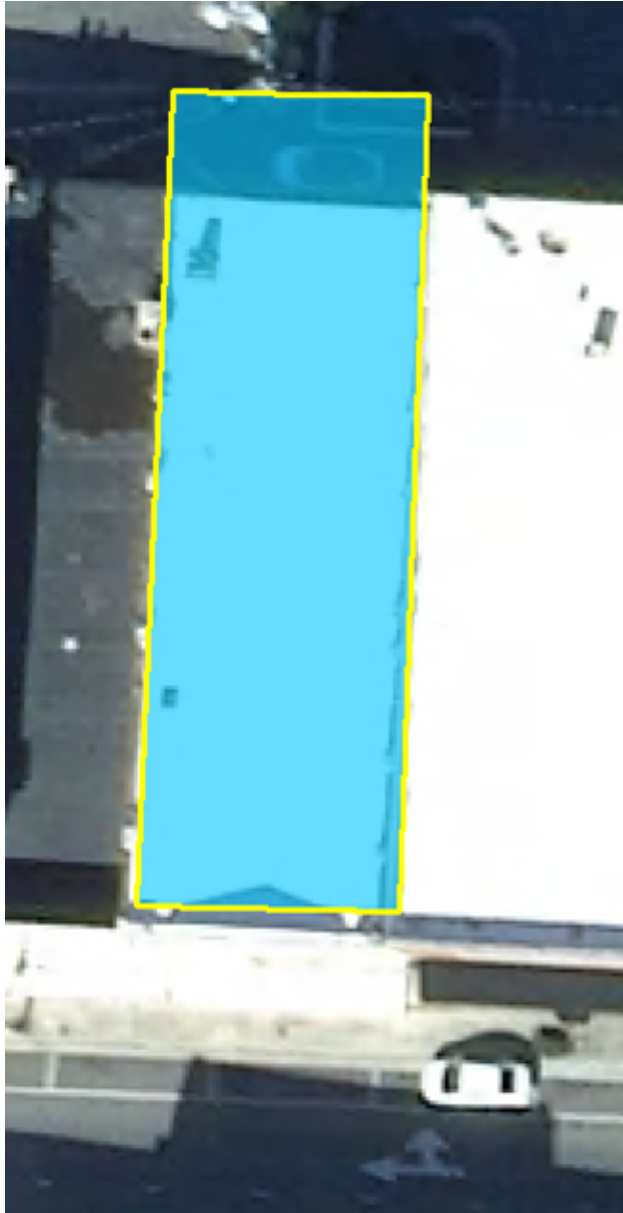
- 5-year average rate = \$11.77 - \$12.44

Example – Government



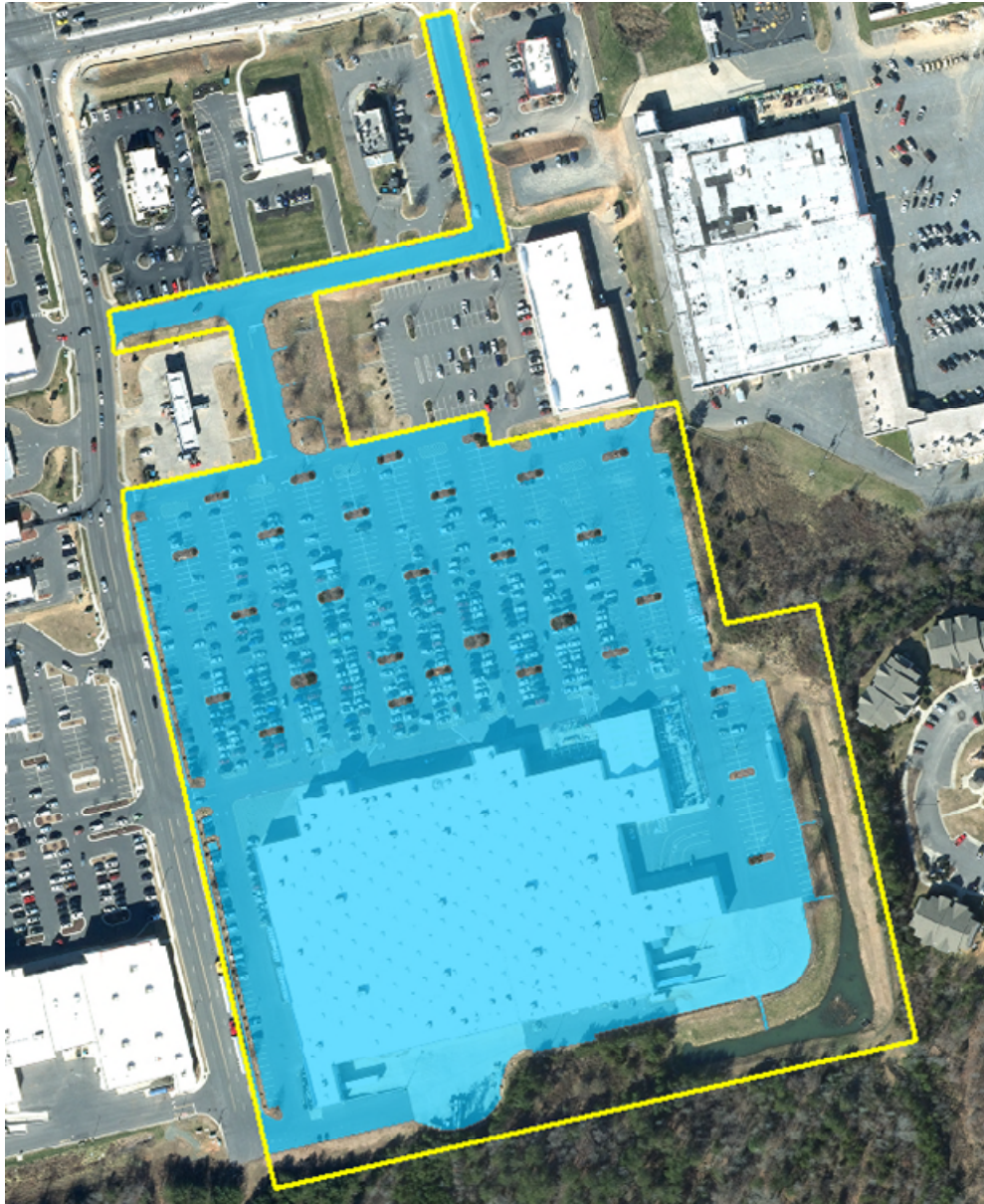
- 90,042 sq. ft. of impervious surface
- 28 ERUs
- \$329.56 - \$348.32

Example – Local Business



- 3,915 sq. ft. of impervious surface
- 2 ERUs
- \$23.54 - \$24.88

Example – Large Retail



- 717,934 sq. ft. of impervious surface
- 220 ERUs
- \$2,589.40 - \$2,736.80

Example - Medical



- 611,381 sq. ft. of impervious surface
- 187 ERUs
- \$2,200.99 - \$2,326.28

Example – Multi Family



- 95,297 sq. ft. of impervious surface
- 30 ERUs
- \$353.10 - \$373.20

A photograph of a park area. In the center, there is a wooden gazebo with a brown roof and dark green metal framing. The gazebo is surrounded by a white picket fence. In the foreground, there are several metal park benches on a paved walkway. The area is lush with green trees and bushes. A tall, dark green lamppost stands near the gazebo. In the background, a red brick building is visible. The text "Moving Forward" is overlaid in white on the left side of the image.

Moving Forward


Next Steps


- Continue outreach efforts (Crafts Market, Rotary Club, Churches, School system, public meetings)
- Finalize units of service
- Continue discussions with City Staff on how to bill customers
- Take today's feedback and refine the program recommendations and rate structure.
- Develop draft report with program recommendations
- Prepare standard operating procedures for Watershed Plans
- Begin pilot watershed study



 **WK
DICKSON**
community infrastructure consultants

Thank You

 Tom Murray, PE

 919.610.9434

 tmurray@wkdickson.com

 www.wkdickson.com



Print

Title – Public Housing Door Project Final Update

Description:

In the midst of a pandemic, the Public Housing Staff, contractor (HEMCO) and architect (Stogner Architecture) worked very well together to complete the Exterior/Interior Door Replacement Project in a timely manner and under budget. The original contract amount was \$1,361,217.00 and the final adjusted contract amount is \$1,306,507.99 (\$54,709.01). The Public Housing Director is appreciative to Kyle Marks, President of HEMCO Properties, LLC, Davis Best, Contract Administrator with Stogner and Tony Poplin, City of Albemarle Maintenance Supervisor for their ability to remain professional, flexible and dedicated to the scope of work, schedule and cost of the project.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> CERTIFICATE_OF_COMPLETION_AND_ACCEPTANCE_-_signed.pdf	Certificate of Completion and Acceptance

APPROVALS:			
Date/Time:	Approval:	Department:	
9/14/2021 3:24 PM	Approved	City Clerk	
9/14/2021 3:24 PM	Approved	Administration	

Print

Title – Recommendation to Change to Retirement Contribution Policy

Description:

Please see the attached memo regarding this proposal.

Is this item budgeted?

No

Fiscal Impact:

Minimal.

Management Recommendation:

On page 43 of the City's Employee Handbook, the section labeled "4.4.Retirement" should read as follows:

"Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System the first day of the month following their date of hire. (This applies to all employees hired on or following September 20, 2021; Employees hired prior to September 20, 2021 did not begin retirement contributions until 90-days after their date of hire.).

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> Retirement_Policy_Revision_Memo.docx	Memo from HR Director

APPROVALS:

Date/Time:	Approval:	Department:	
9/15/2021 5:12 PM	Approved	City Clerk	
9/15/2021 5:12 PM	Approved	Administration	

I N T E R O F F I C E M E M O R A N D U M

TO : M I C H A E L F E R R I S

FROM : D A N A C H A N E Y

SUBJECT : R E Q U E S T T O M O D I F Y R E T I R E M E N T C O N T R I B U T I O N W A I T I N G P E R I O D

DATE : 9/15/2021

The Human Resources team is recommending that the City not require a 90-day waiting period for employees to begin their retirement contribution. This has been the historical practice of our organization but other municipalities do not employ this practice. It creates confusion for employees and also an administrative burden on HR staff.

HR Analyst, Leslie Kinley, provided the following seven reasons describing why NC retirement should start at the same time as other City benefit programs:

1. Due to the waiting period, HR must enter a code LOCWP (Local waiting Period) on each person. When the waiting period is up, HR must remember to go in Munis and change the LOCWP to LOCG for General employees, LOCL for Law Enforcement and LOCF for fire. We also then have to go add a 7000 code for it to take the 6% out of each check. Waiting the 90 days makes it easy for mistakes. If we could do it all at once it would not be as hard to keep up and less confusing for employees. Employees call all the time because after 90 days their pay goes down because of the 6% that starts coming out of their checks. If it started from the beginning, the pay would stay the same.
2. People know their hire date and so when they come to HR thinking they can retire with 30 years we have to tell them they have to work 3 more months due to the waiting period.
3. Most other Municipalities do not have waiting periods
4. Employees only have to work one day in a month to get a month's credit. If someone starts say March 30th and their 90 days is up June 30th, they have to wait until their first check in July to contribute because we would not have another pay check in June. This cheats them out of one month.
5. If an employee works until the end of the month and they get their last check the next month, then they should not get retirement for the next month since they are not physically working that month. An example is a recent employee who resigned 8/26/21, and his 90 days was up on 9/1/21, so I added the LOCG and code 7000. This should not have occurred because the employee did not work in September, only received a check.
6. An employee moving from part-time to full-time still has to wait 90 days after they have already worked with us for months/years according to the current policy.
7. State government employees have no waiting period to begin their retirement contribution.

Please let me know if you have additional questions.

Print

Title – Departmental Spotlight Presentation - Fire Department

Description:

Monthly department presentations will provide City Council with an overview of the department (services, employees, total budget), current fiscal year update on goals and achievements, and future goals. This month the Fire Department will be highlighted.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
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No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Information - Trespassing and Litter on Private Lot

Description:

This issue originated with a comment at a recent Council meeting and the Mayor Pro-Tem has requested it be placed on the agenda.

To recap, we determined the issue was actually on the private driveway for Lowe’s Home Improvement and involved trespassing on private property. The Police Department was working with the property owner to gain consent to help manage the property. The homeless camp has been moved and is no longer an issue. There has been some movement by the owner to begin a cleanup and some of the trash has been gathered. The Police Department is working with Planning to determine the next steps.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

<u>ATTACHMENTS:</u>	
Name:	Description:
No Attachments Available	

<u>APPROVALS:</u>			
Date/Time:	Approval:	Department:	

Print

Title – Departmental Monthly Reports

Description:

Attached are monthly reports for August 2021.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> All Depts August 2021.pdf	August 2021 reports

APPROVALS:

Date/Time:	Approval:	Department:	
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To: Michael Ferris, City Manager
From: Keith Tunnell, Economic Development
Re: Monthly Report
Date: 9/14/21

Economic Development & ADDC/Main Street August 2021

Administrative

- Part-Time position in economic development has been filled. Ms. Monica Chang, a resident of Albemarle and a graduate of Stanly CC began work Aug. 23.

Albemarle Business Center

- Work on researching the easements is complete and instead of 8 easements to obtain there are only 6. Initial offer letters and explanation of the easement request and process was sent to the 6 property owners last Monday. Owners have 15 days to review and accept the offers or schedule a time to negotiate and discuss the easements.
- Have a contractor, engineer, and architect putting together preliminary plans, bid specs, and budget for possible 100,000 sf spec building in the ABC. Initial package to be available on or around Sept. 17. Will share information with management for review and edits and set a time to provide information on options for a spec along with staff recommendations.
- Meeting with another potential public-private partner on the spec. Will provide detail when presenting info to management and Council in upcoming weeks.
- Met with signage and a landscape architect to discuss ideas and recommendations for ABC entrances. Architect will create a preliminary plan and cost estimates for review by staff. Once updated we will bring the plan and costs back to management for review with final plan presented to Council at an upcoming meeting.

Keith Tunnell: Main Street Program/ADDC/Operations/Marketing/Outreach

- Air National Guard unit and other potential units of the ANG in the region that were or could be a part of the grading project at Ingram Park are all engaged in the changeover project to new air wing at Charlotte Douglas. Will go back to ANG first of October as was suggested by ANG.
- New staff person Monica Chang will be scheduling visit with ANG staffer responsible for working with students attending classes at the ANG unit here. They will work together to develop a marketing plan to have those students spend time downtown and in other areas of town for food, entertainment, etc. In short, setup a marketing plan directed at those 2,300 visitors.

- Meeting with engineer this Friday to review proposal for layout and plan for retail on City owned Ingram property.
- Part-time contract worker working with Keith Tunnell to complete request for information from GISWebtech so they can populate and design the database for our purposes.
- Staff had zoom meeting with GISWebtech staff to launch the database project for properties and data that is customized for our needs to promote the ABC and other industrial properties; the 24/27 and 52 retail corridors; and the downtown district. This will be the first section of the new website to go live as we can connect it for now to the existing City site.
- Work on new economic development website has been delayed due to COVID which kept Keith Tunnell out for most of 2 weeks tending to his son and then his contracting COVID in a breakthrough case. Will be scheduling website meeting with webmaster next week to reset project and get back on track.
- Retail Strategies and Retail Strategies Downtown contracts have been approved and accepted. Amended and submitted contracts for both Retail Strategies programs.
 - Retail Strategies: Renewal in FY '22-23 fiscal year of the same program contracted the last 8 years.
 - Retail Strategies Downtown: We are adding this contract and scope of work in FY '21-22.
 - Downtown Strategies kick-off meeting has been scheduled for later this month.
- Continue to work with interim APD Chief and senior leadership regarding vagrancy, drug use, and loitering issues around downtown businesses. APD senior staff met with several of the homeless to evaluate their issues and determine what, if any, assistance could be provided. We are in the process of evaluating this information. We will also engage the downtown business community through the Downtown Strategies workshops, meetings, and survey to get input from each of them. Once we have all of the facts and information available to us we will come back with recommendations on how best to move forward with supporting our business community and best assisting these individuals in our City. With new chief coming on board this group will meet again and present status of this initiative with the new Chief so he can provide his input and direction.
- The APD meeting also identified common themes of importance to both Econ. Dev. and the APD and how our departments can better communicate and collaborate. (i.e. industry recruitment and needs, staffing events and festivals, downtown WiFi and/or promotional cameras setup at key locations to market the town, City app, drone sharing, etc.). Was invited and accepted an invitation by the Chief to present an economic development overview to his senior leadership. Will schedule this with the new Chief once they are on board.
- Request of Preservation NC to provide all documentation on the South Street building project and selection process.
- Ordered appraisal on the former APD building. Spoke with appraiser and they will be on site next week.
- Surveyor for Market Station has been involved in a major project elsewhere. Was contacted on 9/14 by the surveyor apologizing for this other project taking up so much time. He is committed to following through on the Market Station project. I've asked he provide info to me by week's end as to timing for completion.

- Have requested a proposal from architect on 'as-built' drawings of the Wiscasset building as there are no architectural plans for the building that can be found. Building has interest from two parties in possibly converting the building into apartments. Both parties that have shown interest in the building remain interested and working with both.
- Will schedule date for initial meeting with a number of area residents interested in developing a Minority & Women Business Program. Potential seed funding for such an initiative is going to be requested as part of the City ARPA funds and request will be made to have ADDC involved and as a funding partner.
- Hotel Study grant funding from Electricities has been approved. Staff is gathering information requested by the vendor through ElectriCities and will send information to the consultant once completed. I expect the consultant will be engaged and being the study in early October.
- Have had discussions with management, Planning & Development, and ElectriCities to see if the hotel study vendor could also conduct a housing study. If not, we have asked ElectriCities if they could assist with providing grant money for such a study. Several developers have expressed an interest in having more detailed information not only on Pfeiffer growth and housing needs but overall Class A apartment and other housing needs in Albemarle. Awaiting response from Planning & Development on items they would like to have included in the study. Once request is complete we will submit to ElectriCities and request funding
- Downtown Business Grant Program documents are in final review by City Management.
- Barglance.com ownership met with Chris Lambert and the VisitStanly Board on July 15 to discuss the organization contracting with the company to provide cameras at key tourism locations and live-feed those via a traditional and digital marketing plan to the region.
 - The first solar-powered camera is now live: <https://video.nest.com/live/Zoslf6KBZU> other cameras will be added at Lake Tillery and one other location to be determined.
- A program for downtown Albemarle is being recommended to the ARA Committee that could piggy-back on the VisitStanly platform and provide a package that includes free downtown Wifi, and a City app that allows citizens and visitors to locate info on the City, services, request service, learn more about upcoming City events and festivals, view live-streaming of events as they occur, and utilize a traditional and digital marketing plan directed at locals as well as the region to attract day-trippers and weekend visitors to downtown as well as those vacationing here. Would also include providing internet access to all of the City's public housing communities.
- Keith Tunnell is engaged and has attended meetings and provided feedback and recommendations to the ARP/Strategic Planning Workgroup.
- Continue to work with Baker family on brewery project.
- Working with Structural Engineer Ted Bartlett on plan and engineering to place fans at Market Station.
- Continue to have dialogue with potential investors in the Heart of Albemarle property.
- Attended ADDC Board Meeting
 - Scheduling meeting with new ADDC Chair and Joy Almond to review scope of work and improvements to the working relationship.
 - Will be providing recommendation to management on changes to the ADDC-City working agreement.

- The two items listed were put on hold and will be rescheduled due to Keith Tunnell being out due to COVID.
- Rescheduling meeting with Pfeiffer to explore a student internship program to support Economic Development, Main Street, and ADDC program of work.
- Researching possible grant writing initiative for Economic Development, ADDC, and Main Street.
- Have contacted local business leaders and residents working on Bike Share program for downtown.
- Providing summer photography list to contract photographer. If any areas in the City you'd like to have new photos of please let me know and I can add to the list. Monica Chang has taken this initiative over as part of her marketing duties.
- Rescheduling meeting with Electricities and Albemarle Utility Assistant Director regarding ABC and economic development.
- Assisting Tomahawk owner with business opening on 9/15. Assisted with marketing of the business.
- Provided input to Bill White regarding improved marketing efforts of the Carolina Treetop Challenge business. Will work with staff and City Attorney to draw up draft of changes to existing contract per direction of Council.

###

**COA Main Street Manager's Report:
August/early September 2021 Activities**

ADDC Events:

- **Farmer's Market:** Registration went out for closing day craft show on 10/30. Received six craft registrations so far. Opened/closed Wednesday markets throughout month of August. Market now open Saturdays only through end of October.
- **#bedowntownbiz After-Hours Mixer:** Thursday, Sept. 16th at the Hive.
- **Dinner on Main:** Tickets going out now to those on reservation list. Met with committee and Off the Square chef on Sept. 8 to finalize logistics for day-of event. Have been working with board chair Edna Lipe-Harkey to secure food items, table décor, online payment for ticket sales, ongoing communication with event organizer Dr. Connie Eckman and Off the Square to continue planning.
- **Falcons Night Out:** Partnering with Pfeiffer University to plan activities to support Homecoming weekend the evening of September 24th. Continuing to work with Pfeiffer to promote.
- **Holiday Tour of Homes:** met with committee on Aug. 19th at Lantern Realty office. Currently focusing on tour site recruitment; need at least 5-6 more homes. Currently two sites secured.

ADDC Owned/Managed Properties:

Market Station: Continuing to have increased interest from potential renters. Showed facility on Aug 11 & 16th, Sept. 1 and 9th. September rental dates are: Sept 12-15, 16-17, 22 and 25. Allowing use of market pavilion for Food Truck Friday/Tour de Elvis on Sept. 10, reserved as rain location for Dinner on Main Sept 18.

Work with City Departments/Committees

HRC: granted continuance on All Star Flour Mill redevelopment. Waiting for survey and title search to be completed.

Special Events Committee: updated flyer with fall events in-office. Met with P&R Assistant Cindy Burris on Sept. 7th at Market Station to assist with placement of vendors for Food Truck Friday.

City Council: Attended 9/7 meeting in regard to consent agenda item for street closure on N. 2nd St. for Falcon's Nite Out.

NC Main Street Office: Attended virtual organization training on 8/2, then manager's meeting from 8/4-8/6 in Asheboro. Beginning work on award submissions, due Oct. 1st.

Continuing education: Watched webinar on historic tax credits with John Williams on Aug. 25. Attended virtual kickoff meeting for GIS webtech, facilitated through Keith Tunnell.

Board orientation: Reviewed board handbook materials with John Williams on Aug 25 and Beth Olivieri on Sept. 7.

Business outreach: met in-person with incoming business owner Freida Owens on August 10th to discuss ADDC grant opportunities as she continues planning on opening a medical supply store on S. 2nd St.

CITY OF ALBEMARLE

Financial Analysis

August 2021

Budget vs. Actual Revenues and Expenditures

Fund	Budget Appropriation	YTD Revenues	Percent Collected	YTD Expenditures & Encumbrances	Percent Expended	Net Increase (Decrease) Revenues over Expenditures	Percent Increase (Decrease)
General	19,306,254	1,838,893	9.5%	3,197,091	16.6%	(1,358,198)	-7.0%
Powell Bill	574,997	0	0.0%	53,017	9.2%	(53,017)	-9.2%
Water & Sewer	12,593,197	1,352,016	10.7%	2,126,484	16.9%	(774,468)	-6.1%
Electric	32,558,902	3,928,226	12.1%	4,410,289	13.5%	(482,063)	-1.5%
Landfill	4,359,945	318,947	7.3%	1,919,425	44.0%	(1,600,478)	-36.7%
Public Housing	1,428,255	251,014	17.6%	240,214	16.8%	10,800	0.8%
Section 8	1,486,897	199,604	13.4%	190,068	12.8%	9,536	0.6%
Self Insurance Fund	3,618,077	554,586	15.3%	141,713	3.9%	412,873	11.4%
Total	75,926,524	8,443,286	11.1%	12,278,301	16.2%	(3,835,015)	-5.1%

Note: August is the 2nd month of the fiscal year, and equates to 16.67% of the fiscal year. However, the above information does not reflect all of the revenues and/or expenditures due to the delay of information being received from outside agencies.

Cash and Investments

All Funds 47,447,719

Investment Earnings

Budget Appropriation 57,000
 YTD Earnings 106
Percent Collected **0.2%**

Property Taxes

	City	MSD
Tax Levy	6,787,788	42,670
YTD Collections	129,639	2,110
Percent Collected	1.91%	4.95%

Utility Revenue/Billing 7,765,969
 Utility Bad Debt Expense 21,633
Percent of Bad Debt **0.28%**

Debt set off **Year to Date**
460.09



ALBEMARLE

NORTH CAROLINA
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August 2021-Monthly Fire Departmental Report

Budget FY2021-2022		
Current Budget	Year to date Expended	Remaining Budget
\$5,081,858	\$578,915	\$4,449,161

Council Priority Focus

Priority Area 1: Enhance Talent & Compensation Management to Build & Retain a Diverse Workforce

Fire Department Staffing:

- Application period will remain open (Full-time/Part-time)
- 2 vacancies due to resignation on 6/17/2021 and 8/18/2021
- 1 request for reinstatement from previous resignation on 7/26/2021
- Recruit graduation will be held on Thursday, September 9, 2021 @ 6pm (North Albemarle Baptist Church)

Priority Area 2: Build Organizational Capacity and Efficiency to Support Effective City Government

- Formation of policy review committee (Administrative and Operational)
- Working on:
 - FD Strategic Plan
 - FD Standards of Cover
 - ISO plans and development
 - (CPSE) Center for Public Safety Excellence Accreditation Model





ALBEMARLE

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Priority Area 3: Advance Resources Designed To Protect our Residents and Safeguard our City

- Working with county to form an incident Response Team for major incidents
- Apparatus: All in service.
- Truck committee is working on final specifications for ordering new fire truck
- Continued working on Equipment Replacement Model
- Working on burn permits and other legal documents (Planning/Zoning) to proceed with structural burns

Response:

Total Calls for Service		Mutual Aid		
Fire	EMS	Given		Received
55	113	2		2

Deployment	
Average Turn-out time	Average Arrival time
0:01:17	0:04:41

Property Value		
Total Property Value	Total Property Loss	% of Loss
\$2,650.00	\$2,650.00	100%

Training:

Training		
Chief Officer	Department Wide	Total Hours
160.5	820	980.5





ALBEMARLE

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- Engineers and above started Career Development Training Series (6/16-9/20/2021)
- IAFC Human Relations Board Meeting (8/18/2021)
- United In Service Committee Meeting (8/11/2021)
- Fire Instructor III Certification (7/19/2021 – 9/30/2021)

Community Risk Reduction/Education:

Community Risk Reduction				
Safety Programs	Safety Inspections	Pre-Plan Survey	Smoke Alarm Install	Carbon Monoxide Alarm Install
1	144	0	7	3

Certificate of Occupancy	Plans Review	Alarm Test	Investigations
0	7	6	6

****Special Circumstances****

Property Value:

Property value has not been assessed on the A and H Millworks site.

All non-essential activities were suspended from 7/10/2021 thru 8/16/2021 due to health and safety concerns.

End of Report 9/1/2021

TPB



HUMAN RESOURCES DEPARTMENT

Monthly Activity Report
August 2021

Council Priority Area 1: Enhance Talent and Compensation Management to Build and Retain a Diverse Workforce

HR Activity – Recruiting and Development

Total Job Postings/Applications Rec'd by Role			
	Job	Closing Date	Apps
1	Police Officer I	OTF	38
2	Public Information Officer	9/16	51
3	Parks Maint Tech PT	9/20	9
4	Public Housing Director	9/13	16
5	Firefighter I	8/2	33
6	Evidence Specialist	8/24	76
7	Public Utilities Director	8/23	8
8	IS Support Specialist	8/6	28
9	Treatment Plant Operator	OTF	17
10	Treatment Plant Superintendent	OTF	4
11	Heavy Equipment Mechanic	OTF	1
12	Police Chief	8/9	20
	Total		301

Total New Hires for August 2021: 8

Current Retention Rate: 90%

Current Voluntary Turnover Rate: 10%

27 Voluntary Terms for 2021

- 20 resignations
- 7 retirement

(Key Benchmark: 10%)

The City's goal is to keep annual turnover under 10%. Average annual turnover for the period 2009-2019 was 19%. The City's 2020 Turnover rate was 12%.

New Hires

	Name	Position	Dept	Status	Date
1	Marcus Owens	Planning Board Member	PDS		8/5
2	Whitney Beasley	Police Officer I	APD	FT	8/9
3	Dale Walling	Police Officer I	APD	FT	8/9
4	Brittany Strickland	Police Officer I	APD	FT	8/9
5	Logan Johnson	Police Officer I	APD	FT	8/9
6	Elizabeth Usery	Utility Billing Specialist	PU	FT	8/16
7	Michael Villardi	Police Officer I	APD	FT	8/16
8	Darrion Foster	Police Officer I	APD	FT	8/17
9	Monica Chang	Eco Dev Admin Asst	ECO	PR	8/23

Terminations

	Name	Position	Dept	Status	Date	
1	Dustin Tallent	Firefighter III	AFD	FR	8/6	Resignation
2	Ellie Sheild	Senior Planner	PDS	FR	8/6	Resignation
3	James Marshall	Firefighter I	AFD	FR	8/15	Resignation
4	William Spradley	Landfill Op Crew Ldr	PW	FR	8/27	Resignation

Note: Dustin Tallent will return to AFD on 9/19/2021

Job Changes

	Name	Position	Dept	Status	Date
		Elec Line Tech I to Int Line			
1	Jarred Cook	Tech	PU	FT	8/8
2	Chen Vang	TPOI to TPOII	PU	FT	8/8
3	Jeffery Allman	TPOI to TPOII	PU	FT	8/8
		Planning Specialist to Interim			
4	Ashlie Tolliver-Jones	Senior Planner	PDS	FT	8/9
5	Toi Butera	FF3 to Interim Fire Captain	AFD	FT	8/13
6	Jonathan Bernal	POII to POIII	APD	FT	8/22
7	Amy Hartsell	POI to POII	APD	FT	8/22
8	Daniel Myers	POIII to Interim Police Sergeant	APD	FT	8/22
		Equip Oper I to Concrete			
9	Hunter Kimrey	Finisher	PW	FT	8/22
		Elec Line Crew Ldr to Elec Tech			
10	Scottie Culp	Oper Supervisor	PU	FT	8/22
		Meter Serv Supervisor to Meter			
11	Jeffrey Hunt	Services Tech	PU	FT	8/22
					8/23
12	Kaycie Henson	Evidence Spec FT to PT	APD	PT	

Payroll Summary

Full-Time - 270
 Part-Time Regular - 4
 Part-Time Temp - 46
 Elected - 8
 Appointed - 10
TOTAL – 338

Personnel Actions Processed – 42

Benefit Summary

<i>Program</i>	<i># of Participants</i>	<i>% FT Emp Participation</i>
<u>BCBS Group Medical Insurance</u>		
Active Employees	256	100%
Council Members	6	
Retirees	38	
Separation Allowance	14	
Guardian Dental Insurance	206	77%
CEC Vision	183	58%
<u>401K</u>	163	65%
<u>457</u>	97	34%
Lincoln (Term Life Insurance)	272	100%
Credit Union	21	11%
<u>Colonial Insurance (Optional)</u>		
Pre-tax	132	56%
Post-tax	144	61%
<u>Flexible Benefits Management</u> <u>(Medical Reimbursement)</u>	30	17%
<u>(Dependent Care)</u>	0	
Legal Shield	6	3%

Council Priority Area 3: Advance Resources Designed to Safeguard our City

Safety Statistics – 0 employee incidents reported in August.

The City continues to respond to COVID-19 and take precautions to limit the spread within the workplace. To date, 177 employees have utilized either COVID sick leave or COVID childcare leave (65%). 46 employees have utilized the maximum amount of COVID leave currently

authorized (17%). City Council authorized additional COVID leave through Resolution 21-27 on 9/7.

Department	Safety Inspections Completed	Safety Committee Reports
Public Utilities	6	3
Public Works	4	4
Fire Dept.	3	3
Police Dept.	5	4

HR Items of Note

Impact to Council Priority Area 1: Build and Retain a Diverse Workforce

- 1) HR continues implementation of the NeoGov applicant tracking tool. The first phase of implementation will be to set up our application and job requisition process. The new tool will then be aligned with the City's updated website. The proposed launch date for the new system will be September 28, 2021.
- 2) Following the implementation of applicant tracking, HR will focus on rolling out NeoGov. City has contracted with NeoGov to begin implementing a performance feedback tool as well as applicant tracking. The City is reaching out to other municipalities who have used NeoGov specifically to understand how this tool may be used for 360-degree feedback.

The City will also have free access to NeoGov Learning tools through our partnership with the League of Municipalities.

City of Albemarle

Information Systems Department Project Report

Project Name / Title:	Review of IS Service Tickets for August, 2021
Department / Division:	Information Systems Department
Prepared By:	Owen Squires
Project Budget:	FY 2020-2021
Anticipated Completion Date:	Service continues...
Council Priority Area:	Build Organizational Capacity and Efficiency to Support Effective City Government
Project Description: Briefly describe the project and benefits.	
<p>Ongoing report to communicate the volume and efficiency of technology-related operations.</p> <p>A difference moving forward will be to include examples of work requested, and work completed, during the report month.</p>	
Project Status: Briefly describe the status of the project.	
<p>As we recognize trends in submitted tickets, we are working with departments so that their staff can help us, help them. Email messages, or phone calls even, take time to track both parties down. When we are able to better collaborate with staff that submit tickets – help them to provide good information – an incident, or a service request can be more quickly resolved.</p> <p>The ticketing system is broken down into three areas:</p> <ol style="list-style-type: none"> 1) Service Desk Requests: this is when a new application, a new piece of hardware, is being requested by a department or person. 2) Incident Reporting: this is when something has happened, something has broken or a service/application has stopped responding. 3) Project Management: we spend a lot of time identifying and categorizing projects (as opposed to a Service Desk Request). 	

Recent Progress: Briefly describe recent progress or activities on project.

The top report is a report of the August tickets that were submitted. Some tickets may have been a one-hour resolution; some of these are mini-projects that were several days to complete. The bottom section includes the completed tickets for August.

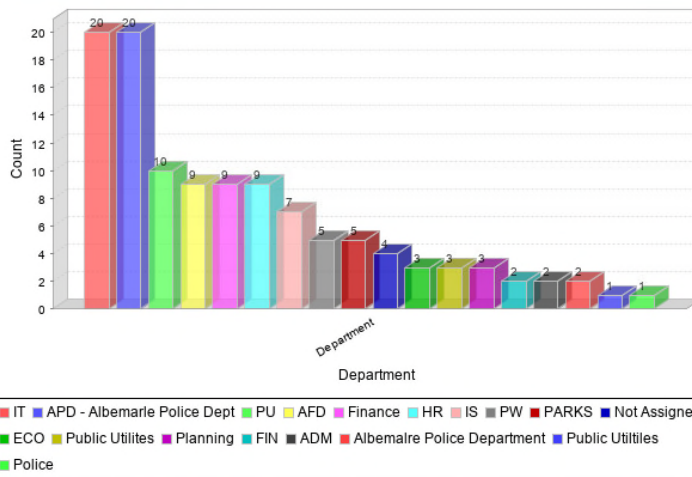
August was a busy month with 115 tickets created by citywide staff. Led by IS & APD Departments, followed by all other departments across citywide operations.



City Of Albemarle

Requests by Department

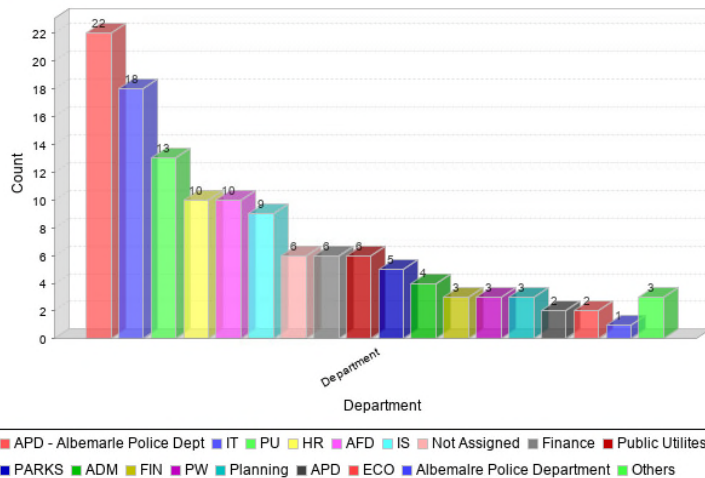
Generated by Squires, Owen on : 2021/09/13 10:44
 Total records : 115
 Created Time : From 2021/08/01 00:00 To 2021/08/31 23:59



City Of Albemarle

Completed requests by Department

Generated by Squires, Owen on : 2021/09/13 11:01
 Total records : 126
 Completed Time : From 2021/08/01 00:00 To 2021/08/31 23:59



Examples of service and support for the month:

- Many of August's service requests were in support of Albemarle PD's personnel moves and assignments. This included changes to equipment and computer setup and configuration.
- Managed and secured access to City buildings, and sustaining a consistent platform for security cameras continues to be a focus for all departments. We continue to work with departments to ensure those objectives are realized.
- The majority of requests, and of completed work this past month related to citywide day-to-day operational support. Every department is busy, and IS Department is a partner with every departments' operations.



704-984-9460

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- Here is a label we are putting on equipment in an effort to encourage staff's use of the Help Desk system to report incidents, and to make (new) service requests:



- When we better communicate, everyone is more effective. We continually work to listen, and to be effective in the use of our time and resources.

Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project.

PROGRAM REPORT

Council Priority Area 6: Enhance Community Amenities to Engage Multiple Generations

Athletics

	# Leagues Offered	# Registered	# Participants	# Volunteers	# Volunteer Hours
Youth (0-17 yrs)	6	167	952	12	112
Adult (18-49 yrs)	3	183	221		
Seniors (50+ yrs)	2	42	168		

Programs

	# Offered	# Registered	# Participants	# Volunteers	# Volunteer Hours
Youth (0-17 yrs)	5	49	762		
Adult (18-49 yrs)	6	23	738		
Seniors (50+ yrs)	2	27	336		

Special Events

Name of Event	# Attendees	# Volunteers	# Volunteer Hours	Sponsorship \$ received
August Food Truck Friday	1200			\$2,000
Thursdays at the Station Concert Series (1)	50	0	0	0
Back to School Celebration	250	0	0	0

Pools

	# Days Open	# Attendees	# Swim Lessons	# Rentals	\$ Cost Recovery
Chuck Morehead	11	545	0	3	\$1961
Rock Creek	5	111	0	0	\$424

Facility Rentals

	# Rentals	# Attendees	\$ Cost Recovery
Niven Center	2	100	\$400.
Waddell Community Center	9	2524	\$2345.

Picnic Shelter Rentals

	# Rentals	# Attendees	\$ Cost Recovery
City Lake Park	12	450	\$355
Rock Creek Park	3	150	\$15
Chuck Morehead Park	3	45	\$65

BUDGET REPORT:

Revenue: \$ 15,673.

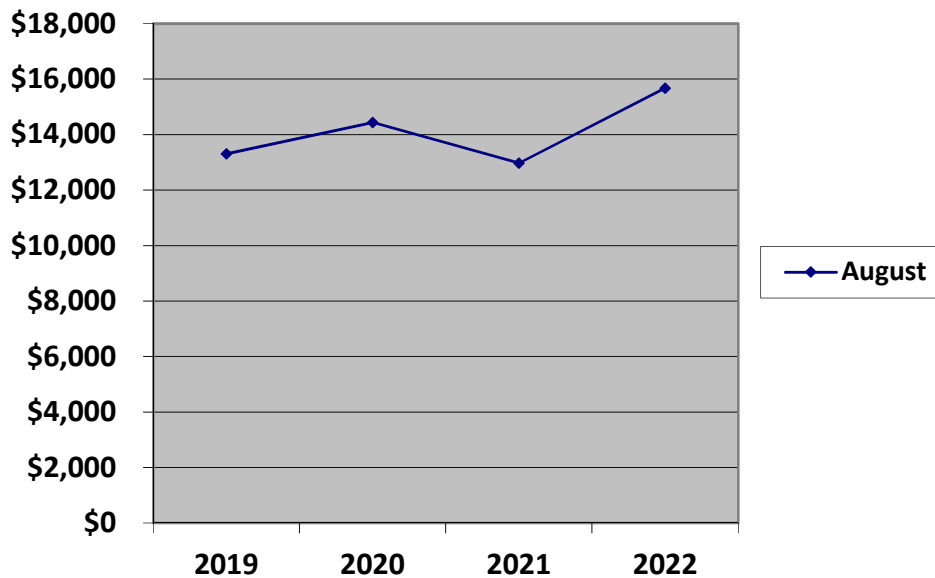
The Parks and Recreation Department collected during the month, broken down as follows:

<u>Revenue Item</u>	<u>Amount</u>	<u>Description</u>
Program Fees	\$ 4795.	Regular Programs
Building Rentals	\$ 2745.	Waddell and Niven Center Facility Rentals
Park Rentals	\$ 435.	Picnic Shelter and Athletic Field Rentals
Special Events	\$ 2175.	
Contributions and Donations	\$ 50.	
Senior Games Sponsors	\$ 120.	Program Fees
Tournament/Fundraising	\$ 0.	Softball tournament
Concessions	\$ 8.	
Admission	\$ 2285.	
CTC Rental	\$ 2100.	
Grant Funding	\$ 0.	

Expenses: FY 2021-22

<u>(as of 9/7/2021)</u>	<u>Starting</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Remaining</u>	<u>% Expended</u>
Recreation Budget	\$875,391	\$169,834.	\$32,409.	\$685,762.	22.8%
Parks Budget	\$1,137,292	\$191,463.	\$97,390.	\$848,438.	25.4%

Revenue Comparison



Central Auditorium

Council Priority Area 6: Enhance Community Amenities to Engage Multiple Generations

Rentals/Performances	Dates	Attendance	Revenue
Music on Main	August 7	Recital	\$100
Public Utilities Training*	August 18	Training	
Upcoming Rentals/Programs	Dates	Type of Performance	
Fire Department Training*	September 7	Training	
Public Utilities Training*	September 15	Training	
Uwharrie Players	September 18 – October 10	Play/Musical	\$1385
The Talent Company Fall Show	October 11 – October 24	Play/Musical	\$1000

* Albemarle Parks & Recreation sponsored program

Monthly Operational Costs

	June	July	August
<i>Rent</i>	\$1000	\$1000	\$1000
<i>Utilities</i>	\$126.	\$201.	UNK
<i>Insurance</i>	\$11	\$11.	\$11
<i>Total Operational Costs</i>	\$1137	\$1212.	

Monthly Revenues

	June	July	August
<i>Revenue</i>	\$100.	\$520.	\$1385

Expenses: FY 2021-22

(as of 9/7/2021)	Starting	Expended	Encumbered	Remaining	% Expended
Central Auditorium	\$43,200	\$1,524 .	\$0.	\$41,675.	3.5%

PROJECT REPORTS:

Departmental Project Summary Reports



Project Name / Title:	Northwood Lane Repaving
Budget Priority Area	<i>Council Priority Area 4, 5 & 6: Invest in Infrastructure to Ensure Quality Service Delivery; Develop Community and City Assets to Grow the Economy and Improve Community Appearance; Enhance Community Amenities to Engage Multiple Generations</i>
Department / Division:	Parks and Recreation
Prepared By:	Lisa Kiser
Project Budget:	\$70,000
Anticipated Completion Date:	9/1/2021
Project Description: Briefly describe the project and benefits. Repave Northwoods Lane – Road that goes through Chuck Morehead Park	
Project Status: Briefly describe the current status of the project. This is an open active project. Project collaboration between Parks and Recreation and Public Works.	
Recent Progress: Briefly describe recent progress or activities on project. Asphalt is complete. Speed bumps have been installed.	
Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project. Stripe parking spaces. White striping paint is on back order.	

Project Name / Title:	Niven Center Roof Replacement
Budget Priority Area	<i>Council Priority Area 4, 5 & 6: Invest in Infrastructure to Ensure Quality Service Delivery; Develop Community and City Assets to Grow the Economy and Improve Community Appearance; Enhance Community Amenities to Engage Multiple Generations</i>
Department / Division:	Parks and Recreation
Prepared By:	Lisa Kiser
Project Budget:	\$80,000
Anticipated Completion Date:	10/1/2021
Project Description: Briefly describe the project and benefits. Replace the roof at Niven Center	
Project Status: Briefly describe the current status of the project. This is an open active project. Bids have been received for this project. Contract is being review by the city attorney.	
Recent Progress: Briefly describe recent progress or activities on project. Informal bids have been received. Contract is being reviewed by the city attorney.	
Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project. Roof replacement is scheduled for October 2021.	

Planning and Development Services Monthly Report

August 2021

<u>Monthly Meetings</u>	<u>Dates Attended</u>
City Council	08/02/2021
Planning & Zoning Board	08/05/2021
Historic Resources Commission	08/10/2021
Staff Meetings	08/06/2021 & 8/27/2021
Priority Area 5: Develop Community and City Assets to Grow the Economy and Improve Community Appearance	Staff transitioned a new Senior Planner into role, continued preparing for new software implementation. Staff studied for Certified Floodplain Manager exam, as well as Commercial Drone Operator Exam, and brought several subdivisions to Planning Board and Council.

<u>Permits</u>	<u>Number</u>	<u>Enforcement</u>	<u>Number</u>
Sign	1	Min. Housing Initiated	2
Coordination Forms	41	Min. Housing Resolved	1
Auth. of Power	2	Min. Housing re-inspections	9
Addresses Assigned	3	Sign Violations	
Zoning Verification	2	Sign Removal in ROW	25
Floodplain	1	Nuisance Initiated	18
COA	2	Nuisance Abated	14
<u>Inquiries</u>		City Abatement	8
Zoning	41	Zoning Cases Initiated	3
Development	23	Zoning Cases Resolved	
Nuisance	19	Litigation	
Subdivision	9	<u>Development</u>	<u>Development</u>
Floodplain	3	Plans Submitted	3
Watershed	2	Plans Approved	3
Historic District	6	Erosion Control Inspections	8
General Inquiries	13	Zoning Site Inspections	21
Fence/Accessory Structures, etc.	9	Maps Created	5
Signs	8	Subdivision Review	5



ALBEMARLE POLICE DEPARTMENT

AUGUST 2021

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Albemarle PD
155 W South St
Albemarle, NC 28001

COMMUNITY OUTREACH

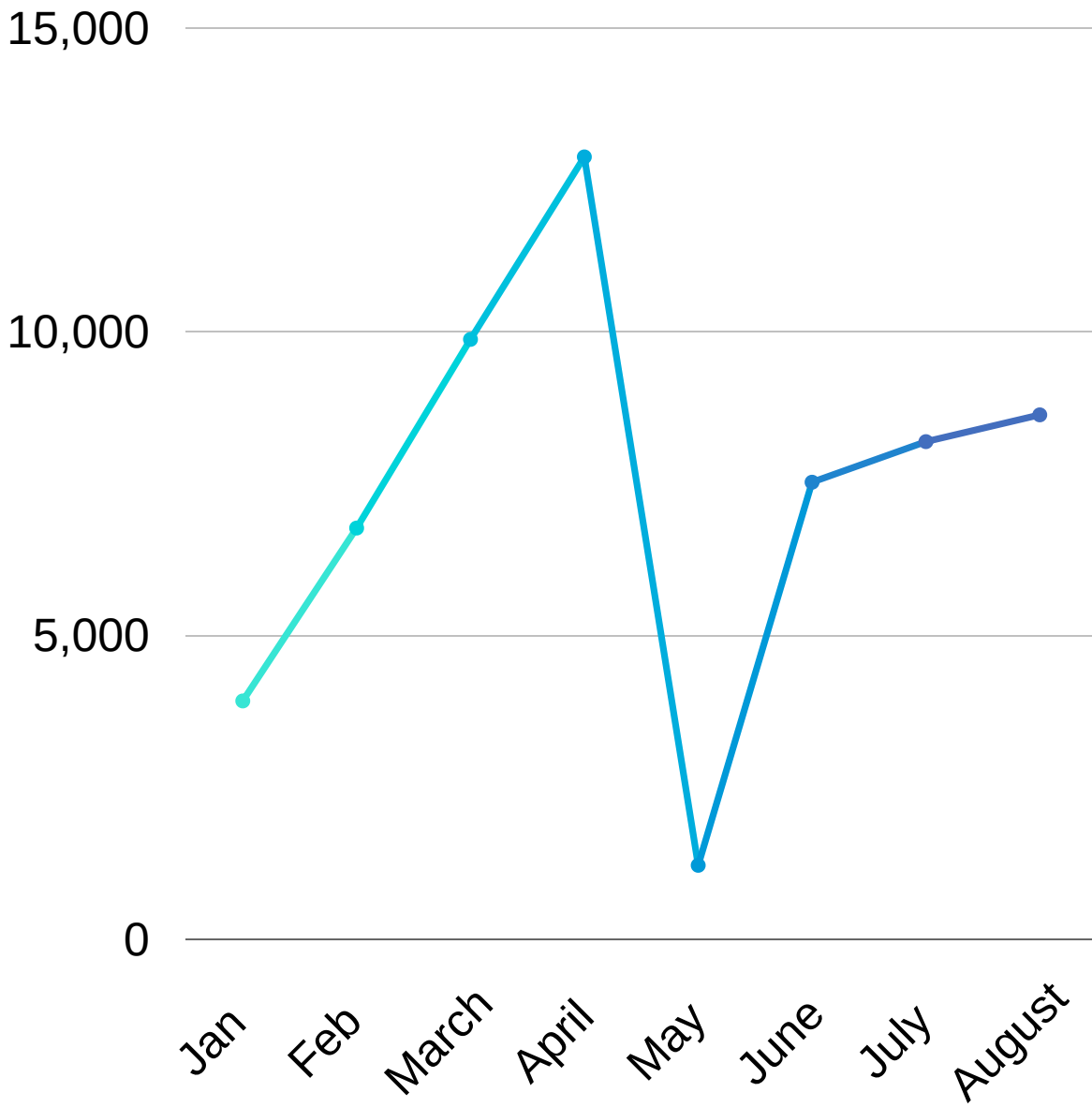
Priority Area #6

Enhance community amenities to engage multiple generation.



RX DROP BOX TOTALS

8635 in August



PART 1 CRIMES IN AUGUST

Part I Crimes in August 2020 vs 2021

Crime	2020	2021	2020 vs 2021 RMS %
Homicide (09)	0	1	100.0%
Rape (11)	2	4	100.0%
Agg. Assault (13A)	9	1	-88.9%
Larceny (23A-H)	51	47	-7.8%
Robbery (120)	1	0	100.0%
Arson (200)	2	0	0.0%
Burglary (220)	8	11	37.5%
MV Theft (240)	2	2	0.0%
Totals	75	66	-12.0%

AUGUST 2021 TRAFFIC SUMMARY

ALBEMARLE POLICE DEPARTMENT AUGUST 2021 TRAFFIC SUMMARY

Traffic Accidents Reported	74
Traffic Accidents With Injuries	18
Total Persons Injured	17
Fatalities Reported in Traffic Accidents	0
Traffic Accidents With Property Damage No Injury	56
Vehicles Damages	\$133,482
Other Property Damages	\$32,646
Total Damages	\$266,128
Violations Cited in Traffic Accidents	20
Pedestrian Injuries	0
Traffic Accidents Reported Last Month	66
Traffic Accidents Reported Same Month Last Year	62
Violations Cited in Traffic Accidents Last Month	9
Violations Cited in Traffic Accidents Same Month Last Year	22
Reportable Accidents	81
Alcohol Related Accidents	1
Drug Related Accidents	1
Commercial Vehicle Accidents	4
School Bus Accidents	1
Speeding Violations	7
Seatbelt Violations	8
Child Restraint Violations	1
NOL & DWLR Violations	70
Reckless Driving	1
Other Violations	68
Total Traffic Violations Cited For Month	109
DWI Arrests	3
Traffic Violations Cited	109
Non-Traffic Related Violations Cited	0
Total Violations Cited	109
East Zone Accidents	38
North Zone Accidents	17
West Zone Accidents	21



Public Housing Department
August 2021 Monthly Report

Housing Choice Voucher Program

Total number of HAP Contracts	190
Total Number of HAP paid August 2021	181
August Housing Assistance Payments (HAP)	\$76,348.00
August Utility Assistance Payments (URP)	\$1100.00
Total Payments for August 2021	\$77,448.00
Average HAP	\$407.62
Number of Owner Payments.....	95
New Vouchers issued in August 2021.....	0
Number of Terminations	4
* Waitlist closed Dec. 2017 and being purged	
* Over 285 applicants contacted and/or applications reviewed for eligibility since May 2021	
* Next 75 Applicants contacted for September Eligibility Briefings	
Emergency Housing Voucher Issued	5

Public Housing

Total Number of Units	200	
Total Number of Units available for occupancy... 195		Total Vacant Units as of 8/31/2021 0
* 301 S. Bell offline – Family Life Center		
* Four (4) units offline due to October 2020 fire		
Total Amount to be Collected in August 2021....	\$63,958.91	
Total Amount Collected	\$57,463.44	
Total Uncollected for August 2021	\$6,495.47	
Collection Rate: 89.84%		Number of Work Orders Completed.... 127
<u>August 2021</u>		
Number of units leased/move-ins	1	Interims Complete... 2
Number of move-outs	1	
Number of transfers	0	Number of Applications received 9
		Total on Waitlist as of 8/31/2021 329

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PO Box 190

300 South Bell Avenue

Albemarle, NC 28002-0190

-
- The success of the Public Housing Department depends not only on individual skills, talent and experiences. It takes all parts moving in sync to reach the same target and goals.
 - As of 8/31/2021, Door Project is complete.
 - Original Contract Amount: \$1,361,217.00
 - Final Contract Amount: \$1,306,507.99
 - Amhurst Gardens Burn Units Renovations
 - Executed Contract in place
 - Pre-Construction Meeting held September 8, 2021
 - Notice to Proceed executed effective September 13, 2021
 - Construction/Repairs to begin October 13, 2021
 - Contract completion Date: April 11, 2022
 - Memorandum of Understandings between City of Albemarle Public Housing Department and NC Continuum of Care (CoC) and Stanly County Homes for Hope executed for the administration of fifteen (15) Emergency Housing Vouchers (EHV). Five (5) referrals received and cases are currently being worked up.
 - Public Housing Department is collaborating with North Carolina Cooperative Extension to provide a fitness classes at Elizabeth Heights on Tuesdays and nutrition classes on Thursdays.
 - Elizabeth Heights Community Room cleaning, painting and beautification project complete.
 - The Department of Public Housing is partnering with Stanly Community College to offer *The Jobseeker Makeover* classes. These classes are being held at the Amhurst Gardens Community Room and are intended to help residents develop a positive self-image, write a resume, communicate, dress, and make a good impression in the workplace. 10 residents participating.
 - HCV Cares Act Balance as of August 31, 2021: \$32,711.95



Public Utilities

August 2021 Monthly Report

ELECTRIC DIVISION

COUNCIL PRIORITY AREA 2: BUILD ORGANIZATIONAL CAPACITY AND EFFICIENCY TO SUPPORT EFFECTIVE CITY GOVERNMENT

- Josh Herring and Jamie Hatley completed Crew Leader training through ElectriCities in Raleigh
- Bryan Chandler and Kenny Caudill completed fork lift training by PW warehouse personnel
- Scottie Culp was promoted to Electrical Technical Operations Supervisor, replacing Dale Dennis who retired after 29 years of service
- Bryan Chandler was an instructor for Basic Underground School in Maiden, NC August 9-13
- Lee Electrical and one Asplundh Tree crew left the last week of August for Louisiana to assist with Hurricane Ida and are still there as of today 9/10/21

COUNCIL PRIORITY AREAS 3&4: ADVANCE RESOURCES DESIGNED TO PROTECT OUR RESIDENTS AND SAFEGUARD OUR CITY; INVEST IN INFRASTRUCTURE TO ENSURE QUALITY SERVICE DELIVERY.

- City service crew changed out (21) street lights to LED; installed (9) new outdoor rental lights
- Meter/substation crew tested (28) electric meters from customer complaints
- Underground crew installed (0) temporary services and (12) permanent services in Grandview Subdivision; addition of 15-18 undergrounds were installed at various locations
- Crews installed and connected (20) permanent services, (9) temporary services, (4) change of services
- Line crew changed out (12) high priority dangerous poles found by Sawyer Services which included bad cross arms (same as July)
- City Line Crew along with Lee Electrical continued the upgrading of electric lines, poles and wiring from Central Avenue Delivery 3, Circuit 3 along Hwy 52 South, completing as far as Stoney Gap Road and still continuing to work in this area during August
- Line crews and Meter/Substation crew assisted PW Street Department with the new city parking lot on Pee Dee Avenue in digging holes for new poles as well as installing street light conduit
- Line crews installed a 4-way flasher at the intersection of Woodhurst Lane and Anderson Rd
- On August 19, a sizable thunderstorm came through Albemarle causing multiple outages and (2) broken primary poles. City electrical crews worked all night to restore power and to replace the (2) poles. PW Street Department crews came in and assisted with trees that were down which was much appreciated.



WATER & SEWER DIVISION

COUNCIL PRIORITY AREA 2: BUILD ORGANIZATIONAL CAPACITY AND EFFICIENCY TO SUPPORT EFFECTIVE CITY GOVERNMENT.

- Bryan Hinson, Superintendent, met with LKC on Hwy 73 Lift Station; with Eagle Engineers on a new proposed project behind Wal-Mart on Leonard Avenue; met with WK Dickson and Stormwater Team on GIS; met with Cintas Uniforms; continued to work with Diamond Maps; met and worked with PU management and CS supervisor on relocating meter techs to Warehouse under the supervision of Water & Sewer; approved the water main tie-in at Morgan Hills; met with Atrium Health Stanly on debris (flushable wipes) causing trouble in the collection system(hospital personnel are installing some devices to catch these products and will discuss with staff about not supplying this type of product)
- Brandon Frick, Jody Cook, Derek Burkett, Gregory Harwood, Ken Covington, Greg Helms, Chris Palmer, Stephen Beachum attending a Continuing Education Class for their certifications at the ANT on 8/18/21

COUNCIL PRIORITY AREAS 3&4: ADVANCE RESOURCES DESIGNED TO PROTECT OUR RESIDENTS AND SAFEGUARD OUR CITY; INVEST IN INFRASTRUCTURE TO ENSURE QUALITY SERVICE DELIVERY

- Crews flushed 458,980 gallons of water from hydrants
- Crews installed cleanout at 1419 Highland Avenue, 615 Graham Street, 208 Wilson Street, 1120 Poplar Street, 1405 Prestwick Place
- Installed water & sewer taps at 1711 Wildwood Drive, 1050 Rush Street, 295 Colston Street, 332 Anderson Road, 334 Anderson Road, 338 Anderson Road, 342 Anderson Road, 2902 Plantation Way, 509 Knollwood Circle (sewer only), 309 Second Avenue, 2427 Snuggs Park Road (sewer only) 656 Morgan Road and 658 Morgan Road
- Washed and maintained 16,093 feet of sewer main; Camera 700 feet of sewer main; Completed 9 sewer trouble calls
- Exchanged 16 water meters, installed 9 new water meters for new construction at 210 Anderson Road, 803 Yorkshire Drive, 1319B Sunset Avenue, 208 Anderson Road and 630 Mountain Place
- Crews repaired water service at 1036 Speight Rd and 509 Knollwood Circle



PLANTS DIVISION

COUNCIL PRIORITY AREA 2: BUILD ORGANIZATIONAL CAPACITY AND EFFICIENCY TO SUPPORT EFFECTIVE CITY GOVERNMENT.

- Jimmie Cromer, Matt Jackson from 52WTP, Jason Culp, Jon Stamper, Tyler Lowrance from JFNWTP, Jeff Poplin, James Lamp, Alexander Rachels, Daniel Dick Michael Bost from LCWWTP attended a NCRWA Continuing Education Class for certifications held at the ANT on 8/18/21
- Plants ORCs monthly meeting with Director and Assistant Director

PLANTS DIVISION

COUNCIL PRIORITY AREAS 3&4: ADVANCE RESOURCES DESIGNED TO PROTECT OUR RESIDENTS AND SAFEGUARD OUR CITY; INVEST IN INFRASTRUCTURE TO ENSURE QUALITY SERVICE DELIVERY

- 52WTP treated 137.21 mg of water
- JFNWTP treated 116.97 mg of water
- Continue with collecting monthly organic samples at JFNWTP; collected yearly soil sample for testing per Land Application permit
- LKC Engineering toured JFNWTP in preparation for future plant expansion
- WWTP treated 118.11 mg
- Test ran all generators and washed all clarifiers at WWTP as a weekly process
- Drained and washed all 5 filters at WWTP (monthly process)
- All clarifiers were washed (weekly process)
- Evacuation Training for Chlorine at 52WTP and JFNWTP
- Fortech completed their calibrations at 52WTP
- Custom Controls repaired the SCADA software at 52WTP
- Cleaned #2, #3, #4, #5 sediment basins at 52WTP

PLANTS MAINTENANCE DIVISION

COUNCIL PRIORITY AREA 2: BUILD ORGANIZATIONAL CAPACITY AND EFFICIENCY TO SUPPORT EFFECTIVE CITY GOVERNMENT

- Anthony Poplin and James Lowder attended a NCRWA Continuing Education Class at the ANT for certifications on 8/18/21
- Chris Parks transferred from Meter Tech to Plants Maintenance



COUNCIL PRIORITY AREAS 3&4: ADVANCE RESOURCES DESIGNED TO PROTECT OUR RESIDENTS AND SAFEGUARD OUR CITY; INVEST IN INFRASTRUCTURE TO ENSURE QUALITY SERVICE DELIVERY

- Completed all monthly PM's (preventive maintenance) on all equipment at all plants and pump stations
- Fortech came by JFNWTP and worked on the raw water transmitter
- Received new carbon bulk tank and ready for a new containment to be built at JFNWTP
- Installed a new backwash pump on the #3 filter at LCWWTP
- Changed oil in all the filter gearboxes and pumps at LCWWTP
- A new storm water pump was installed at LCWWTP
- Installed a new caustic transfer pump/motor on bulk tank at 52WTP
- Tested chlorine alarms at all plants-this is done monthly
- Tested all generator at all plants and pump stations-done monthly
- Changed out (2) chlorine tanks at 52WTP and JFNWTP, and (2) tanks at LCWWTP in August
- Backwashed all the raw water intakes at JFNWTP and at Old Whitney Pump Station monthly

Administration and Customer Service

COUNCIL PRIORITY AREA 2: BUILD ORGANIZATIONAL CAPACITY AND EFFICIENCY TO SUPPORT EFFECTIVE CITY GOVERNMENT

- Customer Service mailed out 2880 final notices, Disconnection for non-payment (316), Reconnections (69), Extensions granted (271), Service Orders (284)
- Water Heaters rebate (\$450) Heat Pumps rebates (\$2400)

**PUBLIC WORKS DEPARTMENT
ADMINISTRATIVE REPORT
August 2021**



ADMINISTRATION

Ross Holshouser and Renee Keziah attended a presentation given by the IS Department on how to use the podium computer at City Hall Council Chambers on Aug 4th.

Ross Holshouser attended a Leadership Team Business Meeting at City Hall in the Ray Allen Community Room on Aug 9th.

Ross Holshouser and other city staff met with Tom Murray with WK Dickson to develop the GIS schema and database from the storm water inventory on Aug 17th in the Council Executive Conference Room at City Hall.

Project Name / Title:	Storm Water Management Program
Budget Priority Area	Priority Area 3: Advance Resources Designed To Protect our Residents and Safeguard our City
	Priority Area 4: Invest in Infrastructure to Ensure Quality Service Delivery
Department / Division:	Public Works / Street Division
Prepared By:	Ross Holshouser
Project Budget:	N/A
Anticipated Completion Date:	FY 20-21
Project Description: Briefly describe the project and benefits.	
Plan and Develop a new Storm Water Management Plan	
Project Status: Briefly describe the current status of the project.	
WK Dickson has met with Storm Water Project Team to start implementing next steps of discussions	
Recent Progress: Briefly describe recent progress or activities on project.	
Community outreach has begun. Special events around the City are being attended by WK Dickson to gauge community feedback. Billing option conversations have begun and feedback from staff and Council will be taken into consideration to move forward.	
Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project.	
Presentation and Storm Water Program recommendation to City Council is scheduled for September 20 th Council meeting.	

STREET & RIGHT OF WAY DIVISION

- Downtown trash cans were serviced and crew sprayed for weeds, weedeated, watered flowers, pruned shrubs & holly's, put mulch around City Hall, mowed several areas throughout the city.
- Completed 2 rounds of street sweeping for city streets.
- Street crew started back on the Pee Dee Avenue Parking Lot Project by tearing out the old asphalt and hauling off and poured concrete for sidewalk around parking lot and footers around the new light poles and installed underground.
- Repaired 27 potholes, repaired sunken/broken pavement on Corbin St, N. Second St and milled several sections and patched back with asphalt on Crowell Ave, Badin Rd and Lee-Lynn Dr.
- Street crew cleaned the debris at the public parking lot on S. First St due to the brick retaining wall that recently sustained damage.
- Put gravel down on Reid St, Hillcrest Ave and at end of driveway on Parker St.
- Street crew assisted with street closing for a Sugar Hill Reunion on Aug 6th, 7th and 8th, BeDowntown Cruise-in event on Aug 14th and for an International Play Music on the Porch Day event on Aug 28th.
- Replaced 3 sets of lights on downtown trees.
- Cut back line of sight obstruction on Pee Dee Ave, Anderson Rd, Collins Dr, Valleyview Dr and Inger St.
- Street crew washed mud off of Hemlock Dr and Crestview Dr.
- Cleaned out ditches and jetted out pipes on Brenda Dr, Harvard Dr, Shepherd Rd, Overbrook Dr, Cagle St, Tanglewood Dr and Cagle St.
- Repaired a catch basin lid on Sunset Ave.
- Installed 2 driveway pipes on Woodland St and a pipe on Riley St.
- Cut back low hanging limbs on Hillcrest Ave, Freedom Dr, Peachtree St, Ash St, Crowell Ave and bushes on Pee Dee Ave, N. Second St and removed overgrown vegetation off of sidewalk on N. Sixth St, MLK Sr. Dr, N. Second St, Gibson St. and brush that was encroaching the roadway on Third Ave.
- Picked up illegal dumping on Snuggs St, Rebel Rd and litter all along Groves Ave.
- Repaired curb and gutter on Austin St and sidewalk on N. Second St, S. First St, N. First St and replaced sidewalk and driveway entrance on N. Second St.
- Installed 2 new driveway entrances on Moss Springs Rd.
- Hung door hangers and performed follow ups on roll out containers being left out at all times and collected (8) TV's/electronics throughout the city.
- Repaired W/S cuts on Wildwood Dr, Stonewall St, Coble Ave, Rush St, Second Ave, Long St, Colston St, Wilson St and Park Ridge Rd.
- Conducted, and approved, final inspection on PNG utility cuts on N. Depot St and Chestnut Ave.
- Repaired one street and stop name signs and replaced two street name signs, one stop sign and handicap parking signs and restriped parking lot and parking marks at City Parking Lot on N. First St and W. Main St. Installed a no outlet sign on Biltmore St and a stop thermal lay at the payment box at City Hall, changed out speed limit signs to 25 mph on Anderson Rd and Woodhurst Ln.

Division Project Summary Report

STREET & RIGHT OF WAY DIVISION

Project Name / Title:	FY 2020-2021 Pavement Maintenance Plan
Budget Priority Area	Priority Area 4: Invest in Infrastructure to Ensure Quality Service Delivery
Department / Division:	Public Works / Street Division
Prepared By:	Ross Holshouser
Project Budget:	
Anticipated Completion Date:	EOBY 2020/2021
Project Description: Briefly describe the project and benefits.	
Generate a work plan using the Agil Assets Software to produce a list of City streets for preservation, rehab or re-construction based on the most efficient use of the 20/21 budget.	
Project Status: Briefly describe the current status of the project.	
FY20-21 Annual Pavement Maintenance is complete	
Recent Progress: Briefly describe recent progress or activities on project.	
Pavement assessment field data collection has been completed.	
Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project.	
Consultant has completed field surveys and is currently compiling data. Plans to present to City Council October 4 th Council meeting.	
Project Name / Title:	King Property Upgrades and Renovation
Budget Priority Area	Priority Area 5: Develop Community and City Assets to Grow the Economy and Improve Community Appearance
	Priority Area 6: Enhance Community Amenities to Engage Multiple Generations
Department / Division:	Public Works / Street Division
Prepared By:	Ross Holshouser
Project Budget:	N/A
Anticipated Completion Date:	EOBY 20/21
Project Description: Briefly describe the project and benefits.	
Council has agreed to manage and maintain the King alleyway and parking areas off West Main Street all the way through to King Ave. This will also include the public parking lot on S. 1 st street & King Ave.	
Project Status: Briefly describe the current status of the project.	
100% Plan design is complete	
Recent Progress: Briefly describe recent progress or activities on project.	

Design review by project team has been completed and approved. Contract bids for construction will be advertised soon.

Upcoming Activities: Briefly describe the next significant activity, action, or decision to be made, regarding the project.

Bid documents will be advertised soon.

WAREHOUSE

Current housed inventory is valued at \$3 million. Inventory in the amount \$91,859.50 was received and \$85,945.12 was issued out during the month of August. Steven Efir and Travis Ridenhour conducted a forklift training class for Street, Warehouse, Fleet Maintenance, Landfill and Electric Division on Aug 27th, 30th & 31st.

FLEET MAINTENANCE FACILITY

COMPLETED AND CLOSED WORK ORDERS

<u>Department/Division</u>	<u>NC State Inspection</u>	<u>Preventative Maintenance (PM)</u>	<u>Other Repairs</u>
Fire Department	3	4	12
Police Department		9	17
Parks & Recreation			3
P/U-Electric		5	25
P/U-W/S Systems		4	17
P/U- W/S – STP & WTP Plants			
P/W-Administration			
P/W-Solid Waste	1	1	6
P/W-Downtown			
P/W-Streets			20
P/W-Warehouse			1
P/W-Fleet			
Planning & Dev Services			1
Public Housing			1
Human Resources			
Information Systems			
Administration			
Economic Development			
TOTAL	4	23	103

We are beginning to do more tire work for more departments. We are also talking with more tire vendors so we can have access to a wider selection of tire options at state contract pricing. One of our new vendors carry Michelin, BF Goodrich and Bridgestone at state contract pricing. Some tires are getting hard to get right now. Having more options should make it easier to obtain the tires we need at the best prices. I also have arranged for two of these new vendors to do on-site tire replacement on large equipment tires. One of the vendors offer 24-hour emergency tire service. Fleet Maintenance is also looking into keeping some of the larger truck tires mounted on rims in stock. These can be used for emergency repairs and also for faster service for new tires. I will keep everyone informed on the wheel-mounted program progress and seek prior approval to put tires on rims in stock for departments.

This will be a new program, and an additional service offered by Fleet Maintenance, and will take some time to put into place and some time to work out any kinks so Fleet can provide an excellent and cost saving product to our customers.

CITY OF ALBEMARLE SOLID WASTE FACILITY

SOLID WASTE

268,351.07 Gallons of leachate pumped through Force Main.

Saturday August 7th – Convenience area and Recycling Center open. 29 Customers and 10.43 Tons Received.

August 17th – Joel Gudger and Darren Preslar, conference call with Waste Management Recycle America to discuss mixed rigid plastics recycling.

August 18th – Conference call with Caterpillar Products Specialist concerning CAT 826K Waste Compactor rebuild.

August 27st – Hosted lift truck (forklift) certification training for Public Works Staff.

August 31st – Additional Solid Waste staff attended forklift training at Warehouse.

Customers Received	2,535
Recyclables & Organics Received	605.42 tons
C&D Received	1654.09 tons
MSW Received	4238.84 tons

Print

Title – Ordinance 21-40 - To Consider Ordinance Changes for Code Enforcement

Description:

The City previously approved the engagement of Parker Poe to assist in a comprehensive review of the City’s code enforcement practices. Following their review, Parker Poe suggested revisions to our ordinance to better assist us with code enforcement actions. The revisions are summarized in the attached memo and detailed in the ordinance.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> Memo_to_Council_Proposed_Ordinance_Revisions.docx	Memo Code Enforcement Ordinance Changes
<input type="checkbox"/> Ordinance_21-40_Albermarle-nc-Chapter_90_and_Chapter_95_160D_Ordinance_Revisions.docx	Ordinance 21-40

APPROVALS:			
Date/Time:	Approval:	Department:	



To: Mayor and City Council

From: Britt A. Burch, City Attorney

Date: September 7, 2021

Subject: **Ordinance Revisions for Code Enforcement**

The City previously approved the engagement of Parker Poe to assist in a comprehensive review of the City's code enforcement practices. During this review, revisions to our municipal code were suggested in order to clarify and expand options for the City to ensure better compliance from property owners in the City limits. The substantive ordinance revisions are summarized below and primarily pertain to Minimum Housing Standards and Non-residential vacant, abandoned and unsafe buildings.

- Changes to Minimum Housing Standards
 - Revise the Minimum Housing Standard Violation so that it requires the Inspector's order to consider the value of the property when determining whether repairs or demolishing a building is needed. The statute allows the municipality to set a reasonable percent at which any property must be demolished instead of repaired following non-compliance and abandonment of repairs. 50% is the amount used by other similarly situated municipalities.
 - Add to Minimum Housing Standard Violation code the ability for the City to make repairs or demolish a dwelling if it has been vacant or abandoned for one year.
 - Revise the Minimum Housing Standard Violation to include costs of repair, etc., as a lien on other property within City limits.
 - Include provision that requires notice to affordable housing entities where buildings are to be demolished.
- Changes to Non-Residential Building: Vacant, Abandoned and Unsafe
 - Add definition for unsafe buildings and increase its scope to also be applicable to residential structures.
 - Add requirement that the Inspector's order to consider the value of the property when determining whether repairs or demolishing a building is needed. The statute allows the municipality to set a reasonable percent at which any property must be demolished instead of repaired following non-compliance and abandonment of repairs. 50% is the amount used by other similarly situated municipalities.
 - Revise to include the ability for the City to make repairs or demolish a building if it has been vacant or abandoned for one year.

P | 704.984.9400
F | 704.984.9406



www.albemarlenc.gov
PO Box 190
144 North Second Street
Albemarle, NC 28002-0190

- Revise to include costs of repair, etc., as a lien on other property within City limits.

Additionally, there is the inclusion of a new section that directs notices of complaints and orders to be filed with the Clerk of Superior Court so all interested parties are placed on notice of the property's non-compliance. This is applicable to residential housing, vacant and abandoned non-residential properties, and unsafe buildings.

A detailed copy of the revisions are included in the ordinance. If Council is in agreeance with these changes, then please move to approve the attached Ordinance.

Sincerely,

Britt A. Burch
City Attorney

ORDINANCE 21- 40

AN ORDINANCE OF THE CITY OF ALBEMARLE,
NORTH CAROLINA AMENDING THE CODE OF
ORDINANCES, CHAPTER 90: MINIMUM
HOUSING STANDARDS AND CHAPTER 95: NON-
RESIDENTIAL BUILDING AND VACANT
PROPERTY MAINTENANCE STANDARDS.

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. Chapter 90: Minimum Housing Standards and Chapter 95: Non –Residential Building and Vacant Property Maintenance Standards of the City of Albemarle is hereby revised to including the following [emphasis added by striking through language intended to be deleted]:

CHAPTER 90: BUILDING REGULATIONS

Section

Adoption of Regulatory Codes by Reference

- 90.01 Scope of chapter and codes
- 90.02 Building code adopted
- 90.03 Plumbing code adopted
- 90.04 Heating code adopted
- 90.05 Electrical code adopted
- 90.06 Residential building code adopted
- 90.07 Amendments to codes
- 90.08 Compliance with codes
- 90.09 Copies of codes filed with clerk

Inspection Department

- 90.15 Organization of Department
- 90.16 General duties of Department and inspectors
- 90.17 Conflicts of interest
- 90.18 Reports and records
- 90.19 Inspection procedure
- 90.20 Oversight not to legalize violation
- 90.21 Powers of inspection officials

Enforcement

- 90.30 Permits required
- 90.31 Application for permit
- 90.32 Plans and specifications
- 90.33 Limitations on issuance of permits
- 90.34 Issuance of permit

- 90.35 Revocation of permits
- 90.36 Time limitations on validity of permits
- 90.37 Changes in work
- 90.38 Permit fees; inspection fees
- 90.39 City held harmless

Minimum Housing Standards

- 90.45 Findings; purpose
- 90.46 Definitions
- 90.47 Minimum standards of fitness for dwellings and dwelling units
- 90.48 Minimum standards for structural condition
- 90.49 Minimum standards for basic equipment and facilities
- 90.50 Minimum standards for ventilation
- 90.51 Minimum standards for space, use, and location
- 90.52 Minimum standards for safe and sanitary maintenance
- 90.53 Minimum standards for control of insects, rodents, and infestations
- 90.54 Minimum standards applicable to rooming houses; exceptions
- 90.55 Responsibilities of owners and occupants
- 90.56 Duties of Building Inspector
- 90.57 Powers of Building Inspector
- 90.58 Inspections; duty of owners and occupants
- 90.59 Procedure for enforcement
- 90.60 Methods of service of complaints and orders
- 90.61 In rem action by Inspector; placarding
- 90.62 Costs a lien on premises
- 90.63 Alternative remedies
- 90.64 Appeals of decisions or orders of the Inspector
- 90.65 Conflict with other provisions
- 90.66 Violations; penalty

Repair, Closing, or Demolition of Abandoned Structures

- 90.75 Findings; intent
- 90.76 Duties of the Building Inspector
- 90.77 Powers of the Building Inspector
- 90.78 Standards for enforcement
- 90.79 Procedure for enforcement
- 90.80 Methods of service of complaints and orders
- 90.81 In rem action by Inspector; placarding
- 90.82 Costs a lien on premises
- 90.83 Alternative remedies

Insulation and Energy Utilization Equipment

- 90.90 Purpose
- 90.91 Required license

- 90.92 Applications
 - 90.93 Procedure for issuance
 - 90.94 Bond required
 - 90.95 Termination and renewal of licenses
 - 90.96 Suspension; revocation
 - 90.97 Change of location
 - 90.98 Required permit; fee; exceptions
- Movers of Buildings and Structures
- 90.99 Permit required of movers of buildings and structures
 - 90.100 Deposit required
 - 90.101 Permittees to notify owners of utilities
 - 90.102 Use of deposit for damages or expenses
 - 90.103 Return of unused deposit

ADOPTION OF REGULATORY CODES BY REFERENCE

§ 90.01 SCOPE OF CHAPTER AND CODES.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following.

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use, and occupancy of every building or structure or any appurtenances connected or attached to the building or structure.

(B) The installation, erection, alteration, repair, use, and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof.

(C) The installation, erection, alteration, repair, use, and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment, and appurtenances thereof.

(D) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

§ 90.02 BUILDING CODE ADOPTED.

The 1978 edition of the North Carolina State Building Code (Volume I, General Construction), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

('58 Code, § 4-3)

§ 90.03 PLUMBING CODE ADOPTED.

The 1968 edition of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing) as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

('58 Code, § 4-34.1)

§ 90.04 HEATING CODE ADOPTED.

The 1971 edition of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating) as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

§ 90.05 ELECTRICAL CODE ADOPTED.

The 1971 edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

('58 Code, § 4-22)

§ 90.06 RESIDENTIAL BUILDING CODE ADOPTED.

The 1968 edition of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

('58 Code, § 4-3.1)

§ 90.07 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the city at the time the amendments are filed with the City Clerk or Building Inspector as provided in § 90.09.

('58 Code, §§ 4-3.3, 4-22.2, 4-34.3)

§ 90.08 COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code, General Construction, Volume I, or the North Carolina Uniform Residential State Building Code, whichever is applicable, or if both are applicable.

(B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing).

(C) All mechanical systems consisting of heating, ventilating, air conditioning, refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating).

(D) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical).

('58 Code, §§ 4-3.2, 4-22.1, 4-34.2) Penalty, see § 10.99

§ 90.09 COPIES OF CODES FILED WITH CLERK.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the City Clerk or Building Inspector. The copies shall be the official copies of the codes and the amendments.

('58 Code, '§ 4-3.4, 4-22.3, 4-34.4)

INSPECTION DEPARTMENT

§ 90.15 ORGANIZATION OF DEPARTMENT.

The Inspection Department of the city shall consist of a Building Inspector, and may also include a Plumbing Inspector, a Heating-Air Conditioning Inspector, an Electrical Inspector, and any other inspectors or deputy or assistant inspectors as may be authorized by the City Council.

('58 Code, §§ 4-1, 4-9, 4-35)

§ 90.16 GENERAL DUTIES OF DEPARTMENT AND INSPECTORS.

It shall be the duty of the Inspection Department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and the codes are being met.

§ 90.17 CONFLICTS OF INTEREST.

No officer or employee of the Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No officer or employee of the Inspection Department shall engage in any work which is inconsistent with his duties or with the interests of the city.

('58 Code, '§ 4-2, 4-10, 4-36)

§ 90.18 REPORTS AND RECORDS.

The Inspection Department shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, and all other work and activities of the Inspection Department. Periodic reports shall be submitted to the Council and to other agencies, as required.

§ 90.19 INSPECTION PROCEDURE.

(A) Inspections. The Inspection Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with the appropriate codes. When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; however, no approval shall be based on reports of the organizations unless the reports are in writing and certified by a responsible officer of the organization. All holders of permits, or their

agents, shall notify the Inspection Department and the appropriate inspector at each of the following stages of construction, so that approval may be given before work is continued.

(1) Foundation inspection. To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles, and similar types of foundations shall be inspected as installed.

(2) Framing inspection. To be made after all structural framing is in place and all roughing-in of plumbing, electrical, and heating has been installed, after all fire blocking, chimneys, bracing, and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.

(3) Fireproofing inspection. To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(4) Final inspection. To be made after the building or structure has all doors hung, fixtures set, and is ready for occupancy, but before the building is occupied.

(B) Calls for inspection. Request for inspections may be made to the office of the Inspection Department or to the appropriate inspector. The Inspection Department shall make inspections as soon as practicable after a request is made therefor; provided the work is ready for inspection at the time the request is made.

(C) Reinspections. Reinspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

(D) Street or alley lines. Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley, or other public place, he shall secure a survey of the line of the street, alley, or other public place, adjacent to the property on which the building or structure is to be erected before proceeding with construction of the building or structure. It shall be the duty of the Building Inspector to see that the building does not encroach on the street, alley, or other public place.

(E) Certificate of occupancy. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Inspection Department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this chapter, the appropriate regulatory codes, and the zoning code for the occupancy intended. The Inspection Department shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this chapter, the regulatory codes, and the zoning code for the occupancy intended.

Penalty, see § 10.99

§ 90.20 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

§ 90.21 POWERS OF INSPECTION OFFICIALS.

(A) Authority. Inspectors are hereby authorized, empowered, and directed to enforce all the provisions of this chapter, and the regulatory codes herein adopted.

(B) Right of entry. With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right to enter on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the applicable regulatory codes.

(C) Stop orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in violation of any provision of this chapter or any other city ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such a manner as to endanger life or property, the appropriate inspector may order the work to be immediately stopped. The order shall be in writing to the owner of the property or to his agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed.

ENFORCEMENT

§ 90.30 PERMITS REQUIRED.

(A) Building permit. No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building or other structure, or any part thereof, without a written permit therefor from the Building Inspector. In all cases of removal or demolition of a building or structure, a good and sufficient bond may be required to be posted by the property owner or by his contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove, and clear the premises, after 30 days notice by the Building Inspector, shall be cause for forfeiture of the bond.

(B) Plumbing permit. No person shall commence or proceed with the installation, extension, or general repair of any plumbing system without a written permit therefor from the Plumbing Inspector. However, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if the repairs or replacements do not disrupt the original water supply or the waste or ventilating systems.

(C) Heating-air conditioning permit. No person shall commence or proceed with the installation, extension, alteration, or general repair of any heating or cooling equipment system without a written permit from the Heating-Air Conditioning Inspector. However, no permit shall be required for minor repairs, minor burner services, or filter replacements of warm air furnaces or cooling systems.

(D) Electrical permit. No person shall commence or proceed with the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment without a written permit therefor from the Electrical Inspector.

However, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed. Further, no permit shall be required for the installation, alteration, or repair of the electrical wiring, devices, appliances, and equipment installed by or for an electrical public utility corporation for the use of the corporation in the generation, transmission, distribution, or metering of electrical energy.

('58 Code, §§ 4-4, 4-14, 4-41) Penalty, see § 10.99

§ 90.31 APPLICATION FOR PERMIT.

Written application shall be made for all permits required by this chapter, and shall be made on forms provided by the Inspection Department.

The application shall be made by the owner of the building or structure affected or by his authorized agent or representative, and, in addition to other information as may be required by the appropriate inspector to enable him to determine whether the permit applied for should be issued, shall show the following.

- (A) Name, residence, and business address of owner.
- (B) Name, residence, and business of authorized representative or agent, if any.
- (C) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if a certificate is required for the work involved in the permit for which application is made.

§ 90.32 PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of \$45,000 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter, and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

('58 Code, § 4-4)

§ 90.33 LIMITATIONS ON ISSUANCE OF PERMITS.

(A) No building permit shall be issued for any building or structure, the estimated total cost of which is more than \$30,000, unless the work is to be performed by a licensed general contractor.

(B) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than \$45,000, unless the plans bear the North Carolina seal of a registered architect or a registered engineer.

(C) Where any provisions of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless it is to be performed by the licensed specialty contractor.

(D) Where detailed plans and specifications are required by this chapter, no building permit shall be issued unless the plans and specifications have been provided.
(58 Code, §§ 4-12, 4-37)

§ 90.34 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he shall issue the permit, upon payment of the proper fee or fees as hereafter provided.

§ 90.35 REVOCATION OF PERMITS.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any material departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the inspector; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing the permit.

§ 90.36 TIME LIMITATIONS ON VALIDITY OF PERMITS.

All permits issued under this chapter shall expire by limitation three months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit has been secured.

§ 90.37 CHANGES IN WORK.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until specific written approval of the changes or deviations has been obtained from the appropriate inspector.

Penalty, see § 10.99

§ 90.38 PERMIT FEES; INSPECTION FEES.

(A) Permit fees. Fees for permits shall be based on the total estimated cost of the proposed work, including all subcontracts if any, but in no case shall the total estimated cost be less than the market value of similar completed work in the city as determined by the appropriate inspector or inspectors. Permit fees shall be as established by the Council and filed in the office of the Building Inspector.

(B) Inspection fees. Building permit fees for the construction, alteration, or addition of buildings shall be based upon the total cost of the general construction, alteration, or addition. The term "total cost of construction" shall mean the greater amount of a bona fide bid price, duly authenticated, of the general construction, alteration, or addition or a sum equal to the

product of the number of square feet of the general construction, alteration, or addition multiplied by \$25. Building permit fees shall be as stated below.

(1) All construction except as referred to in divisions (2), (3), and (4) below.

Total Construction Cost	Fees
First \$10,000.00	Minimum \$10.00
\$10,001.00 - 200,000.00	\$1.00 per thousand
\$200,001.00 and above	\$.50 per thousand
Maximum permit	\$10,000.00

(2) Piers, bulkhead and waterway structures.

(a) Permit fees shall be \$1.00 per \$1,000.00 of construction, alteration, or additional cost or fraction thereof over \$1,000.00 with a minimum fee of \$10.00.

(b) No permit fee shall be charged for any construction, alteration, or addition the cost of which is \$50.00 or less.

(3) Mechanical permit. In addition to the fees charged above, a fee for heating installation and for air condition installation shall be charged as follows:

Heating \$.80 per square feet of area to be heated

Air Conditioning .50 per square feet of area to be air conditioned (it is estimated the fees will be approximately \$2.50 for each \$500.00 of installation cost)

Minimum fee 10.00

(4) Mobile homes. A permit fee of \$15.00 shall be charged for mobile homes.
(Ord. 83-17, passed 6-20-83)

§ 90.39 CITY HELD HARMLESS.

The applicant seeking a permit required by this and other chapters under the jurisdiction of the Inspections Section shall hold the city harmless from claims of bodily injury and/or property damage of all persons arising out of the use or occupancy of the premises as specified on the permit by the applicant, his agents, employees, or invitees.

MINIMUM HOUSING STANDARDS

§ 90.45 FINDINGS; PURPOSE.

(A) Pursuant to G.S. 160D-1201, it is hereby found and declared that there exists in the city dwellings unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light, and sanitary facilities, and due to other conditions rendering the dwellings unsafe or insanitary, and dangerous and detrimental to the health, safety, and morals, and otherwise inimical to the welfare of the residents of the city.

(B) In order to protect the health, safety, and welfare of the residents of the city, it is the purpose of §§ 90.45 through 90.66 to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160D-1205.

(‘58 Code, § 4-112) (Am. Ord. 16-27, passed 8-15-16)

§ 90.46 DEFINITIONS.

(A) For the purpose of §§ 90.45 through 90.66, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BASEMENT." A portion of a building located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

"BUILDING." Includes other structures.

"CELLAR." A portion of a building located partly or wholly underground, having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

"DETERIORATED." A dwelling unfit for human habitation that can be repaired, altered, or improved to comply with all of the minimum standards established by §§ 90.45 through 90.66, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

"DILAPIDATED." A dwelling unfit for human habitation that cannot be repaired, altered, or improved to comply with all of the minimum standards established by §§ 90.45 through 90.66, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

"DWELLING." Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

"DWELLING UNIT." Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities used or intended to be used for living, sleeping, cooking, and eating.

"EXTERMINATION." The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

"HABITABLE ROOM." A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, communicating corridors, closets, and storage spaces.

"INFESTATION." The presence, within or around a dwelling, of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.

"INSPECTOR." A Building Inspector of the city or any agent who is authorized by the city department responsible for the enforcement of this chapter.

"MULTIPLE DWELLING." Any dwelling containing more than two dwelling units.

"OCCUPANT." Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

"OPERATOR." Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

"OWNER." Any person who alone, or jointly, or severally with others:

(1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

"PLUMBING." Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

"PUBLIC AUTHORITY." The housing authority of the city, or any officer who is in charge of any department or branch of the government of the city or Stanly County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in the city.

"ROOMING HOUSE." Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator, to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

"ROOMING UNIT." Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"RUBBISH." Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

"SUPPLIED." Paid for, furnished, or provided by, or under the control of the owner or operator.

"TEMPORARY HOUSING." Any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

"UNFIT FOR HUMAN HABITATION." Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness, or one or more of the requirements established by §§ 90.45 through 90.66 .

(B) Whenever the words "DWELLING," "DWELLING UNIT," "ROOMING HOUSE," "ROOMING UNIT," or "PREMISES" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

('58 Code, § 4-113) (Am. Ord. 16-27, passed 8-15-16)

§ 90.47 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 90.45 through 90.66. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards for human habitation and all of the requirements of §§ 90.45 through 90.66.

('58 Code, § 4-114) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.48 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers, or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather- and watertight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated, or in danger of falling, or in such condition or locations as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.

('58 Code, § 4-115) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.49 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

(A) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply, and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the city plumbing code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either (1) or (2) below.

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F, measured at a point three feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70°F, measured three feet above the floor during ordinary winter conditions.

(C) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the city electrical code. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling, or wall- type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall- type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the city electrical code.

(D) Utilities. Every dwelling and dwelling unit shall be actively serviced by public utilities for electricity, sanitary sewerage and water.

(58 Code, § 4-116) (Am. Ord. 04- 23, passed 6-21-04; Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.50 MINIMUM STANDARDS FOR VENTILATION.

(A) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room. Whenever walls or other portions of structures face a window of any such room and the light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors, and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(B) Habitable rooms. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(C) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(58 Code, § 4-117) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.51 MINIMUM STANDARDS FOR SPACE, USE, AND LOCATION.

(A) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the city residential building code. Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over, and at least 35 square feet for each occupant under 12 years of age.

(B) Ceiling height. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4½ feet shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.

(D) Cellar. No cellar shall be used for living purposes.

(E) Basements. No basement shall be used for living purposes unless: the floor and walls are substantially watertight; the total window area, total openable window area, and ceiling height are equal to those required for habitable rooms; the required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well, or accessway.

(58 Code, § 4-118) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.52 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

(A) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall, and exterior roof shall be substantially weathertight, watertight, and rodentproof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) Interior floor, walls, and ceilings. Every floor, interior wall, and ceiling shall be substantially rodentproof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight, and rodentproof; and shall be kept in sound working condition and good repair.

(D) Stairs, porches, and appurtenances. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(E) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water, and so as to permit the floor to be easily kept in a clean and sanitary condition.

(F) Supplied facilities. Every supplied facility, piece of equipment, or utility required under §§ 90.45 through 90.66 shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(G) Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(H) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the city building code.

(58 Code, § 4-119) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.53 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS, AND INFESTATIONS.

(A) Screens. In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall be likewise supplied with screens installed.

(B) Rodent control. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or any other approved device as will effectively prevent their entrance.

(C) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by city ordinances, and the owner, operator, or agent in control of the dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by city ordinances.

(58 Code, § 4-120) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.54 MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.

All of the provisions of §§ 90.45 through 90.66, and all of the minimum standards and requirements of those sections, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following divisions.

(A) Water closet, hand lavatory, and bath facilities. At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for every four rooms within a rooming house wherever the facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway, and shall be not more than one story removed from any of the persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(B) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over, and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) Sanitary facilities. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

('58 Code, § 4-121) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.55 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(C) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation of them.

(E) Care of facilities, equipment, and structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

('58 Code, § 4-122) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.56 DUTIES OF BUILDING INSPECTOR.

The Building Inspector is hereby designated as the officer to enforce the provisions of §§ 90.45 through 90.66 and to exercise the duties and powers herein prescribed. It shall be the duty of the Building Inspector to do the following.

(A) Investigate the dwelling conditions, and inspect dwellings and dwelling units located in the city in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of §§ 90.45 through 90.66 with respect to the dwellings and dwelling units.

(B) Take any action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of deteriorated housing.

(C) Keep a record of the results of inspections made under §§ 90.45 through 90.66 and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.

(D) Perform any other duties as may be herein prescribed.

('58 Code, § 4-123) (Am. Ord. 16-27, passed 8-15-16)

§ 90.57 POWERS OF BUILDING INSPECTOR.

The Building Inspector is authorized to exercise any powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of §§ 90.45 through 90.66, including the following powers in addition to others herein granted.

(A) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation.

(B) To administer oaths and affirmations, examine witnesses, and receive evidence.

(C) To enter upon premises for the purpose of making examination and inspections; provided the entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(D) To appoint and fix the duties of the officers, agents, and employees as he deems necessary to carry out the purposes of §§ 90.45 through 90.66.

('58 Code, § 4-124)

§ 90.58 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the Inspector free access to the dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of the dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making any repairs or alterations as are

necessary to effect compliance with the provisions of §§ 90.45 through 90.66, or with any lawful order issued pursuant to the provisions of §§ 90.45 through 90.66.

(58 Code, § 4-125) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

§ 90.59 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing.

(1) Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector upon inspection that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served, upon the owner of and parties in interest in the dwelling or dwelling unit, a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint.

(2) The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(3) Notice of the hearing also shall be given to at least one of the persons signing a petition relating to the dwelling.

(4) Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard.

(5) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After the notice and hearing, the Inspector shall state in writing his findings of fact and order whether the dwelling or dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

(1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the order shall require that the owner either repair or demolish and remove the dwelling within the time set out in the order.

(2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the order shall require the owner to demolish and remove the dwelling within the time set out in the order.

(C) The Inspector shall cause the complaint and notice issued under subsection (A) and the findings of fact and order issued under subsection (B) to be filed in the notice of lis pendens in the office of the clerk of the Superior court. From the date and time of indexing by the clerk of court, the complaint and notice of hearing or findings of fact and order shall be binding upon the successors and assigns of the owners of and parties in interest in the place of habitation. A copy of the notice of lis pendens shall be served upon the owners and parties in interest, including any lienholders and tenants who may be determined by the exercise of reasonable diligence, in the place of habitation at the time of filing in accordance with G.S. 160D-1206. The notice of lis pendens shall remain in full force and effect until it is cancelled. The Inspector shall have the

authority to notify the clerk of court to cancel the notice of lis pendens when the code enforcement official determines that there no longer is a need for the notice to remain in effect.

(D) Failure to comply with order.

(1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the dwelling or dwelling unit within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the dwelling within the time specified therein, the Inspector shall submit to the City Council, at its next regular meeting, a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the Inspector, as authorized by G.S. ; 160D-1208(e).

(2) In rem remedy. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in (D)(1) above, the Inspector shall submit to the City Council an ordinance ordering the Inspector to cause the dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending the removal or demolition, to placard the dwelling as provided by G.S. 160-D-1203 and § 90.61. No ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. The ordinance shall be recorded in the office of the register of deeds of the county and shall be indexed in the name of the property owner in the grantor index.

(E) If the dwelling has been vacated and closed for a period of one year as the result of an ordinance adopted pursuant to subsection (D) of this section or after an inspector issues an order or proceedings have commenced under subsection (C), then the Inspector shall submit to City Council an ordinance finding that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State. The City Council may, after the expiration of such one-year period, enact the ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.

(2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(F) Appeals from orders of Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and the Housing Appeals Board a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is made from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown, upon not less than one day's written notice to the inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160D-1208(d) and division (E) below. The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make the decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the inspector, the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the inspector. The Board shall have the power also in passing upon appeals in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(F) Petition to Superior Court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160D-305; 160D-1208 (d).

('58 Code, § 4-126) (Am. Ord. 16-27, passed 8-15-16)

(G) Notice to affordable housing agencies. Whenever a determination is made pursuant to subsection (C) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this article, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of

such notice shall be given before removal or demolition by action of the administrator, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The city clerk shall certify the mail of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order required the administrator to wait 45 days before causing removal or demolition.

§ 90.60 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of the persons are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publishing it once each week for two successive weeks in a newspaper printed and published in the city. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.
(58 Code, § 4-127) (Am. Ord. 16-27, passed 8-15-16)

§ 90.61 IN REM ACTION BY INSPECTOR; PLACARDING.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of §§ 90.45 through 90.66, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G.S. 160D-1203(4) & (5) and § 90.59(C), the Inspector shall proceed to cause the dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by §§ 90.45 through 90.66, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Each such ordinance shall be recorded in the office of the Register of Deeds of Stanly County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(4) & (5).
(58 Code, § 4-128) (Am. Ord. 16-27, passed 8-15-16)

§ 90.62 COSTS A LIEN ON PREMISES.

(a) As provided by G.S. 160D-1203(7), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 90.61 shall be a lien against the real property on which the cost was incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10 of Chapter 160A of the General Statutes.

(b) If the real property upon which the cost was incurred is located in the City of Albemarle, then the amount of the cost is also a lien on any other real property of the owner located within the City limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

(c) If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

('58 Code, § 4-129) (Am. Ord. 16-27, passed 8-15-16)

§ 90.63 ALTERNATIVE REMEDIES.

(A) Neither §§ 90.45 through 90.66, nor any provisions of those sections, shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce those sections by criminal process, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(B) If any occupant fails to comply with an order to vacate a dwelling, the Building Inspector (hereinafter "public officer") may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place, not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to § 90.59(D)(2), authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this division, unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties under § 90.59 to vacate and close or remove and demolish the dwelling.

('58 Code, § 4-130) (Am. Ord. 04- 23, passed 6-21-04; Am. Ord. 16-27, passed 8-15-16)

§ 90.64 APPEALS OF DECISIONS OR ORDERS OF THE INSPECTOR.

Appeals from decisions or orders of the Inspector, as provided by §§ 90.45 through 90.66, may be taken to the Zoning Board of Adjustment. When considering appeals of decisions or orders of the Inspector, the Board shall perform the duties prescribed by § 90.59(D) and shall keep an accurate record of all its proceedings.

('58 Code, § 4-131) (Am. Ord. 16-27, passed 8-15-16)

§ 90.65 CONFLICT WITH OTHER PROVISIONS.

In the event any provision, standard, or requirement of §§ 90.45 through 90.66 is found to be in conflict with any provision of any other ordinance or code of the city, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the city shall prevail.

('58 Code, § 4-132) (Am. Ord. 16-27, passed 8-15-16)

§ 90.66 VIOLATIONS; PENALTY.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the dwelling, or to vacate and close and remove or demolish the dwelling, on order of the Inspector duly made and served as herein provided within the time specified in the order, and each day that any such failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit with respect to which an order has been issued pursuant to § 90.59 to occupy or permit the occupancy of the dwelling after the time prescribed in the order for its repair, alteration, or improvement or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

('58 Code, § 4-133) (Am. Ord. 16-27, passed 8-15-16) Penalty, see § 10.99

REPAIR, CLOSING, OR DEMOLITION OF ABANDONED STRUCTURES

§ 90.75 FINDINGS; INTENT.

It is hereby found that there exist within the city abandoned structures which the City Council finds to be hazardous to the health, safety, and welfare of the residents of the city due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. 160D-1201(b), it is the intent of §§ 90.75 through 90.83 to provide for the repair, closing, or demolition of any abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing, or demolition of dwellings unfit for human habitation.

(Ord. 83-3, passed 1-17-83)

§ 90.76 DUTIES OF THE BUILDING INSPECTOR.

The Building Inspector is hereby designated as the city officer to enforce the provisions of §§ 90.75 through 90.83. It shall be the duty of the Building Inspector to do the following.

(A) Locate abandoned structures within the city which structures are in violation of §§ 90.75 through 90.83.

(B) Take any action pursuant to these sections as may be necessary to provide for the repair, closing, or demolition of the structures.

(C) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of §§ 90.75 through 90.83.

(D) Perform any other duties as may be prescribed herein or assigned to him by the City Council.

(Ord. 83-3, passed 1-17-83)

§ 90.77 POWERS OF THE BUILDING INSPECTOR.

The Building Inspector is authorized to exercise such powers as may be necessary to carry out the intent and the provisions of §§ 90.75 through 90.83, including the following powers in addition to others herein granted.

(A) To investigate the condition of buildings within the city in order to determine which structures are abandoned and in violation of §§ 90.75 through 90.83.

(B) To enter upon premises for the purpose of making inspections.

(C) To administer oaths and affirmations, examine witnesses and receive evidence.

(D) To designate any other officers, agents, and employees of the city as he deems necessary to carry out the provisions of §§ 90.75 through 90.83.

(Ord. 83-3, passed 1-17-83)

§ 90.78 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned structure within the city shall be deemed in violation of §§ 90.75 through 90.83 whenever the structure constitutes a hazard to the health, safety, or welfare of the citizens as a result of the following.

(1) The attraction of insects or rodents.

(2) Conditions creating a fire hazard.

(3) Dangerous conditions constituting a threat to children.

(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(B) In making the preliminary determination of whether or not an abandoned structure is in violation of §§ 90.75 through 90.83, the Building Inspector may, by way of illustration and not limitation, consider the presence or absence of the following conditions.

(1) Holes or cracks in the structure's floors, walls, ceilings, or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects.

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects.

(3) Violations of the State Building Code, the State Electrical Code, or the fire prevention code which constitutes a fire hazard in the structure.

(4) The collection of garbage, rubbish, or combustible material which constitute a fire hazard in the structure.

(5) The use of the structure or nearby grounds or facilities by children as a play area.

(6) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area.

(7) Repeated use of the structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking, or eating.

(Ord. 83-3, passed 1-17-83)

§ 90.79 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice, hearing. Whenever a petition is filed with the inspector by at least five residents of the city charging that any structure exists in violation of §§ 90.75 through 90.83 or whenever it appears to the inspector, upon inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served on the owner of and parties in interest in the structure, a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the structure. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(B) Procedure after hearing. After the notice and hearing, the inspector shall state in writing his determination whether the structure violates §§ 90.75 through 90.83. If the inspector determines that the dwelling is in violation he shall state in writing his findings of fact to support the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter, and improve the structure or else remove or demolish it within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any structure shall fail to comply with an order of the inspector within the time specified therein, the inspector may submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the superior court for an order directing the owner to comply with the order of the inspector, as authorized by G.S. 160D-1208(e).

(2) In rem remedy. After failure of an owner of a structure to comply with an order of the inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1) above, the inspector shall submit to the City Council an ordinance ordering the inspector to cause the structure to be removed or demolished, as provided in the original order of the inspector, and pending the removal or demolition, to placard the dwelling as provided by G.S. 160D-1203.

(D) Petition to superior court by owner. Any person aggrieved by an order issued by the inspector shall have the right, within 30 days after issuance of the order, to petition the superior court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

(Ord. 83-3, passed 1-17-83)

§ 90.80 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the inspector shall be served on persons either personally or by registered or certified mail, but if the whereabouts of the persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, and the serving of the complaint or order on the person may be made by publication in a newspaper having general circulation in the city at least once, no later than the time at which personal service is required under § 90.79. Where service is made by publication,

a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(Ord. 83-3, passed 1-17-83)

§ 90.81 IN REM ACTION BY INSPECTOR; PLACARDING.

After failure of an owner of a structure to comply with an order of the inspector issued pursuant to the provisions of §§ 90.75 through 90.83, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G.S. 160D-1203(4) & (5) and § 90.79 (C), the inspector shall proceed to cause the structure either to be repaired or else to be removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor. Each such ordinance shall be recorded in the office of the register of deeds of Stanly County, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(4) & (5).

(Ord. 83-3, passed 1-17-83)

§ 90.82 COSTS A LIEN ON PREMISES.

As provided by G.S. 160D-1203(7), the amount of the cost of any removal or demolition caused to be made or done by the inspector pursuant to §§ 90.75 through 90.83 shall be a lien against the real property on which the cost was incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes.

(b) If the real property upon which the cost was incurred is located in the City of Albemarle, then the amount of the cost is also a lien on any other real property of the owner located within the City limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

(c) If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 83-3, passed 1-17-83)

§ 90.83 ALTERNATIVE REMEDIES.

Neither §§ 90.75 through 90.83 nor any provisions of those sections shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause

their abatement by summary action or otherwise, or to enforce those sections by criminal process, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Ord. 83-3, passed 1-17-83)

INSULATION AND ENERGY UTILIZATION EQUIPMENT

§ 90.90 PURPOSE.

Sections 90.90 through 90.98 are adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and G.S. 160A-194 for the purpose of securing effective enforcement of the insulation and energy utilization standards of the State Building Code and to further protect the purchasers of products and services designed to meet those standards.

(Ord. 78-4, passed 4-3-78)

§ 90.91 REQUIRED LICENSE.

No person, firm, or corporation may for a consideration install, alter, or restore within the city any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes, working under the supervision of a registered architect or professional engineer, an owner working on his own building, or licensed under §§ 90.90 through 90.98.

(Ord. 78-4, passed 4-3-78)

§ 90.92 APPLICATIONS.

Every person desiring a license under §§ 90.90 through 90.98 shall submit an application for the license to the Building Inspector conforming to the following requirements.

(A) Form of application. Each application shall be a written statement on forms provided by the Building Inspector.

(B) Contents of application. Each application shall contain the following information:

(1) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership.

(2) Names and home addresses of the partners, if a partnership.

(3) Names and addresses of the officers and directors, if a corporation.

(4) Place where the proposed business is to be located.

(5) Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction.

(6) Complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures.

(7) Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in division (6) above to the applicant or any employee, partner, officer, or director of the applicant.

(C) Fees. Each application shall be accompanied by a fee, in the amount established by the Council, such amount to be for the fiscal year.

(D) False statements. False statements on any application for a license shall be grounds for immediate revocation or denial of the license.

(Ord. 78-4, passed 4-3-78)

§ 90.93 PROCEDURE FOR ISSUANCE.

(A) Review by City Inspection Department. Each application received by the Building Inspector shall be promptly forwarded to the Inspection Department for review. The Inspection Department shall promptly review the application and submit comments and recommendations pertaining to the application to the Building Inspector.

(B) Licensing agency. The application and any comments and recommendations relating thereto shall be considered by the Building Inspector who shall then issue or deny the license pursuant to the following standards.

(C) Standards. The Building Inspector shall issue the license unless he shall find that the applicant or any employee, partner, officer, or director of the applicant has done any of the following.

(1) Been convicted within the last three years of a felony or an act involving dishonesty, fraud, or deceit, whether in this or any other state or jurisdiction.

(2) Been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state, or federal government or agency and the government or agency has not subsequently granted or restored the license.

(3) Knowingly made a false statement in the application.

(4) Failed to post the bond or other security required by § 90.94.

(Ord. 78-4, passed 4-3-78)

§ 90.94 BOND REQUIRED.

(A) Before a license shall be issued to any applicant, the applicant shall post a bond with the city in the amount of \$1,000. In lieu of posting bond, the applicant may deposit a cashier's check or cash in the same amount.

(B) The security required by division (A) above shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment, or other materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

(Ord. 78-4, passed 4-3-78)

§ 90.95 TERMINATION AND RENEWAL OF LICENSES.

All licenses issued hereunder shall terminate on the last day of the fiscal year for which issued. Renewal of the licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.

(Ord. 78-4, passed 4-3-78)

§ 90.96 SUSPENSION; REVOCATION.

(A) The Building Inspector may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has done any of the following.

(1) Knowingly made a false statement in the application for a license.

(2) Violated the State Building Code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction.

(3) Been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

(B) Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the Council. After reasonable notice to the licensee, the Council shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

(Ord. 78-4, passed 4-3-78)

§ 90.97 CHANGE OF LOCATION.

The location of any licensed business may be changed, provided ten days notice thereof is given to the city and operation at the new location does not violate any applicable state or local law, ordinance, or regulation.

(Ord. 78-4, passed 4-3-78)

§ 90.98 REQUIRED PERMIT; FEE; EXCEPTIONS.

No person, firm, or corporation licensed under §§ 90.90 through 90.98 may for a consideration install, alter, or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization without first securing a special insulation and energy utilization permit from the Building Inspector for each item of work, which permit shall evidence compliance with the insulation and energy utilization standards of the State Building Code. There shall be a fee for each permit issued, in an amount established by the Council.

(Ord. 78-4, passed 4-3-78)

MOVERS OF BUILDINGS AND STRUCTURES

§ 90.99 PERMIT REQUIRED OF MOVERS OF BUILDINGS AND STRUCTURES.

It shall be unlawful for any person, firm, or corporation to move or assist in moving any building or structure over, along, or through any street or side alleys in the city without first having obtained a written permit on a form provided by the City Manager.

(Ord. 88-1, passed 4-4-88) Penalty, see § 10.99

§ 90.100 DEPOSIT REQUIRED.

In addition to fulfilling the requirements of G.S. §§ 20-256 through 372, permittees are required to make a deposit of \$5,000 with the City Finance Officer at least 24 hours prior to moving any structure within the city limits. Such deposit may be cash, certified or cashier's check, or a bond.

(Ord. 88-1, passed 4-4-88)

§ 90.101 PERMITTEES TO NOTIFY OWNERS OF UTILITIES.

The permittee shall give notice at least 24 hours prior to moving any structure within the city limits to the City Director of Utilities and to all private utility companies having facilities along the route over which it is proposed to move the structure.

(Ord. 88-1, passed 4-4-88) Penalty, see § 10.99

§ 90.102 USE OF DEPOSIT FOR DAMAGES OR EXPENSES.

If damages occur to any city owned, occupied, or maintained property as a result of moving activities, or if such activities cause the use of city personnel for traffic control or other ancillary assistance, the cost of repairs or expenses will be retained by the city from the deposit. However, the permittee is liable for all such damages and expenses, and his liability is not limited to the amount of deposit.

(Ord. 88-1, passed 4-4-88)

§ 90.103 RETURN OF UNUSED DEPOSIT.

The permittee shall notify the City Manager when the movement of the structure has been completed. After verification by the City Manager that no damages or expenses occurred in the moving, the entire deposit will be returned to the permittee. If damages or expenses were incurred, the amount of the deposit remaining, if any, after payment of such damages and expenses, will be returned to the permittee.

(Ord. 88-1, passed 4-4-88)

CHAPTER 95: NON-RESIDENTIAL BUILDING AND VACANT PROPERTY
MAINTENANCE STANDARDS

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GENERAL PROVISIONS

§ 95.001 PURPOSE AND SCOPE.

(A) Purpose.

(1) In accordance with State Statutes G.S. Ch. 160D, Article 11 and including G.S. 160D-1101 through 160D-1201, it is the purpose of the provisions of this Code to provide a just, equitable and practical method, whereby non-residential and/or commercial buildings or structures which from any cause, endanger the life, limb, health, property, safety, or welfare of the general public or their occupants, diminish property values or detract excessively from the appropriate appearance of the commercial area, may be required to be repaired, vacated or demolished. It is the further purpose of this Code to preserve the character and integrity of the community and to promote the comfort, happiness and safety of community residents, and to minimize discordant, unsightly and offensive surroundings while preserving beauty as well as the usefulness of the environment. Additionally, the Albemarle City Council finds that the presence of properties exhibiting evidence of vacancy and neglect pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Code are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the City of Albemarle and Stanly County.

(2) Special emphasis shall be placed on Volume IX-Existing Buildings of the N.C. State Building Code (or any Code that may replace this volume) regarding repair standards and requirements for life-safety. The objective of the Existing Buildings Code is "...to promote the safe continued use and re-use of existing buildings."

(B) Scope. Unless expressly stated otherwise in this chapter, the provisions of this code shall apply to all commercial buildings or other non-residential structures which are now in existence or which may be built or amended. Residential structures will fall under enforcement of the minimum housing standards for the City of Albemarle. For combination structures, both codes would apply.

(Ord. 20-01, passed 1-6-20)

§ 95.002 DEFINITION OF TERMS.

(A) General definitions and interpretations. Unless specifically defined in § 95.002 (B), words used in the Non-Residential Building and Vacant Property Maintenance Standards Code

shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms or phrases used herein are interpreted and defined as follows:

- (1) Words used in the present tense shall include the future tense.
- (2) Words used in the singular shall include the plural and words used in the plural shall include the singular.
- (3) The words “shall” and “will” always indicate MANDATORY.
- (4) The words “should” and “may” always indicate OPTIONAL.
- (5) The word “lot” includes the words “plot” and/or “parcel.”
- (6) The word “building” includes the word “structure.”
- (7) The word commercial includes the word non-residential.
- (8) The word “person” includes a “firm, association, organization, partnership, trust, company, corporation and/or individual.”
- (9) The word “use” includes the terms “arranged, designed, and/or intended” for a use, activity and/or purpose.
- (10) The term “Zoning Map” shall always indicate the official zoning map of the City of Albemarle, North Carolina.
- (11) The “Planning and Zoning Board” shall indicate the City of Albemarle Planning and Zoning Board, Zoning Board of Adjustment or other entity established by the Albemarle City Council to hear quasi-judicial cases of appeals and designated to preside over such cases as applicable in this chapter.

(B) Special definitions. The following special definitions apply to these non-residential building and vacant property maintenance standards and its amendments plus any and all ordinances made a part of this Code by reference thereto. Amendments to these definitions shall apply only when all procedural requirements are met.

“BUILDING.” Any covered structure intended for shelter, housing or enclosure of persons, animals, facilities, equipment or chattels; the term “building” shall be construed to include the term “structure;” furthermore, it shall be construed as if followed by the term “or part thereof.”

“BUILDING, ACCESSORY.” A detached subordinate building located on a lot, parcel or tract whose use is incidental to that of the principal building. A building cannot be considered accessory unless it accompanies a principal building on the same lot, parcel or tract.

“BUILDING, PRINCIPAL.” A building in which the principal use of the lot, parcel or tract is conducted.

“BUILDING OF HISTORICAL VALUE.” A building within the City of Albemarle which is listed on the National Register, located in the City of Albemarle Local Historic District, or constituting special significance to the general citizenry of the City of Albemarle due to age, history, architectural design, human occurrence, culture and possessing integrity of design, setting, materials, feeling and association.

“BUILDING CODE.” The North Carolina State Building Code.

“CODE ENFORCEMENT OFFICER.” The person(s) delegated as such by the City of Albemarle for the purpose of enforcement of this chapter.

“COMMERCIAL BUSINESS.” Any business or enterprise which produces and/or offers for sale products and/or services which, in any manner, conducts commerce, within the city limits of the City of Albemarle.

“DAYS.” Means consecutive calendar days.

“DETERIORATION.” The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay or loss of structural integrity.

“EVIDENCE OF VACANCY.” Any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

“FIRE HAZARD (see also NUISANCE).” Anything or act which increases, or may cause an increase of the hazard, likelihood or menace of fire to a greater degree than reasonable for the conduct of the commercial business on the premises, or which may unreasonably obstruct, delay, or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression, or extinguishment of fire.

“INVOLUNTARY VACANCY.” An unoccupied nonresidential building structurally damaged as a result of fire, wind or other perils, through no fault of the owner, for which an insurance claim has been filed; provided that said vacancy shall not exceed 180 days from the date that such damage occurred, after which said structure will be deemed an abandoned building as defined herein.

“MIXED OCCUPANCY.” Any building that is used for two or more occupancies classified by different occupancy use groups.

“NUISANCE.”

(a) Any public nuisance known as common law or in equity jurisprudence, or as provided by the statutes of the State of North Carolina, or the ordinances of the City of Albemarle; or

(b) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises of a building, or part of a building or upon an occupied lot; or

(c) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists; or

(d) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or

(e) Fire hazards or other safety hazards.

“OPERATOR.” Any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises are actually occupied or not.

“OWNER.” All individuals, associations, corporations and other parties that have interests of record in a building or any that are in possession thereof.

“PHYSICAL VALUATION.” The estimated cost to replace the building, or parts thereof in kind.

“PLUMBING.” All of the following supplies, facilities, and equipment: gas pipes, gas burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets,

sinks, installed dishwashers, lavatories, bathtubs, shower bath, installed clothes washing machines, catch basins, vents, and other similar fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with HVAC equipment.

“PREMISES.” A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator, devoted to or zoned for non-residential use, together with all adjacent land.

“SANITARY SEWER.” Any sanitary sewer owned, operated and maintained by the City of Albemarle and available for public use for the disposal of sewage.

“SEWAGE.” Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or water-carried waste from any other fixture, equipment or machine.

“STORY.” That portion of a building between the surface of any interior floor and the ceiling next above. A basement is considered a story only when its ceiling is over six feet above the average level of the finished ground surface adjacent to the exterior walls of the front entrance and/or side street entrance of the building.

“STRUCTURALLY SOUND.” Substantially free from flaw, defect, decay or deterioration to the extent that such structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

“STRUCTURE.” Anything constructed or erected which requires location on the ground. The term “structure” does not include the terms “retaining wall,” “fence,” “utility pole” or “driveway” (refer to the definition of “building” herein).

“STRUCTURE, ABANDONED.” Any structure whose owner has demonstrated no intent to maintain or repair. Said structure whether designed and intended for commercial or other uses, shall be vacant or not in active use, regardless of purpose or reason, for the past two- year period, and shall be determined by the Code Enforcement Officer to be unfit for occupancy based upon the standards as set forth in this code.

“VACANT.” A Property that is not legally occupied. Legally occupied means occupancy by the owner or any business or individual whose presence therein is with the consent of the owner with utilities furnished to the property.

“WASHROOMS.” Enclosed spaces containing one or more bathtubs, showers, or both, and which also shall include toilets, lavatories, or fixtures serving similar purposes.

“WATER CLOSET COMPARTMENT.” Enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals, and other, plumbing fixtures.

(Ord. 20-01, passed 1-6-20)

§ 95.003 APPLICABILITY AND COMPLIANCE.

(A) Applicability and compliance. Every non-residential building or structure and the premises on which it is situated, used or intended to be used for non-residential or commercial business occupancy shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered, or repaired before or after the enactment of this Code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building, or for the installment or repair of equipment or facilities prior to the effective date of this Code. This Code establishes minimum standards for the initial and continual occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building, equipment or facilities contained therein except as provided in § 92.003(B) herein. Where there is mixed occupancy, any non-

residential or commercial business use therein shall be nevertheless regulated by and subject to the provisions of this Code.

(B) Higher standards to prevail in case of conflict. In any case where the provisions of this code impose a higher or lower standard than that set forth in any other ordinance of the city or under the laws of the State of North Carolina, then the higher standard shall prevail.

(C) Duty to comply. It shall be the duty of each and every owner, or other entity in possession of a non-residential building or premises within the City of Albemarle, where applicable, to comply with the regulations and requirements set forth in this code. No formal authorization for occupancy from the city shall be issued unless and until all applicable sections of this code have been complied with. No land or building or combination thereof, shall be used in a manner inconsistent with or in conflict with the requirements of this code.

(Ord. 20-01, passed 1-6-20)

§ 95.004 CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer is hereby established and shall be the person delegated as such by the City Manager or his or her designees. Unless otherwise provided it shall be the duty and responsibility of the Code Enforcement Officer to enforce the provisions of this chapter and to legally proceed against each and every person found in violation of the requirements of this code. All inspections, regulations and enforcement of violations of the provisions of this Ordinance, unless expressly stated to the contrary, shall be under the direction and supervision of the Code Enforcement Officer.

(Ord. 20-01, passed 1-6-20)

VACANT PROPERTIES

§ 95.020 PREVENTION OF BLIGHT THROUGH VACANCY.

It is the purpose and intent of the Albemarle City Council, through the adoption of this Chapter, to establish minimum standards for the maintenance of all vacant commercial and non-residential properties as a mechanism to preserve the integrity of Albemarle's commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties and to prevent the appearance of vacancy or neglect on occupied properties. Additionally the town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The city finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this chapter shall apply to all non-residential and commercial properties in the city limits of Albemarle.

(Ord. 20-01, passed 1-6-20)

§ 95.021 DUTIES AND RESPONSIBILITIES OF THE OWNER.

In accordance with G.S. 160A-174, 160A-194, it shall be the duty and responsibility of the owner of any non-residential premises to see that said non-residential premises under the control

of the owner are maintained to minimize the appearance of vacancy and prevent the appearance of blight or neglect in accordance with the following sections.

(Ord. 20-01, passed 1-6-20)

§ 95.022 REGISTRATION REQUIRED.

In order to determine and document the location of vacant structures for the purpose of monitoring blight, preventing abandonment of structures, deterioration of buildings leading to unsafe conditions, improving quality of life for residents and helping to improve the economic vitality of the city, Albemarle City Council authorizes the City Manager and his or her designees to initiate a mandatory vacant property registry program as is deemed necessary by the City Manager and as resources permit. Once initiated, said program shall consist of the following requirements for owners of commercial and non-residential properties in the areas designated by the City Manager or his or her designee, up to and including the entirety of the incorporated limits of the city. Unless otherwise formally decided upon by City Council, such registration shall be maintained free of charge to vacant property owners, except in the event of violations as provided in this chapter.

(A) Any vacant commercial or non-residential property that has been vacant for at least 180 days must be registered by the owner with designated city staff, either:

(1) Of the owner of a vacant property's own accord before receiving a notice of registration requirement; or

(2) Within 30 days of receiving a notice of registration requirement from the town.

(B) The city will send an initial notice of registration requirement to the owner of record of properties that exhibit evidence of vacancy as determined by the code enforcement officer or his or her designee(s). Owner shall register property within the time period set forth in division (a) of this section unless owner can provide clear and convincing evidence to the code enforcement officer or his or her designee(s), within such time period, that the property is not vacant.

(C) The registration shall contain for each vacant property:

(1) The name of the owner (corporation or individual);

(2) The direct street/office mailing address of the owner and P.O. Box if applicable; and

(3) A direct contact name and phone number.

(D) Any changes in the owner's information, including new ownership shall be reported to the city staff within 30 days of such changes.

(E) Any future occupancies of the building for non-residential purposes shall be reported to city staff within 30 days with proof of occupancy.

(F) Vacant properties shall remain subject to the registration, maintenance, and security requirements of this chapter as long as they remain vacant.

(G) Failure to provide requested information upon receipt of notice of registration requirement or to provide updated information in accordance with the times provided may result in civil penalties as provided in Chapter 10 of City Code of Ordinances.

(Ord. 20-01, passed 1-6-20)

§ 95.023 GENERAL MAINTENANCE OF VACANT PROPERTIES.

All commercial and non-residential properties, including both vacant and occupied, shall be maintained in such a way as to minimize the appearance of vacancy and subject to this chapter shall be kept in compliance with the following maintenance requirements:

(A) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not exhibit any evidence of vacancy.

(1) All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed.

(2) All exterior surfaces, which have been painted, shall be maintained free of peeling and flaking paint or stucco. Where 33% or more of the aggregate of any painted or stuccoed wall shall have peeling or flaking paint or stucco worn away, the entire wall shall be scraped and repainted or recovered with stucco.

(3) All wood and masonry materials shall be maintained, repaired or replaced when necessary to prevent deterioration.

(B)(1) The yard(s) of the property shall be maintained in a way that does not provide evidence of vacancy.

(2) Where landscaping has been incorporated in the development plan of a commercial business (or where landscaping has been required by the city as part of a development plan including parking plan) the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.

(C) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide evidence of vacancy.

(D) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and shall be maintained in a way that does not provide evidence of vacancy.

(E) The property, including all external grounds shall be maintained so as to exhibit no evidence of vacancy.

(1) Where a parking lot is constructed as part of a commercial business or as a business itself and covered by an impermeable surface, the parking lot and all curbing, surfacing, sidewalks, and other parts thereof shall be maintained free of broken/cracked surfaces, holes or other similar conditions. All commercial parking lots so described herein, shall be repaired or replaced with like material.

(2) Where curb cuts are abandoned due to new construction, change of access or general discontinuation of use, said curb cut shall be closed and replaced with a standard sidewalk and curb and gutter arrangement in accordance with city regulations and policies.

(F)(1) The storefronts and facades of buildings shall be maintained in a way that does not provide evidence of vacancy.

(2) All awnings and signs must not have more than 30% of the area that is torn, tattered, or missing for a period longer than 60 days.

(G) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit evidence of vacancy.

(Ord. 20-01, passed 1-6-20)

§ 95.024 SECURITY REQUIREMENT.

Vacant properties subject to this chapter shall comply with the following security requirements.

(A) The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walk-through, sliding, and garage), gates, pet doors, and any other such opening of such size that it may allow a child to access the interior of the property or structure(s).

(B) Broken windows shall be replaced and/or re-glazed; windows at street level shall not be boarded up, except as a temporary security measure when approved by the Code Enforcement Officer.

(Ord. 20-01, passed 1-6-20)

§ 95.025 INSPECTIONS.

The Code Enforcement Officer, or his or her designees, shall have the authority and the duty to inspect properties subject to this Chapter for compliance and to issue citations for any violations. The Code Enforcement Officer shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this chapter is enforced.

(Ord. 20-01, passed 1-6-20)

§ 95.026 ENFORCEMENT, VIOLATIONS AND PENALTIES.

As part of a routine inspection program the Code Enforcement Officer is authorized to enforce the provisions of this chapter including documentation of observed violations and issuance of penalties and other methods as defined in this chapter to affect abatement of such violations and ensure compliance with this chapter.

(A) It shall be unlawful for any owner to be in violation of any of the provisions of this chapter.

(B) Any person who violates a provision of this chapter or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this chapter.

(C) The imposition of one penalty for any violation shall not excuse the violation, or authorize its continuance.

(D) All such persons shall be required to submit an acceptable plan of action to the Code Enforcement Officer within ten business days of notification of violation. This plan of action must include, but is not limited to, a description of the work to be done, by whom and a specific schedule. Plans shall be reviewed by the Code Enforcement Officer and work is to commence within 15 days of his or her approval. When not otherwise specified, failure to meet any stated condition within ten days of required action shall constitute a separate offense.

(E) Failure to comply with the requirements of this section may result in civil penalties as provided in Chapter 10 of City Code of Ordinances.

(Ord. 20-01, passed 1-6-20)

§ 95.027 APPEALS.

Any person aggrieved by any of the requirements of this chapter may present an appeal in writing to the Planning Board in accordance with provisions of this chapter.
(Ord. 20-01, passed 1-6-20)

MAINTENANCE STANDARDS AND RESPONSIBILITIES

§ 95.040 LIFE SAFETY MAINTENANCE RESPONSIBILITY OF THE OWNER.

In accordance with G.S. and 160D-1129, it shall be the duty and responsibility of the owner of non-residential premises to see that said non-residential premises under the control of the owner are maintained to ensure that:

(A) The premises are free of all hazards to the safety of the occupants, customers or other persons utilizing the premises or to pedestrians and/or vehicles passing thereby, specifically including, but not limited to, the following conditions in such building:

(1) Interior walls or vertical studs which list, lean or buckle to such an extent as to render the building unsafe.

(2) Supporting member or members which show 33% or more damage or deterioration, or non-supporting, enclosing or outside walls or coverings which show 25% or more of damage or deterioration.

(3) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(4) Roofs that leak or fail to be weather tight. Unkempt roofs may lead to dangerous mold and loss of structural integrity.

(5) Such damage by fire, wind or other causes as to render the building unsafe.

(6) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or general welfare of the occupants or other people in the city.

(7) Inadequate or obstructed facilities for egress in case of fire or panic.

(8) Defects significantly increasing the hazards of fire, accident or other calamities.

(9) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the city.

(10) Lack of proper electrical, heating or plumbing facilities required by this Code which constitutes a health or a definite safety hazard.

(11) Violation of the City Fire Code or other conditions constituting a fire hazard in such building or on the premises such as, by way of example and not limitation, the accumulation of garbage, rubbish or other combustible material.

(12) Garbage, trash or rubbish in or near the structure or on the premises which is likely to attract vermin rodents or insects or become a breeding place for vermin rodents or insects.

(B) The premises are free of loose and overhanging objects, which, by reason of location above ground level, constitute a danger of falling on persons on the premises or in the vicinity thereof (N.C. State Building Code reference - Sec. 105.12 Unsafe Buildings).

(C) The premises are free of holes, excavations, breaks, projections, or obstructions on walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsafe conditions with reasonable dispatch by the owner upon their discovery.

(D) The exterior of the premises and structure is in good repair and free from deterioration so as not to constitute a nuisance or hazard.

(E) All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other dangerous objects or similar hazardous conditions (N.C. State Building Code - Section 105.12 Unsafe Buildings).

(F) All floors, interior walls and ceilings of every structure shall be structurally sound and shall be maintained in a good condition compatible with its business use, and where open to the public shall be maintained in a condition so as not to constitute a hazard to the public.

(G) Structures attached or unattached to the principal commercial structure, which are found by the Code Enforcement Officer to be structurally deficient, shall be properly repaired or demolished.

(H) All existing objects and elements on and protruding from building walls and roofs and surrounding premises, such as empty electrical or other conduits, unused sign brackets or other protrusions shall be removed, or otherwise made safe.

(I) Walls.

(1) All foundation walls shall be kept structurally sound, and capable of bearing imposed loads safely (N.C. State Building Code reference Sec. 1302.3 - Concrete Footings and Sec. 1302.5 - Foundation Walls).

(2) Where a wall of a building has become exposed as a result of demolition of adjacent buildings, said wall must have all doors, windows, vents or other similar openings secured with material of the type comprising the wall. No protrusions or loose material constituting a hazard to persons upon the premises shall be in the wall. The exposed wall shall be painted, stuccoed or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed if necessary to prevent deterioration of the wall.

(J) Windows.

(1) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or plexiglass. All windows in the Local Historic District shall meet design guidelines for that district, which require glass. All exposed wood shall be repaired.

(2) All windows shall be maintained free of broken glass. Where a window glass larger than four square feet becomes cracked to an extent that the largest single portion of the window free of a crack is less than 80% of the total surface area of the window glass, the window glass shall be repaired or replaced by a pane free of cracks.

(3) All openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame and glass, unless specifically approved by the Fire Chief for enclosure. Where the Fire Chief approves the enclosure of a window, it must be so enclosed by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior to prevent water intrusion and painted or stained to properly conform with the other exterior portions of the building. Boarding of windows shall be temporary for a period of time agreed upon by the code enforcement officer.

(K) Signs and awnings. All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a safety hazard. Whenever an advertising sign or awning is removed all supporting members shall be removed within 90 days, unless signs or awnings are replaced. Nothing herein shall be construed

to authorize any encroachments on streets, sidewalks, or other parts of the public domain by signs.

(L) Washrooms.

(1) All washrooms and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry and sanitary condition at all times.

(2) All washrooms shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short circuiting from water, from other bathroom facilities or from splashing water (National Electric Code reference - Sec. 300-6 Protection Against Corrosion and Sec. 380-4 Switches).

(M) Garbage and materials.

(1) There shall not be stored or allowed to accumulate flammable or combustible liquids or other materials on the premises unless they are of a type approved for storage by the regulations of the National Fire Protection Association, and then only in such quantities as may be prescribed by the regulations (Fire Protection Code reference - Sec. 1.5 Order to Eliminate Injurious or Hazardous Conditions and N.C. State Building Code Sec. 407.4).

(2) No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles which are in accordance with the regulations of the City of Albemarle.

(N) Appurtenances.

(1) All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases (N.C. State Building Code reference - Chimneys, Fireplace Stoves, Fireplaces and Venting Systems).

(2) All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects (N.C. State Building Code reference - Sec. 1108 Outside Stairs and Exterior Balconies and Sec. 1007.4 Fire Escapes).

(3) All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted (N.C. State Building Code reference - 710).

(4) Gutters and downspouts shall be replaced or repaired as necessary, securely installed, and appropriately located so as not to cause a hazard to pedestrian or vehicular traffic.

(Ord. 20-01, passed 1-6-20)

§ 95.041 REGULATION OF DUTIES AND RESPONSIBILITY TO OCCUPANCY.

The provisions of this code that apply to the exterior or exterior components of a structure or building shall be complied with whether the structure or building is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by any party of interest to prevent the entry of unauthorized persons or the occurrences of conditions not permitted by law. Violations are punishment civil penalty under Chapter 10 of this Code of Ordinances.

(Ord. 20-01, passed 1-6-20)

§ 95.042 DUTIES AND RESPONSIBILITIES OF OPERATOR.

Under punishment by civil penalty Chapter 10 of this Code of Ordinances it shall be the duty and responsibility of operators and all parties in interest to commercial and non-residential structures to ensure that:

(A) All parts of the premises under the control of the parties in interest shall be kept in a safe and sanitary condition consistent with the business use and the parties in interest shall refrain from performing any acts which would render any parts of the premises unsafe or unsanitary or which would obstruct, interfere with or prevent adjacent parties in interest from performing any duty required, or from maintaining their premises in a safe and sanitary condition.

(B) Every party in interest shall be responsible for the elimination of infestation in and on the premises.

(C) Every party in interest shall maintain all plumbing fixtures in a safe and sanitary condition.

(D) No garbage or solid waste shall be stored or allowed to accumulate on the premises for a period greater than seven days unless contained in a trash receptacle(s) which is in accordance with the Municipal code of The City of Albemarle.

(E) Damage to public sidewalks and/or curb and gutter located in the public right-of-way shall be repaired or replaced at no expense to the city when such damage is caused by vehicles making deliveries to the business under the control or direction of the parties in interest.

(F) Where the owner would not otherwise know of a defect of any building, portion of building or of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the operators or parties in interest affected thereby shall, upon learning of such defect, immediately provide notice to the owner.

(Ord. 20-01, passed 1-6-20)

REPAIR AND DEMOLITION

§ 95.055 DEMOLITION OF COMMERCIAL BUILDINGS BY OWNER.

Where a building is under the jurisdiction of the Code, the building may be demolished by the owner provided that the following requirements are met:

(A) If the property is in the Local Historic District obtain a Certificate of Appropriateness to demolish from the Albemarle Historic Resources Commission;

(B) Obtain a City Coordination Form;

(C) Obtain a demolition permit from the County Building Inspection Department;

(D) Obtain asbestos permit from the County Building Inspection Department;

(E) Obtain an asbestos inspection from a licensed asbestos services company;

(F) Remove and properly dispose of all asbestos containing materials (ACM's) by a licensed asbestos removal company;

(G) Properly close off and disconnect all sewer, gas, water and similar taps or connections;

(H) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than 12 inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris;

(I) Where walls of adjacent buildings become exposed as a result of demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type

comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked by such building's owner so as not to detract from the aesthetics and value of the adjacent property and weatherproofed if necessary to prevent deterioration of the wall.

(Ord. 20-01, passed 1-6-20)

§ 95.056 UNSAFE BUILDINGS, CONDEMNED.

(A) Scope. This section authorizes the demolition and removal of nonresidential buildings and structures as enacted by the General Assembly of North Carolina. "Unsafe buildings" shall mean buildings that fall within the statutory definitions as set forth in G.S. 160D-1119.

(B) Findings (Unsafe Buildings Condemned). Pursuant to G.S. 160D-1119 (Unsafe Buildings Condemned) every building which shall appear to the Code Enforcement Officer to be dangerous to life because of its propensity for fire or because of defective condition of walls, roof systems, floor systems, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be deemed or ruled to be unsafe and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

(1) Nonresidential building or structure. The Code Enforcement Officer may declare a nonresidential building or structure within a "Community Development Target Area" to be unsafe if it meets both of the following conditions:

- (a) It appears to the inspector to be vacant or abandoned;
- (b) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which should constitute a public nuisance.

(2) If the Code Enforcement Officer declares a nonresidential building or structure to be unsafe, the Code Enforcement Officer must affix a notice of the unsafe character of the structure (condemnation) to a conspicuous place on the exterior wall of the building.

(3) For the purposes of this subsection, the term "Community Development Target Area" means a "nonresidential development area" under G.S. 160D-1119(c) and G.S. 143D-437.09.

(C) Action in event of failure to take corrective action. If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160D-1119 shall fail to take prompt corrective action, the Code Enforcement Officer shall give the owner written notice, by certified or registered mail to his last known address or by personal service.

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

- (a) Constitutes a fire or safety hazard;
- (b) Is dangerous to life health or other property;
- (c) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children; and
- (d) Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

(2) That a hearing will be held before the Code Enforcement Officer at a designated place and time, not less than ten days or more than 30 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by representative and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Code Enforcement Officer may issue such order to repair, close, vacate or demolish the building or structure as appears appropriate.

(4) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one week prior to the hearing.

(D) Civil and equitable enforcement. Per G.S. 160D-1124 & 1125:

(1) Civil enforcement. Whenever any violation is denominated a misdemeanor under the provisions of this part, the city, either in addition to, or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct or abate the violation or to prevent the occupancy of the building or structure involved.

(2) Equitable enforcement. In the case of a nonresidential building or structure declared unsafe under G.S. 160D-1119(b), the City of Albemarle may in lieu of taking action under division (1), cause the building or structure to be removed or demolished pursuant to 160D-1125(b).

(a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. ch. 160A, art. 10

(b) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the administrator shall be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(c) If the nonresidential building or structure is removed or demolished by the administrator, the administrator shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(d) If the building or structure is removed or demolished by the City of Albemarle, the city, may in its sole discretion, reasonably exercise its right to sell the usable materials of the building and any usable property, fixtures or appurtenances found in or attached to the building. The City of Albemarle shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the Clerk of Superior Court for Stanly County, and shall be disbursed by the Court to the person found to be entitled thereto by final order or decree of the court.

(3) Non-limiting power of declaration. Nothing in this section shall be construed to impair or limit the power of the City of Albemarle to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(4) Bond for repair or demolition. A surety in the form of performance bond or letter of credit may be required by the Code Enforcement Officer to insure completion of the required repairs or to cover the cost of securing and demolition of a structure. The surety shall be issued to the city and shall be accompanied by a signed agreement between all parties including the necessary work to be completed and the estimated time for the owner to complete such work as determined by the code enforcement officer. The amount of the surety will be a minimum of one and one-half times the estimated cost of the required repairs or demolition as determined by the code enforcement officer. The bond or letter of credit must be drawn from an institution licensed to do business in North Carolina and valid for the time period provided by the code enforcement officer. If work has not been completed by the agreed upon date then the code enforcement officer is authorized to use necessary funds from the surety to ensure that the work is completed, including hiring contract labor for the purpose of all necessary repairs and/or demolition such that the requirements of this ordinance are met.

(5) Receivership. In cases where owners have documented non-compliance to repair or otherwise abate violations on vacant properties or at the request of the owners of such property, the City Council may petition the Superior Court for appointment of a receiver of said property for the purposes of abating or contracting the abatement of said nuisances. Receiver of property shall be entitled to all forms and methods of repayment of expenses and shall be responsible for all aspects of property as legally afforded under related state statutes.

(E) G.S. 160D-1123 - Appeal; finality of order if not appealed. Any owner who has received an Order under G.S. 160D-1122 may appeal from the Order to the Albemarle Planning and Zoning Board by giving notice of appeal in writing to the Code Enforcement Officer within 10 days of notification of the order. In the absence of an appeal, the order of the Code Enforcement Officer shall be final. The Planning and Zoning Board shall hear and render a decision in an appeal within a reasonable time. All appeals shall adhere to quasi-judicial procedures and shall consider only the code enforcement officer's interpretation of the City Code related to the order. The Board may affirm, modify and affirm, or revoke the Order.

(Ord. 20-01, passed 1-6-20)

§ 95.057 BUILDING AND PREMISES DAMAGED.

(A) Buildings and premises damaged. Any building or premises damaged by fire, storm, collapse, or an act of nature must be repaired in a manner that complies in all respects with all codes and ordinances of the City of Albemarle. Prior to repair or renovation the building shall be secured to prevent unauthorized entry.

(B) Order. If, after a notice and hearing under the division, the code enforcement officer determines that the building under consideration has been damaged to the extent of the standards herein set forth, he shall state in writing his findings of facts in support of such determination, stating whether said building has been damaged to the extent set forth in this article and shall issue and cause to be served upon the owner thereof an order requiring that:

(1) If the repair, alteration or improvement of said building, bringing it up to the standards described herein, can be made at a cost less than 50% of the present value of the building, the Order shall require the owner, within a specified period of time, to repair, alter or improve such building so as to render it fit for occupancy. Such Order may also direct and require the owner to vacate and close the building until the repairs, alterations and improvements have been made and/or the unsafe and dangerous character of such building has been corrected.

(2) If the repair, alteration or improvement of said building bringing it up to the standards described herein cannot be made at a cost of less than 50% of the present value of the building, the Order shall require the owner, within a specified period of time, to either repair, alter or improve such building so as to bring it into compliance with the standards described herein, or to demolish and remove such building. Any building or premises damaged by fire, storm, collapse, an act of nature, wear and tear, or natural deterioration to such an extent that it constitutes an imminent or immediate threat to the safety and/or health of its occupants or to the safety of the general citizenry shall be removed immediately. Said finding of imminent or immediate threat shall be by the Fire Marshal or by the Code Enforcement Officer and shall be based on the structural integrity of the building or premises.

(C) Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(D) Buildings located within the city designated local historic district shall be considered by the City of Albemarle Historic Resources Commission and may be granted exemption from this section by said Board. Buildings of historical value not located within the local historic district may be considered by the Historic Resources Commission at the request of the owner and may be granted exemption from this section by said Board. In granting an exemption the Board must make a finding that the building is in fact a building of historical value to the city, that all imminent threats to life safety will be addressed expeditiously as deemed acceptable by the Code Enforcement Officer, Fire Marshal and other building officials, that the owner will repair the damage on a timely basis, with commencement not to exceed one year, and that the building will be reconstructed and/or repaired in such a way as to keep the historical character of the building. The Historic Resources Commission may attach any reasonable conditions to the approval. Should the work not be completed as approved the Code Enforcement Officer may seek any and all other remedies as provided in this chapter.

(Ord. 20-01, passed 1-6-20)

§ 95.058 INSPECTION AND ABATEMENT PROCEDURES.

(A) Inspections. All buildings and premises as set forth in this code are subject to inspections by the Code Enforcement Officer or his designated representatives. Upon presentation of proper identification and credentials to the owner, agent or occupant in charge of the property and/or premises, and securing his oral or written permission, the Code Enforcement Officer and/or his representative may enter and make such inspections as necessary and permitted by law.

(1) If permission for entry for the purpose of inspections is denied, and no emergency exists, the Code Enforcement Officer shall, after presentation of probable cause, procure a Court Order or other writ for entry.

(2) In cases of emergency where immediate and significant hazards are known to exist which may involve potential loss of life or significant property damage, the above limitations will not apply. The Code Enforcement Officer shall have such powers as may be necessary to carry out and effectuate the purposes and provisions of this code, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

(a) Investigations. To investigate building conditions in the city in order to determine which buildings fail to meet the standards set forth herein.

(b) Oaths, witnesses, evidence. To administer oaths and affirmations and to examine witnesses and receive evidence.

(c) Right-of-entry. To enter upon and within buildings and their premises for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as not cause significant inconvenience to the persons in possession.

(4) Delegation of functions. To delegate any of his functions and powers under this code to such officers and agents as he may designate.

(B) Hearing and notice of violation.

(1) Whenever it appears to the Code Enforcement Officer that a building is in violation of a provision of this code, he shall issue and cause to be served on the owner of and parties in interest in such building, including lien holders, if any, as shown by the records of the Register of Deeds of Stanly County, a complaint stating the charges in that respect and containing a Notice that a hearing will be held before the Code Enforcement Officer, or his designated agent, at a place within the city therein fixed not less than ten days or more than 30 days after the serving of such complaint; that the owner and parties in interest shall be given a right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(2) Following such hearing, the Code Enforcement Officer shall dismiss the complaint; or order compliance setting forth up to a maximum of 180 days within which to correct the violations and containing an outline of remedial action which, if taken, will effect compliance with the provisions of this code. Extensions of this time requirement may (such is discretionary) be issued by the Code Enforcement Officer with his or her agreement or by the Planning and Zoning Board or Historic Resources Commission, in the case of buildings of historical value, upon application by the property owner.

(a) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would not exceed 50 percent of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established in this article; or vacate and close the nonresidential building or structure for any use.

(b) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would exceed 50 percent of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established in this article.

(C) Content of notice. Such notice shall be in writing; specify in detail the violation or violations, together with the respective sections of this code being violated and contain an outline of remedial action which, if taken, will effect compliance with the provisions of this code.

(D) Service of notice and orders. Service of notice and orders shall be as follows:

(1) By delivery personally to one or more of the following:

(a) The at least one owner, operator or other party in interest of the property, or the person responsible; or

(b) By leaving the notice at the usual place of abode or business of the owner, operator, other party in interest or his agent;

(c) By depositing the Notice in the United States Post Office addressed to the owner, operator, party in interest or his agent or persons responsible at his last known address (based on the tax listing information as furnished to Stanly County) with postage prepaid thereon, and certified or registered;

(d) In the event service of notice cannot be obtained in any of the above methods, by posting and keeping posted for 24 hours a copy of the Notice in a conspicuous place on the premises where the violation has occurred and published once a week for three weeks in a newspaper of general circulation in the city such information as is necessary to inform an owner, operator, or other party in interest of the location of the premises and type of offense.

(2) No person shall deface or remove such notice without the consent of the code enforcement officer.

(E) Violations and penalties. Any person, firm, corporation or agent who shall violate the provisions of this Code, or after due notice shall fail to comply with orders issued by the Code Enforcement Officer under the terms and provisions of the Code shall be subject to penalties pursuant to the civil penal provisions and/or criminal penalty provisions of the Code of Ordinances of the City of Albemarle. Such penalties shall continue to accrue until the code enforcement officer has confirmed that all cited violations have been abated. Collection of all monetary penalties may be included in addition to the following remedies outlined below.

(F) Failure to comply with orders.

(1) If the owner or other party in interest fails to comply with an order to repair the building or structure, the Code Enforcement Officer may:

(a) Cause such structure to be repaired, and pending such repairs, may order such building vacated and closed.

(b) Cause to be posted on the main entrance of any structure so closed, a placard entitled "Notice of Condemnation" with the following words:

"Notice is hereby given that this building is in an unsafe and dangerous condition; may constitute a fire hazard by reason of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; or may be dangerously infested with vermin rodents or insects. Said building has been condemned under the building laws of the State of North Carolina and the City of Albemarle."

(2) If the owner or other party in interest fails to comply with an Order to remove or demolish the building, the Code Enforcement Officer may:

(a) Cause such structure to be remove or demolished.

(b) Cause to be posted, pending removal or demolition, on the main entrance of any structure a placard entitled "Notice of Condemnation" with the following words: "Notice is hereby given that this building is in an unsafe and hazardous condition; may constitute a fire hazard by reasons of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; or may be dangerously infested with vermin rodents or insects. Said building has been condemned under the building laws of the State of North Carolina and the City of Albemarle."

(3) The duties of the Code Enforcement Officer set forth in divisions (1) and (2) shall not be exercised until the City Council, by ordinance for each violation, shall have ordered the Code Enforcement Officer to proceed to effectuate the purpose of this chapter with respect to the particular structure which the officer shall have found to be in violation of this Code. No such Order shall be adopted to require demolition of a structure until the owner or other party in interest has first been given a reasonable opportunity to bring it into conformity with this article. Such Order shall be recorded in the Office of the Register of Deeds where the building is located and shall be indexed in the name of the property owner in the grantor index.

(4) Cost becomes a lien:

(a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien set out in G.S. 160A-216 et seq., G.S. Chapter 160D.

(b) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the administrator shall be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(c) If the nonresidential building or structure is removed or demolished by the administrator, the administrator shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(d) If the structure is demolished and removed by the city, the City of Albemarle may sell the marketable materials of such structure and shall credit the proceeds of such sale against the cost of the demolition and removal and any balance remaining shall be deposited in the Superior Court by the city, and shall be secured in such manner as may be directed by such Court, and shall be disbursed by such Court to the persons found to be entitled thereto by final order or decree of such Court (in a special proceeding brought before the Clerk of Superior Court for said purpose).

(5) Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of the other remedies provided herein.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the Code Enforcement Officer in the proper enforcement of the duties of his office, as assigned, nor shall the enforcement of one remedy provided herein prevent the enforcement of other remedies provided or cited herein.

(7) It shall be unlawful for the owner or other party in interest of any structure to fail, neglect or refuse to repair or to vacate and close and demolish and remove the same, upon Order

of the Code Enforcement Officer duly made and served as herein provided, within the time specified in such Order.

(Ord. 20-01, passed 1-6-20)

(G) If the building has been vacated and closed for a period of two years as the result of an order issued by a Code Enforcement Officer under subsection (B) of this section or an ordinance adopted pursuant to subsection (F) of this section, the City Council may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before City Council may take action under this section.

(1) Upon such findings, the City Council may enact an ordinance and serve such ordinance on the owner, setting forth the following:

(a) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days.

(b) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

(2) If the owner fails to comply with the requirements of the ordinance, the Code Enforcement Officer shall demolish and remove the nonresidential building or structure.

§ 95.059 APPEALS PROCESS.

(A) Establishment of appeals process. There is hereby established an "Appeals Process". All Commercial Maintenance Code Appeals shall be heard by the City of Albemarle Planning and Zoning Board.

(B) Membership. Unless otherwise provided in this chapter, the Planning and Zoning Board shall be responsible for hearing all appeals to decisions reached by the Code Enforcement Officer concerning the Commercial Maintenance Code of the City of Albemarle.

(C) Procedures. Procedures, rules and processes established by the Planning and Zoning Board shall apply.

(D) Duties. The duties of the Planning and Zoning Board with respect to hearing appeals per this chapter shall be:

(1) To consider and determine appeals whenever it is claimed that the true intent and meaning of this code or any of the regulations thereunder have been misconstrued or wrongly interpreted or applied by the Code Enforcement Officer or his representative.

(2) To consider the granting, in cases where the application of the requirement of this code in the allowance of the stated time for the performance of any action required hereunder would

appear to cause undue hardship on an owner or other party in interest, reasonable variances to the extensions of time not to exceed 12 months from date of such Order. No subsequent appeal shall be considered where an appeal has been previously decided involving the same building or premises and the same citation, unless appellant can demonstrate to the satisfaction of the Planning and Zoning Board change in circumstances sufficient to justify re-opening the appeal.

(E) Decisions. All decisions of the Planning and Zoning Board which vary the application of any provision of this code or modified an Order of the Code Enforcement Officer shall specify in the manner in which such variance or modification is to be made, the conditions under which it may be made and the reasons therefor. Every decision shall be in writing and a copy of all decisions shall be promptly filed in the office of the Code Enforcement Officer and it shall be open to public inspection.

(Ord. 20-01, passed 1-6-20)

§ 95.060 CONSIDERATION OF APPEALS.

(A) Appeals. Within 30 days following receipt of an Order from the Code Enforcement Officer any person receiving such Order, believing that the literal application of this Code will cause undue hardship or has been misconstrued, wrongly interpreted or applied, may appeal in writing to the City of Albemarle Planning and Zoning Board) for such relief as may be granted, after investigation of the grounds thereof, by way of a reasonable extension of time or a variation from strict compliance with the provisions of this Code. The circumstances justifying such findings related to hardship are:

(1) Inability to comply within the time period provided in this Code due to clearly documented severe financial distress;

(2) The clear and significant non-availability of services or equipment with which to comply, without fault of the applicant; or

(3) Other extenuating circumstances showing a good faith intention on the part of the applicant or another to comply when able to do so.

(B) Such appeal shall be addressed to the office of the Code Enforcement Officer where proper forms will be prepared and forwarded to the Chairman of the Planning and Zoning Board who will set the date and time of hearing and so notify the applicant. This section shall not be construed to apply to any situation regarded by the enforcement authority as a real and immediate threat to public safety and health. Any person aggrieved by the decision of said Planning and Zoning Board may petition any court of competent jurisdiction. Any such appeal must be filed with said Court within 30 days from the date of the Board's decision or it shall be considered abandoned.

(C) Fee for appeal. To defray the cost of processing an appeal to the Planning and Zoning Board a fee (as set by the City Council) shall be required. All fees are payable to the City of Albemarle and must be paid prior to processing the appeal.

(Ord. 20-01, passed 1-6-20)

§ 95.061 AMENDMENTS, MISCELLANEOUS.

(A) Amendments. The city and its officials may initiate amendments to this code. Amendments or changes to this code must be submitted for review and recommendation to the City of Albemarle Planning Board. The City of Albemarle City Council must hold a public hearing with a minimum of ten day notice in the newspaper prior to authorizing any change.

(B) Severability. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.

(C) Conflict. In the event of conflict within this Code, or of conflict with other codes of the City of Albemarle, then the more restrictive shall apply. Interpretation hereof shall be the duty of the Code Enforcement Officer.

(Ord. 20-01, passed 1-6-20)

SECTION 2. The effect of this ordinance is to revise Chapters 90 and 95 to clarify and expand options for the City to ensure better compliance, to these chapters, from property owners in the City limits.

SECTION 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember _____, a member of the Council of the City of Albemarle, North Carolina.

Member of Council

At the meeting of the Council held on September 7, 2021, this ordinance was introduced, adopted and ordered published as provided by law.

Dated September 7, 2021.

Mayor

Attest:

Clerk

Print

Title – Ordinance 21-41 - To Receive Public Housing 2021 Capital Funds

Description:

The City has received its annual capital funds appropriation from HUD. These funds have not been obligated to any specific project(s), yet are designated for capital needs. There is the potential the funds will be used toward rehabilitation of the burned units, but this depends ultimately on the insurance payout. Typically, these funds are obligated and expended for items on the Department's 5-year capital plan.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

<u>ATTACHMENTS:</u>	
Name:	Description:
<input type="checkbox"/> Ordinance 21-41 for PH 2021 Capital Funds.docx	Ordinance 21-41
<input type="checkbox"/> Capital Fund Account Statement - Public Housing.pdf	HUD Appropriation

<u>APPROVALS:</u>			
Date/Time:	Approval:	Department:	

ORDINANCE 21-41
2021 GRANT ORDINANCE FOR THE PUBLIC HOUSING CAPITAL FUND PROGRAM

WHEREAS, the City Council of the City of Albemarle desires to adopt a Capital Fund Program budget ordinance pursuant to and as provided by G.S. 159-13.2;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALBEMARLE as follows:

SECTION 1. The amounts herein set forth are hereby appropriated for the Improvement and Modernization of Public Housing for the City of Albemarle as follows:

FY 2021 HUD Capital Fund Grant # NC19P07550121	\$578,517
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SECTION 2. It is estimated the following revenues will be available during the improvement program to meet the foregoing appropriations:

Number A-4163 Modernization Project Number NC19PO75501-21	(\$578,517)
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SECTION 3. The City Manager is hereby authorized to proceed with the implementation of the project within the terms of the plans and specifications for the project grant number NC19PO75501-21 executed with the United States Department of Housing and Urban Developments.

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Albemarle in such manner as:

1. To provide all information require by the grant agreement and other agreements executed or to be executed with the various parties involved in the project; and
2. To comply with the Local Government Budget and Fiscal Control act of the State of North Carolina.

SECTION 5. Within five (5) days after adoption of the ordinance, copies of this grant ordinance shall be filed with the City Manager, the Finance Director, the Housing Director, and the City Clerk for direction in carrying out this project.

SECTION 6. The Finance Director is directed to report on the financial status of the project in accordance with existing City policy and shall also report to the City Manager any unusual occurrences.

This ordinance was introduced and signed by Council Member _____, a member of the Council of the City of Albemarle, North Carolina.

Member of Council

At the meeting of the Council held on September 20th, 2021, this ordinance passed its reading, was adopted, and ordered published as by-law provided.

Dated: September 20, 2021

Mayor

Attest:

City Clerk

Part I: Summary						
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. Date of CFFP:			FFY of Grant: FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No:)		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report				
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾		
		Original	Revised ⁽²⁾	Obligated	Expended	
1	Total non-CFP Funds					
2	1406 Operations	\$20,000.00				
3	1408 Management Improvement	\$5,000.00				
4	1410 Administration	\$5,000.00				
5	1480 General Capital Activity	\$548,517.00				
6	1492 MovingToWorkDemonstration					
7	1501 Collater Exp / Debt Srvc					
8	1503 RAD-CFP					
9	1504 Rad Investment Activity					
10	1505 RAD-CPT					
11	1509 Preparing for, Preventing and Responding to Coronavirus (1509)					

(1) To be completed for the Performance and Evaluation Report

(2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(3) PHAs with under 250 units in management may use 100% of CFP Grants for operations

(4) RHF funds shall be include here

Part I: Summary						
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. Date of CFFP:			FFY of Grant: FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No:)		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report				
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾		
		Original	Revised ⁽²⁾	Obligated	Expended	
12	9000 Debt Reserves					
13	9001 Bond Debt Obligation					
14	9002 Loan Debt Obligation					
15	RESERVED					
16	RESERVED					
17	RESERVED					
18a	RESERVED					
18ba	RESERVED					
19	RESERVED					
20	RESERVED					
21	Amount of Annual Grant: (sum of lines 2-20)	\$578,517.00				

(1) To be completed for the Performance and Evaluation Report
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations
 (4) RHF funds shall be include here

Part I: Summary					
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. Date of CFFP:		FFY of Grant: FFY of Grant Approval:	
Type of Grant					
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No:)	
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report			
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾	
		Original	Revised ⁽²⁾	Obligated	Expended
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 Activities				
24	Amount of line 21 Related to Security - Soft Costs				
25	Amount of line 21 Related to Security - Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

Signature of Executive Director /S/ MBYG82	Date 08/16/2021	Signature of Public Housing Director	Date
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(1) To be completed for the Performance and Evaluation Report
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations
 (4) RHF funds shall be include here

Part II: Supporting Pages								
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. CFPP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Operations (Operations (1406)) Description : Transfer to cover operating costs	1406		\$20,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Management Improvements (Management Improvement (1408)) Description : Computer software including purchase, installation and training.	1408		\$5,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Administration (Administration (1410)) Description : Portion of staff salary to plan, supervise and administer CFP projects.	1410		\$5,000.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part II: Supporting Pages								
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. CFFP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	A and E Fees (Contract Administration (1480)) Description : Architectural and engineering fees related to the completion of CFP work items.	1480		\$30,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Agency Plan Fees (Contract Administration (1480)) Description : Fees related to Agency Plan development including CFP Five-Year Planning.	1480		\$4,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Plumbing Replacement (Dwelling Unit- Interior (1480)) Description : Replace plumbing under the foundation in 20 apartments. (PHA-Wide)	1480		\$80,000.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part II: Supporting Pages								
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. CFPP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Kitchen Renovations (Dwelling Unit-Interior (1480)) Description : Kitchen renovations to include cabinets, countertops, sinks, faucets and range hoods in 20 apartments. (PHA-Wide)	1480		\$150,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Bathroom Renovation (Dwelling Unit-Interior (1480)) Description : Bathroom renovations to include tubs, shower surrounds, fixtures, vanities, faucets and accessories in 20 apartments. (PHA-Wide)	1480		\$130,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Flooring Replacement (Dwelling Unit-Interior (1480)) Description : Replace unit flooring in 20 apartments. (PHA-Wide)	1480		\$40,000.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part II: Supporting Pages								
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. CFPP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Lighting Replacement (Dwelling Unit- Interior (1480)) Description : Replace unit lighting in 20 apartments. (PHA-Wide)	1480		\$10,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Water Heater Replacement (Dwelling Unit- Interior (1480)) Description : Replace water heaters in 50 apartments. (PHA-Wide)	1480		\$25,000.00				
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Appliance Replacement (Dwelling Unit- Interior (1480)) Description : Replace kitchen appliances including ranges (50) and refrigerators (50) (PHA-Wide - 100 total)	1480		\$42,500.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part II: Supporting Pages								
PHA Name: City of Albemarle Department of Public Housing		Grant Type and Number Capital Fund Program Grant No. NC19P07550121 Replacement Housing Factor Grant No. CFFP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
NC075000001 - AMHURST GARDENS/ELIZABETH HEIGHTS	Interior Painting (Dwelling Unit-Interior (1480)) Description : Interior painting of walls and ceilings at 20 apartments. (PHA-Wide)	1480		\$37,017.00				
	Total:			\$578,517.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: City of Albemarle Department of Public Housing				Federal FFY of Grant:	
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ⁽¹⁾
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

(1) Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Print

Title – Ordinance 21-42 - Renaming Rebel Road to Unity Drive

Description:

At the 9/7 Council Meeting, Council approved the renaming of Rebel Road to Unity Drive. Staff has confirmed that Unity Drive is an available street name and is not in conflict with existing street names.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> ORDINANCE 21-42 (Street Re-naming) - Rebel Road to Unity Drive.docx	Ordinance 21-42

APPROVALS:			
Date/Time:	Approval:	Department:	

ORDINANCE 21-42

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA,
PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALBEMARLE
BE AMENDED BY REVISING CHAPTER 77, SCHEDULE XIV - A: NAMING OF
STREETS TO RE-NAME REBEL ROAD IN THE CITY OF ALBEMARLE, NORTH
CAROLINA

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. Schedule XIV-A, of Chapter 77, of the City of Albemarle, North Carolina Code of Ordinances entitled “Naming of Streets”, shall be and the same is hereby revised as follows:

A. By revising the aforesaid ordinance to re-name Rebel Road to Unity Drive [emphasis added by striking through language to be deleted and underlining language to be added]:

SCHEDULE XIV - A: NAMING OF STREETS.

Street Name	Location
Rebel Road <u>Unity Drive</u>	West from Northeast Connector to cul-de-sac.

SECTION 2. Schedule XXI, of Chapter 77, of the City of Albemarle, North Carolina Code of Ordinances entitled “Through Streets”, shall be and the same is hereby revised as follows:

A. By revising the aforesaid ordinance to re-name Rebel Road to Unity Drive [emphasis added by striking through language to be deleted and underlining language to be added]:

SCHEDULE XXI: THROUGH STREETS

Street	Description
Northeast Connector	Rebel Road <u>Unity Drive</u>

SECTION 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember _____, a member of the Council of the City of Albemarle, North Carolina.

Member of Council

At the meeting of the Council held on _____, 2021, this ordinance was introduced, adopted and ordered published as by law provided.

Dated _____, 2021.

Mayor

Attest:

Clerk

□

Print

Title – McAlister Street Abandonment Request Revisited

Description:

At the August 2 meeting Council considered the item and voted unanimously to deny Resolution 21-22 to set a public hearing to consider abandonment of McAlister Street. This item has been added back to the agenda at the request of Mayor Pro Tem Hall.

Background: Tony Lamonds & Ashley Crisco came before City Council at the June 7th, 2021 Council meeting to speak on perceived safety concerns and to request abandonment of the McAlister Street right of way. Staff recommends against closing and abandoning this section of McAlister Street. McAlister Street is also one of the two streets connecting Reeves Avenue to Morgan Road and the road provides access to residents in the area. If closed, the traffic would then be moved to Ingram Street, increasing traffic on Ingram.

On June 7th, the City Council held off making any decision until the NCDOT could comment on what the future of the intersection of Reeves and Morgan Road (NCDOT) may look like. Following this meeting we received feedback from the NCDOT District Engineering who indicated the potential for change on our end does not impact their plans as McAlister is a City maintained street. The street serves the City's purposes a great deal more than the State's and they do intend to place a signal at this location.

Council was provided with this information and voted to deny the request.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
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No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Discussion of Rules Related to Deer Hunting in the City Limits

Description:

This item was placed on the agenda at the request of Mayor Pro Tem Hall. A copy of the regulations concerning deer hunting in the City are attached.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> Deer_Hunting.docx	Deer Hunting Regulations

APPROVALS:			
Date/Time:	Approval:	Department:	

§ 82.34 FIREARMS AND FIREWORKS.

(A) It shall be unlawful for any person to fire off or discharge any firearms, without first obtaining a permit from the Police Department, except that target practice may be conducted at the range at city landfill while strictly following all rules of such facility.

(B) It shall be unlawful for any person to shoot with a bow and arrow, or to shoot missiles of any description from slings, spring guns, or instruments of any kind, except that target practice may be conducted at the range at Rock Creek Park while strictly following all rules of that facility; provided, however, that conducting safety programs that have been approved by the City Council relating to shooting a bow and arrow, or shooting missiles of any description from slings, spring guns or instruments of any kind are exempt from the provisions hereof and provided that deer, coyote and feral hog hunting in accordance with § [82.34](#)(C) is exempt from the provisions herein.

(C) However, hunting by bow and arrow or crossbow (“Archery Equipment”), as defined by the North Carolina Wildlife Resources Commission, is permitted on private property only during the (Central Deer Zone Archery Blackpowder and Gun Season and Urban Archery Season) as established by the North Carolina Wildlife Resources Commission. A person may engage in archery on his or her own property if he or she has on his or her person a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission), or on the property of another in their absence if he or she has on his or her person both a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission) and written permission from the property owner or the property owner’s authorized agent or manager. Parcels or tracts of land that are either owned by a person engaged in archery or for which that person has been given written permission to hunt shall be referred to as “areas of consent”. Archery may only occur within areas of consent when the following requirements are met:

(1) Archery must be conducted from a permanent or portable elevated platform of at least ten feet above the ground; and

(2) Areas of consent must be greater than two acres in area and may be comprised of contiguous parcels or tracts; and

(3) No arrow shall be discharged within 250 feet of any residential dwelling, school, church, commercial building, governmental property, occupied structure, street, park, or other recreational area; and

(4) No arrow shall be discharged from or onto any City of Albemarle water, sewer or electrical right of way; and

(5) Hunters shall make every reasonable effort to track wounded animal for the purpose of completing the harvest and recovering the carcass; and

(6) There is a valid hunting season in effect for which the hunting license applies at the time the bow or crossbow is discharged; and

(7) The hunter adheres to all applicable State and Local regulations; and

(8) The person discharging the bow or crossbow exercises reasonable regard for the safety and property of other persons.

('58 Code, § 10-13) (Am. Ord. 85-24, passed 11-18-85; Am. Ord. 92-17, passed 6-15-92; Am. Ord. 12-05, passed 2-20-12; Am. Ord. 14-06, passed 3-17-14; Am. Ord. 15-10, passed 4-6-15; Am. Ord. 18-06, passed 4-2-18; Am. Ord. 20-24, 9-21-20) Penalty, see § [10.99](#)

Print

Title – Closed Session Pursuant to N.C.G.S. 143-318.11(a)(3) & (6) - To Consult with the City Attorney and Personnel.

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Adjourn until Monday, October 4, 2021 at 6:30 pm

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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