

REGULAR MEETING CITY COUNCIL

June 6, 2016

The City Council of the City of Albemarle met in a regular session on Monday, June 6, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor G. R. Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall, Bill Aldridge, Chris Bramlett, Benton Dry II, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none.

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Mayor Pro Tem Hall called the meeting to order.

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Mayor Pro Tem Hall stated that Mayor Michael has recused himself due to a conflict of interest with the upcoming public hearing to consider the zoning on Morrow Mountain Road owned by GHA Autism Supports. He will preside over the meeting after this first public hearing.

Mayor Pro Tem Hall gave the invocation.

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Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the minutes of the May 10 adjourned session and May 16 regular session minutes were approved as submitted.

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The Mayor Pro Tem and City Council held a public hearing to consider the rezoning of GHA Autism Supports property on Morrow Mountain Road.

Planning and Development Services Director Kevin Robinson came before Council and stated the property is currently undeveloped and was not assigned a City zoning classification at the time of annexation. A portion of the adjacent property was already in the City limits and has recently been recombined into one parcel making the total parcel acreage 50.484 acres. The entirety of the parcel is in watershed IV which will restrict the amount of land that can be

developed on the property. Prior to annexation, County zoning was Single-Family Residential (R-20) and Residential Agricultural (RA). Adjacent Zoning includes:

North: Single Family dwelling (R-20 County)  
East: Single Family dwelling (R-20 County)  
West: Single-Family dwelling (R-20 County)  
East: Single-Family dwelling (R-20 County)  
South: Single-Family (R-10 City)

Mayor Pro Tem Hall noted that on February 15, 2016, City Council approved Ordinance 16-05 to voluntarily annex 38.74 acres along Morrow Mountain Road into the City as requested by owner, GHA Autism Supports.

Mr. Robinson also stated that the property is surrounded by low density County development and higher density City residential development. Future land use places the property in a growth area. Proposed development is for low-density mixed use with agriculture on premises. Given the environmental restrictions and the proposed low intensity of the development, the requested zoning of I/O will allow for the development of a parcel that is in harmony with adjacent properties and the City's Land Use Plan.

Mr. Robinson noted a listing of all the permitted uses in the I/O District are provided in the agenda and he listed some of these uses.

Mayor Pro Tem Hall noted that on April 27, 2016, the Planning Board met and recommended approval of the request for initial zoning classification of I/O (Institutional/Office) by a 6:0 vote (with one member absent).

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, and unanimously carried, the City Council closed the public hearing.

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

(Ordinance 16-19. To initially zone a portion of GHA property on Morrow Mountain Rd to I/O and rezone the remainder of GHA property already County zoned to I/O)

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Mayor Michael came back into the meeting at this time.

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The Mayor and City Council held a public hearing to consider a text amendment to modify building height restrictions under City Ordinances §92.008 and §92.086.

Senior Planner Nasser Rahimzadeh stated that in reviewing recent development issues, City staff has discovered inconsistencies and differences in the permitted building height in various commercial zones. Staff made a recommendation that was approved by the Planning and Zoning Board to change height restrictions in the Neighborhood Business District (NBD), Shopping Center District (SCD), and Institutional and Office District (I-O) in effort to be consistent with the height restrictions in other non-residential zones.

Mr. Rahimzadeh stated that in efforts to ease future development by developers, staff is proposing zoning text amendment changes regarding Chapters 92.008 and 92.086 for area, yard, and height requirements for requested zoning changes. The Planning staff also requested that bonnet roofs be included in the definition of building heights for Chapter 92.008 definitions and that height restrictions be changed from 35 to 50 feet in the Neighborhood Business District (NBD), Shopping Center District (SCD), and Institutional Office District (I-O).

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

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

(Ordinance 16-20. Text Amendment to Modify Building Height Restrictions under City Ordinance §92.008 and §92.086.)

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The Mayor and City Council consider the proposed FY 16/17 City Budget.

A public hearing was set on May 2 to receive public input and comment concerning the proposed Budget. Copies of the Budget were distributed to the local media, posted online for public review, and copies were made available at the Albemarle Branch of the Stanly County Library as well at the City

Hall. State law requires the annual budget pass two readings before being declared adopted. Second reading is scheduled for the June 27 meeting of the City Council.

Mr. David Morgan came forward and stated it is great to be with all of you again. He said that he realizes that Council held prior work sessions on next year's budget in order to present what you want for our City this next fiscal year. He said that he is glad that NC law requires a hearing to receive public comments prior to the adoption of local government budgets.

He stated that his comments are simply his thoughts on the City budget as an outsider looking in.

Positive items:

Albemarle Downtown Development Corporation is now a department of the City and he hopes ADDC will be able to focus on the downtown needs and to make enhancements to the Municipal Service District

Pleased over the last 3 years of sidewalk improvements even though there remains a long way to go to repair or replace many of the dangerous sidewalks throughout the City.

The \$25,000 appropriation for sidewalks and that they are being kept in the forefront of City needs.

The Streetscape Study was very impressive and would attract others to live here and attract new retail to the downtown.

Former Central School being rehabilitated and remodeled into senior apartments

Wiscasset Sports Complex will be a tremendous boost to the Albemarle economy and downtown

Other comments:

Only \$20,000 toward streetscape projects allocated this budget

Until we create pedestrian traffic downtown, dollars from real tourism will continue to be almost non-existent

Making Stanly County and Albemarle historic properties a priority

Previous City negotiations with the County over the offer of a new location for Stanly County Museum now seem to be at a standstill

The City allowing Golf Carts on City Streets

Municipal Curbside Recycling

Rental requirements on the Central School senior apartments

City's cost of \$1,000/month lease of the former Central School auditorium and cost of equipment

Revenue from the Concord/Kannapolis/Albemarle waterline (CKA) with a 4% increase in water and sewer rates this year.

He asked that net profit from projects like the CKA waterline sales be used to fund projects like the streetscape program, curbside appearance at the gym of EE Waddell Community Center and the Wiscasset Sports Complex

Changing Mayor term from 2 years to 4 years but not addressing the partisan election issues

The Prime Power Park after 10 years, maybe move it to Albemarle

The Albemarle Economic Development Department

\$800,000 Grant given to the City to create a perpetual loan fund for the sole purpose of rehabilitating distressed commercial properties. The repayment of that initial loan with interest was due over a year ago and he has not found anything in current budget indicating that those funds will be available to loan this next fiscal year. He requested City Council to provide a public report on this money and when these funds will be available to current or potential investors in the downtown.

Mr. Morgan stated that he would like to thank Council for their time this evening and thanked them for their service to Albemarle.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the following ordinance passed on first reading:

(Ordinance 16-16 - FY 2016/2017 City of Albemarle)

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Ms. Pate Butler and Mr. Sean Epperson with NCDOT came before City Council to discuss the NC Highway 24/27 Bi-Directional Median Project from the Henson Street area through Leonard Avenue.

Ms. Pate Butler stated that the bi-directional medians are a safety project to control turning movements on NC 24/27 from the Henson Street area through Leonard Avenue. This should help reduce accident and fatality rates on that portion of the highway. The City signed a resolution of support which does not tie the City to any specific financial contribution.

Ms. Butler gave a presentation showing diagrams of NC 24/27/73 from Henson Street to Spaulding Street and different overhead views along this portion of NC 24-27 and the changes that will be made in the median. The proposed cost estimate for this project is \$1,460,009 with funding in place.

The Mayor asked questions concerning the City's widening project at Leonard Avenue and NC 24-27 by Teague Engineering being incorporated with NCDOT's bi-directional median project.

Ms. Butler stated that that this project will be coming before the NCDOT Board this fall for approval. The proposed schedule for this construction will be Spring, 2017.

Ms. Butler and Mr. Epperson answered any questions that Council had.

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The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

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The Mayor and City Council considered a request from Doug Moose with the Albemarle Post Office for the donation of mulch from the Landfill. The wood waste is collected by Waste Management and others and is ground into a mulch product. The Landfill normally charges between \$25.00 - \$30.00 per ton depending on the type of mulch. Based on the amount of landscaped area at the Post Office and the volume of mulch the City has, staff has no objections if City Council would like to make this donation

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved the donation of mulch from the City Landfill to the Albemarle Post Office.

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The Mayor and City Council considered an offer to purchase City property on Brooks Street. Mr. Bob Garmon, Garmon Mechanical, has submitted an offer in the amount of \$35,000 to purchase property owned by the City at 320 Brooks Street. This is the lot where the Brooks Street Electric Substation was once and was taken out of service and dismantled as it was no longer needed as a result of system improvements made.

If City Council is interested in proceeding, we would need to vote to declare the parcel surplus and authorize sold by upset bid. The bid price from Garmon could then be tentatively accepted. If tentatively accepted, Mr. Garmon would be required to make a 5% deposit. The City would be required to advertise the offer for 10 days to allow for any other interested party to make a bid. Any other bid must increase the offer of Mr. Garmon by ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder offer and the advertisement process must be repeated for Mr. Garmon or anyone else to submit an upset bid. This process continues until no upset bid is received.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved declaring 320 Brooks Street surplus and authorize sold by upset bid.

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The Mayor and City Council considered setting a public hearing for June 27, 2016 to consider the rezoning of 1244 West Main Street from Two-Family Residential (R-8) to Neighborhood Business District (NBD). On May 24,

2016, the Planning Board heard a request to rezone property addressed 1244 West Main Street from Two-Family Residential (R-8) zoning to Neighborhood Business District (NBD). The request would provide for the rezoning of a non-conforming property previously operated as a gun store to be once again used for commercial purposes.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved setting a public hearing for June 27, 2016 to consider the rezoning of 1244 West Main Street from Two-Family Residential (R-8) to Neighborhood Business District (NBD).

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The Mayor and City Council considered a resolution to set a public hearing to formally abandon the right-of-way interest on East Drive with Council approving the Resolution of Intent to abandon the unopened right of way of East Drive and set a Public Hearing.

It was noted that at the November 2, 2015 City Council meeting, Mr. Waheed Haq from Rana, LLC. presented a 50-unit senior housing complex along Leonard Avenue. On March 31, 2016, Council approved a right-of-way abandonment along the entire length of East Drive which runs from the back of the Office Max property all the way to Inger Street. City Attorney David Beaver contacted Mr. Haq's title company after this informal abandonment and he was advised a formal procedure was needed for this case. There are no public utilities along this right of way and there exists no record it was ever formally dedicated or adopted for public purpose.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council approved the Resolution of Intent to Abandon the unopened right of way of East Drive and to set a Public Hearing for Monday, July 18, 2016 at 7 pm.

(Resolution 16-11. Resolution of Intent to Abandon  
the unopened right of way of East Drive.)

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The Mayor and City Council considered a resolution to adopt Street Assessment fees for FY 2016-17. Each year the City is required to update the



street related assessment fees for the upcoming fiscal year and there is no increase requested from current year fees.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a resolution to adopt Street Assessment Fees for FY 2016-17 as follows:

(Resolution 16-12. To adopt Street Assessment Fees for FY 2016-17)

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The Mayor and City Council considered approval of a write-off to bad debt for Trinity Home Improvement in the Landfill account in the amount of \$1,332.82. This account has been inactive for at least one year. It has been placed in Debt Setoff but no monies have been collected through this program.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the write-off to bad debt for Trinity Home Improvement in the Landfill account in the amount of \$1,332.82

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The Mayor and City Council reviewed a request for a street closure for National Night Out to close a portion of Second St and Main St on August 2, 2016.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved closing a portion of Second Street and Main Street on August 2 from 5-10 pm for National Night Out.

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The Mayor and City Council considered street closing requests for the Tour de Elvis 5K Run and Bike Ride which will be held August 12 and 13, 2016. The event will move this year from Montgomery and City Lake Parks to Downtown Albemarle. The event is a fundraiser for the Roger F. Snyder Greenway Fund.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved closing Second Street between North Street and South Street on Friday, August 12 from 6:30-10:30 pm and Saturday, August 13 between 7:30 am – 1:30 pm for the Tour de Elvis 5K Run and Bike Ride.

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Mayor and City Council were reminded of Town Hall Day, Wednesday, June 8. Everyone should plan to meet in the City Hall parking lot at 7:45 am.

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Human Resources Director Robert Whitley came forward and stated that there will be Group Health Insurance meetings for employees and retirees still on City insurance this week on Tuesday, June 7, Wednesday, June 8, and Thursday, June 9 at 9am, 10 am, 11 am, 1 pm and 2 pm each of those days in the Council Chambers. This is mandatory that all employees attend one of these meetings because our cost and benefits will be changing.

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Mayor Michael stated that he was contacted around 3 pm this afternoon requesting the City support a proclamation for June as aviation month to support the airports throughout state.

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Mayor Michael stated that he had received a call from Annette Starnes with Good-O asking if the City would be interested in purchasing her business to use as a Welcome Center. It was the consensus of City Council that the City does not have extra money at this time to consider purchasing the business.

The Mayor stated that he will contact Ms. Starnes to let her know we will not be able to consider purchasing her business at this time.

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The Mayor stated that he, Councilmember Dry and Mr. Rogers recently met and looked at the Wiscasset building concerning demolition.

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Mayor Michael stated that he and the City Manager will be meeting with County Manager Andy Lucas concerning the agreement of the Stanly County Museum using the City Hall Annex.

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Councilmember Townsend commended the new process used this evening with the Planning and Development Services staff being involved with the explanation on planning and development issues and public hearings.

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Councilmember Hughes expressed her thanks to Co-captains Leon Strickland and Nina Underwood, all teams involved, and City employees for their participation in the John P. Murray Softball Tournament fundraiser this past Friday and Saturday. Everyone had a great time and around \$20,000 was raised.

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Councilmember Aldridge thanked all committee and task force members for their participation and to the City for all progress in economic development that has been made so far. He stated he appreciates everyone's involvement. Also, he thanked Economic Development Director Mark Donham and staff for all that they have done.

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Councilmember Hall and Aldridge thanked ADDC for the new table and chairs at Courthouse Square. The downtown lights are on in the evenings and everything looks so neat.

Councilmember Hall talked about the ADDC newsletter and everything going on in the downtown at night. Special events are posted online at their website [www.albemarledowntown.com](http://www.albemarledowntown.com).

Councilmember Hall stated that the last three months there has been a cruise-in at the YMCA once a month.

Councilmember Hall stated that June 14 is Flag Day and the veterans will be taking in old flags that need retiring at Liberty Gardens that day.

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Councilmember Dry stated that he is glad for free speech and the democratic process in the US and he thanked Mr. David Morgan for coming and giving his comments this evening.

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Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council appointed Councilmember Hughes as acting clerk for the closed session meeting.

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Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to NCGS 143-318.11(a)(5) & (6) To discuss Personnel Matters and Real Estate.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held Pursuant to NCGS 143-318.11((a)(5) & (6) To discuss Personnel Matters and Real Estate and there was nothing to report at this time.

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Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the meeting was adjourned.