

REGULAR MEETING CITY COUNCIL
August 15, 2016

The City Council of the City of Albemarle met in a regular session on Monday, August 15, 2016 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall, Bill Aldridge, Chris Bramlett, Benton H. Dry, II, Martha E. Hughes, Dexter Townsend, and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

The Mayor presented the N. C. Department of Labor Award for Outstanding Work in Accident Prevention to the following departments:

First Year Silver Award - City of Albemarle
First Year Silver Award - Public Utilities Department
First Year Gold Award - Fire Department
First Year Gold Award - Parks & Recreation Department
Fifth Consecutive Year Gold Award - Administration, Community
Development, Engineering & Housing

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the minutes of the July 18 regular session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider the rezoning of 2218 East Main Street from R-10 Residential and GHBD to GHBD. It was noted that presently the property is split-zoned with GHBD in the front and R-10 in the rear and that the proposed text amendment will allow the property to be used in its entirety as a

commercial property while promoting public health, safety, and general welfare. No one spoke for or against this public hearing.

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

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved the following Ordinance along with the zoning consistency statement with adopted plans:

CONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend the City's Zoning Map parcel tax record #19124 from Single-Family Residential (R-10) district and General Highway Business (GHBD) district to General Highway Business (GHBD) district to be consistent with the adopted 2028 Land Use Plan and in the best interest of the City at large. Such an amendment is reasonable because the uses allowed in GHBD exemplify the commercial uses called for in the 2028 Land Use Plan. The creation of a property that is a single zone instead of split-zoning is in the public's interest because it allows the developer/property owner to make full use of the commercial property. The permitted land uses in the General Highway Business District are in harmony with existing uses on adjacent properties and are consistent with those found along major corridors in the City.

(Ordinance 16-30. To rezone 2218 East Main Street to GHBD.)

The Mayor and City Council held a public hearing to consider a Right-of-Way Abandonment of East Drive. Council approved a Resolution of Intent to abandon the unopened right of way of East Drive on June 6, 2016. There are currently no public utilities in this right of way and no public comments had been made to staff outside of the public hearing. No one spoke for or against this hearing.

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

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

(Ordinance 16-25. To abandon right of way on East Drive.)

The Mayor and City Council held a public hearing to consider the boards and commissions to City Ordinance Chapters 21, 90, and 92.

Planning and Development Services Director Kevin Robinson came forward and stated that this is a public hearing to consider amendments to City Ordinance chapters 21, 90 & 92 related to removal of Housing Appeals Board, Greenways Commission and Community Appearance Commission and reassignment of duties to the Board of Adjustment, Parks and Recreation Advisory Board and Historic Resources Commission, along with other edits to the ordinance structure and additional minor edits. The Planning Board heard and unanimously approved recommending the proposed amendments with minor changes to the make up of the Parks and Recreation Advisory Board. No one spoke for or against this hearing.

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

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

(Ordinance 16-26. To amend Title IX: Planning and Regulation of Development, Chapter 21 of the Zoning Ordinance.)

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

(Ordinance 16-27. To amend Title IX: Planning and Regulation of Development, Chapter 90 of the Zoning Ordinance.)

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved the following Ordinance:

(Ordinance 16-28. To amend Title IX: Planning and Regulation of Development, Chapter 92 of the Zoning Ordinance.)

Mr. George Crooker, CEO Stanly County Family YMCA, came before City Council to consider changing the name of Glenn Street between North First and North Second Street to C.B. Crook Drive. City Staff has reviewed the property records in this block and there is only one property not owned by the YMCA addressed off of Glenn Street. If decided, the City Attorney would need to be authorized to draft an Ordinance to make this change and we would notify the other affected property owner that this is being considered.

Mayor Michael stated that he would like to see the entire length of Glenn Street changed to C.B. Crook Drive. Mr. Crooker stated that there are only 5 property owners facing Glenn Street and he will talk with each one.

Mayor Michael asked that the City Manager send a letter to all 5 property owners on Glenn Street that this street name change request will be discussed at Council's September 6 regular session meeting, if they would like to be there and speak.

Mr. Bryon Carter, President, Albemarle Disc Golf Association came before Council to request funding assistance from the City to complete the Albemarle Disc Golf Course project.

Total finishing of the course	Actual Dollars Needed	\$9,469.00	
		(\$1,050.00)	Hole sponsors' donation
		(\$2,000.00)	Stanly County Visitors Bureau Donation
		\$6,419.00	Needed - Request help from the City
			3.4% of economic impact for 1 year
			1.1% of economic impact for 3 years

Mr. Carter noted all the events, where they were held and notes on each. Mr. Carter reviewed their budget since November 2014, including vendors and category of materials with true cost of \$31,487.54 and actual dollars spent in the amount \$4,510.07. Mr. Carter reviewed items needed along with the cost to finish their project. Included items were grading, tree pad installation, information boards, trash cans, etc. Also donated concrete pads, labor hours donated and Hole sponsors' donation. The total amount needed is \$9,469 before donations, leaving a total of \$6,419 for 3 years.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a request of \$6,419 to complete the Albemarle Disc Golf Course project.

Mr. and Mrs. James Lowder, 518 Depot Street, came before Council to request issues be addressed concerning All Too, Inc. Property on Depot Street. Ms. Lowder reviewed photos with City Council and asked them to review the information along with a folder she submitted this evening for each member and requested an inquiry for the property on N. Depot Street owned by A.L. Lowder doing business as ALL-TOO INC. The adjoining neighborhood would like for it to be cleaned up and a buffer put in place to protect the stability of their neighborhood and Albemarle as a whole.

Mayor Michael asked the Planning and Development Services Director Kevin Robinson to take a further look at this property. Mr. Robinson stated that he is in the process of reviewing this site. He said that the property is currently zoned Light Industrial and he will review and bring back results to the September 6 Council meeting.

Councilmember Hall stated that Mrs. Lowder shared a folder of information with Council including current letters to City Council concerning this issue and letters sent in 2007 to Mr. Jim Lowder and the City Manager.

Mr. Danny Storm, 411 Depot Street came forward and stated he is definitely in favor of the cleanup of All Too, Inc. property.

Ms. Shanta Watkins came before City Council to request a street closure for Saturday, August 20 for the Backyard Pic n Play sponsored by the Butterfly House. They are requesting to close McGill Street between 6th and 7th and to close 7th between Azalea and McGill on August 20 from 6:30-11 pm as part of a fundraising event. This is an identical request to one approved last year and Council reviewed their application and map.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council approved a street closing for Saturday, August 20 for the Backyard Pic n Play to close McGill Street between 6th and 7th and to close 7th between Azalea and McGill from 6:30-11 pm as part of a fundraising event.

Ms. Watkins stated that the Dancing with the Stars event will be held on Saturday, September 17 at 7:30 pm at the Agri-Civic Center.

Ms. Watkins stated that the Albemarle Police Department will be sponsoring an open forum called On the Table on Tuesday, August 23 from 6-7pm at the EE Waddell Community Center.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved excusing Councilmember Aldridge from voting due to his being a United Way Board member

The Mayor and City Council discussed the 2017 Employee United Way Campaign and incentives which will begin on October 17. Team Members include Lindsay Carter, Brad Jenkins, Anita Almond, and Nina Underwood. Ms. Underwood and Ms. Almond were present and requested the City provide a day of vacation for each employee who participates as a fair-share giver.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved to provide a day of vacation for each employee who participates as a fair-share giver.

Councilmember Aldridge came back into the meeting at this time.

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

Councilmember Hughes asked if September 6 is the live date for the new City website and IS Director Owen Squires confirmed this.

Councilmember Whitley stated that he would like clarification on the budget from the monthly report. Finance Director Colleen Conroy explained the General Fund Revenue only showed approximately \$167,500 for July. She explained that much of the Revenue that was coming in during July was actually June Revenue that was accrued to the prior fiscal year; so yes, unfortunately that number is correct. Also, she explained that during the first quarter of any fiscal year, the cash and revenue are very slow coming in.

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

The Mayor and City Council continued discussion of a request from Larry Mills to cut down two trees on his property located at 454 Smith Street. Mr. Mills claims these trees are damaged/dying as a result of their root base not being provided adequate space when the street was widened 25 years ago by the City. Staff has not received a formal estimate for removal of these trees, but estimates the cost between \$3,000-\$4,000 due to their size and proximity to the house.

Mayor Michael stated that Council has been by this property to view and see Mr. Mills concerns since the last Council meeting.

Ms. Mills came forward and answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council denied Mr. Larry Mills request for the City to cut down two trees on his property located at 454 Smith Street at the City's expense.

The Mayor and City Council continued discussion on the Wiscasset Mills Athletic Complex concerning the revised proposal. On Tuesday, August 9, City staff met with representatives of Benesch/Site Solutions and S&ME to discuss specific parts of the earlier proposal for engineering services which could possibly be handled in-house. Parks and Recreation Director Toby Thorpe stated that the revised proposal is a product of this meeting and will allow certain items the City may perform itself to be added or removed as needed. The City will move forward with a survey to determine if the six ball fields can be placed on this property. Then, the existing storm drains will be checked and replaced if needed.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved the revised proposal for engineering services with Benesch/Site Solutions and S&ME for the Wiscasset Mills Athletic Complex and will allow certain items the City may perform itself to be added or removed as needed.

Mayor Michael stated that we will be looking to see if the existing building is salvageable or if we remove it. We would want to at least remove the asbestos from the existing building then decide to remove the building or remodel it. An estimate of \$500,000-600,000 would be to build a new office building.

The Mayor and City Council considered change order No. 2 to the construction contract with Dellinger, Inc. for the US52 Water Treatment Plant Rehabilitation Project. The proposed change order increases the total cost of the construction contract by \$21,018.00 to \$8,973,658.43 and increases the contract time allotted for substantial completion and final completion by eight (8) days to 467 days and 527 days, respectively. There are sufficient funds in the contingency for the current Capital Project Budget Ordinance to cover the proposed Change Order. Approval of the Change Order will net a total contract cost increase of 0.91% over the original contract price and a net reduction of 9.48% in the project contingency

Mr. Adam Kiker with LKC Engineering came forward and gave a presentation concerning the project status and change order #2. He answered any questions that Council had.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved change order No. 2 to the Construction Contract with Dellinger, Inc. for the US52 Water Treatment Plant Rehabilitation Project which increases the total cost of the construction contract by \$21,018.00 to \$8,973,658.43 and increases the contract time allotted for substantial completion and final completion by eight (8) days to 467 days and 527 days.

Mayor Michael asked Mr. Kiker about the design and color for the water tank. Mr. Kiker stated that he will be getting with City staff within 6-8 weeks with color and cost estimates. The water tank will probably not be painted until March 2017.

Mr. Kiker also gave an update on the WWTP and sewer project funds which was submitted April of 2016 with the project totaling \$4,384,000. The City will be receiving a \$500,000 grant leaving a total of \$3,884,000 to finance. He said a letter was received on August 1 concerning this loan amount with a 0% interest rate over a 20 year term.

The Mayor and City Council reviewed a request for a subdivision of 460 Anderson Road. In July of 2016 Tom and Michelle Efird submitted an application to subdivide a portion of their property at 460 Anderson Rd. The newly created parcel will contain a pre-existing house and other residential appurtenances on 1.28 of the 4.87 acre tract and a separate 3.59 tract.

Planning and Development Services Director Kevin Robinson stated that it does not necessitate any additional City infrastructure nor new development, however, this request represents a major subdivision under Chapter 91 of City ordinance and thus requires a preliminary review by City staff followed by final plat review by Planning Board and approval or denial by City Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved a subdivision plat for 460 Anderson Road to be divided into a 1.28 acre with house and other residential appurtenances of the 4.87 acre tract with a separate 3.59 land tract.

The Mayor and City Council reviewed the FY 2016-17 Pavement Management Activity for Crack Sealing. The City Manager stated in his agenda comments that there are budgeted funds for street rehabilitation and in previous years a bulk of this was in the form of resurfacing. Following the completion of the Pavement Management Study in FY 15/16 and the resulting plan, other methods of street rehab and preservation were recommended. At this point in the fiscal year we have not brought forward all of the streets recommended to be addressed in FY 16/17 as we have been awaiting final approval of State funding to assist with improvements to Leonard Avenue which would be performed in conjunction with the widening and bi-directional median installation on NC 24/27.

Ms. Underwood stated that they are in a general holding pattern regarding what to do with the funds budgeted in the current year and they would still like to recommend moving forward with the crack sealing in the Pavement Management Plan. These streets listed include all suggested crack sealing for FY 16/17. She said she is recommending proceeding with this portion of the plan as crack sealing preserves the condition of roads and will extend the overall life of a road and they would like to apply this treatment before the cold weather sets in as the freezing and thawing of water in these cracks is what exacerbates the issues and causes further roadway deterioration. The total cost of this work is estimated at \$4,000.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved moving forward with the following streets for crack sealing in the amount of \$4,000:

Street/Segment

Judy St - NC 24/27 Bypass to Burlison St

Monticello Dr - NC 24/27 Bypass to Wesley Heights Dr

Marlbrook Dr - Aquadale Rd to Brevard Dr

Ruby St - Grant St to Pearl St
Summit Ave - Flake St to Wall St
Smokehouse Ln - Homestead Ln to Anderson Ridge Dr.

Mayor Michael stated that two weeks ago, he and the City Manager met with NCDOT staff concerning the City's widening of Leonard Avenue at the NC 24-27 intersection and NCDOT's placement of medians on NC 24-27 between Henson Street and Spaulding Street. This should work out to do both of these at the same time.

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

(Ordinance 16-31. To amend the FY2016-17 Budget.)

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

(Ordinance 16-32. To establish a project budget for the HUD FY 2016 Capital Fund Program in the Department of Public Housing.)

The Mayor and City Council considered adopting procedures for special events. Council discussed the consumption of alcoholic beverages on public property and would like to include having alcoholic beverages in exception at the auditorium and lobby of the old Central School.

The Mayor stated that he would like to request that Ordinance 16-29 approval be tabled until the next meeting after further research of concerns.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved tabling the motion concerning Ordinance 16-29 until the next Council meeting on Tuesday, September 6.

The Mayor and City Council reviewed the Quarterly Business Report regarding new businesses and other business activity in Albemarle. Planning and Development Services Director Kevin Robison provided the update.

Mr. Robinson stated that there had been a change of ownership for 5 businesses, one in town relocation, 2 business expansions and 6 new businesses this quarter. Also there is a steak house coming in on US Hwy 52 using an existing building.

There were 52 new jobs created:

Party Time

Albemarle Automotive

Little Caesars

Sterling Inc. (Kay Jewelers)

Bargain Emporium

East Side Motors

The Mayor and City Council discussed the Solid Waste Collection Contract to determine if they would extend this contract, re-negotiate with Waste Management or go out for bids. The Mayor asked each Councilmember to state their preference.

Councilmember Dry moved to negotiate the existing contract with Waste Management and consider adding recycling. Councilmember Whitley seconded the motion. Voting in favor of the motion were Councilmembers Dry, Whitley, Bramlett, and Aldridge. Voting against the motion were Councilmembers Hall, Hughes and Townsend. The motion carried with a 4-3 vote.

The Mayor and City Council considered declaring as surplus various scrap metals and sell the scrap metal via the sealed bid process as in previous surplus declarations of this type. The projected revenue from the sale is unknown at this time. The Public Utilities Director Mike Leonas stated that they collect and sort various metals and materials from the numerous components replaced during our maintenance and operation activities. While the Department strives to reuse some of the materials, the vast majority is at the end of their service life or is non-functional and cannot be repaired as follows:

- Aluminum Wire 15,000 lbs.
- Bare Copper 17,000 lbs.
- Coated Copper 5,000 lbs.
- Copper Pipe 750 lbs.

- Brass 150 lbs.
- Cast iron 10,000 lbs.
- Assorted Scrap Metal 60,000 lbs.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved declaring as surplus various scrap metals and sell the scrap metal via the sealed bid process.

The Mayor and City Council considered attendance at the Stanly County Council of Government Meeting in Richfield - August 30 at 6:30 p.m.

Everyone confirmed attendance and each will drive individually to Richfield.

Mayor Michael congratulated Ross Holshouser's daughter on her completion of officer training school for the Marine Corps.

The City Manager stated that he had placed a copy of the FY 2016-17 Budget at each Councilmember's place at the job as their copy to keep.

The City Manager stated that there will be an update of the streetscape costs at the next Council meeting. He also stated that there was an input session held with downtown business owners and City staff on Tuesday, August 2 and their will be a report on this at the next Council meeting.

The City Manager stated that we are replacing service weapons in the Police Department. We will offer the weapon directly to the officers. We plan to offer the weapon at the trade in rate to each officer as has been done in the past with previous surplus weapon sales.

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

(Resolution 16-17 -To honor the service of Pastor John Futterer.)

Councilmember Hughes congratulated the Police Department on its 8th Accreditation.

Councilmember Hughes congratulated Councilmember Townsend's participation at the Stanly County Law Enforcement Day of Prayer at the Agri-Civic Center on Tuesday, August 9 from 6-7 pm.

Councilmember Aldridge stated that we have lost great leaders over the last several months and thanked Mr. Crooker, CEO of the Stanly County YMCA for requesting a street be named in honor of one the great leaders we have lost. He thanked everyone involved for this initiative.

Councilmember Hall asked if Council can receive an update from the Landmark Group concerning the progress on the old Central School project. City Manager Michael Ferris stated that he will get an update and let Council know but they are presently moving people into the new building. He also stated that he has not been contacted by them.

Councilmember Hall stated that she attended the National Night Out event on August 2 and the weather did have an impact on attendance. The event did go very well and the downtown is a great location for this event. She did not see any other Police staff from other municipalities there.

Councilmember Hall stated that the 5th Cruise-In for Albemarle was held Saturday, August 6 at the YMCA park and there were 80 vehicles there.

Councilmember Hall stated that she would like to express customer concerns on City's billing and reimbursement procedures. She just stated that the City does not prorate other charges on the invoice, like the solid waste collection and disposal fees on the invoice.

Councilmember Hall asked that everyone keep previous Councilmember Ed Underwood in our prayers because he is not doing very well.

Councilmember Whitley also made positive comments concerning the National Night Out event on August 2.

Councilmember Whitley congratulated everyone who participated in the Tour de Elvis events last Saturday.

Councilmember Whitley thanked staff in the Public Utilities Department concerning an issue with a transformer in his neighborhood and the City came out and the power was back on within 30 minutes.

Councilmember Bramlett stated that he thought the National Night Out event on August 2 was fantastic.

Councilmember Bramlett also stated that he had an emergency recently and he appreciates and thanks 911- EMS, Fire, and Police for being there immediately.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to NCGS 143-318.11(a)(3), (4), (5) and (6) – To consult with the City Attorney, Economic Development, Real Estate, and Personnel.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a Closed Session Pursuant to NCGS 143-318.11(a)(3), (4), (5) and (6) To Consult with the City Attorney, Economic Development, Real Estate, and Personnel and there was nothing to report at this time.

Mayor Michael reported that earlier in the day the City received official notification from the NC Department of Commerce regarding \$94,340 that was appropriated to Albemarle for downtown revitalization. The information provided broad guidelines on recommended uses of the funds as well as a requirement to report to NC Commerce on the intended use of the funds by September 1. Mayor Michael noted that

the City has no regular meetings after tonight prior to the September 1 deadline, so Council will need to decide on how the funds should be utilized.

The City Manager reviewed for City Council the State's recommended uses for the money. It was the consensus of the City Council to use the funds for the implementation of the streetscape master plan recommendations, with priorities placed on the stamped crosswalks, the decorative intersection design at Second and Main, way finding signs and pole banners.

The City Manager indicated that he would make this report to the NC Department of Commerce prior to the September 1 deadline.

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