

REGULAR MEETING CITY COUNCIL  
June 27, 2016

The City Council of the City of Albemarle met in a regular session on Monday, June 27, 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.

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Mayor Michael called the meeting to order.

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Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the minutes of the June 6 regular session and June 6 closed session minutes were approved as submitted.

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The Mayor and City Council held a public hearing to consider a right-of-way abandonment on West Main Street requested by Main Street Methodist Church and to order abandoned the section of unopened alleyway that runs parallel to West Main Street from Concord Road to Church Street.

It was noted that at the May 2, 2016 meeting, Council adopted resolution 16-09 of Intent to abandon a portion of an unopened alleyway. Assistant City Manager Christina Alphin noted that certified letters were mailed on May 20th, signs posted the week of May 23rd and public hearing notices ran in the Stanly News and Press once per week for four consecutive weeks leading up to the hearing date. There are public utilities located within the proposed abandonment which will be preserved by a utility easement in the proposed order.

Mr. Charles Napier, owner of 1005 and 1011 Lowder Street came before Council in opposition of the right of way abandonment. He stated that he has tenants in his two properties now but he grew up in one of the houses as well as his grandmother next door. He said that any additions he would make to his property, he would need access and closing this alleyway could cause issues of access rights to his property and he would not have legal access.

Ms. Vicki Galloway, 1120 West Main Street came before Council in opposition of the right of way abandonment. She stated that she and other property owners near her are still having water issues from this alleyway. Nothing has been finalized at this time due to other property owners not being cooperative with damages still being created. She stated that this alleyway in the past was maintained by the City and the City is responsible for damages to these properties on West Main Street.

David Rudisill, representing Main Street Methodist Church, came forward requesting this right of way abandonment. The church owns five parcels at the corner of NC Hwy 73 and West Main Street and wants to survey and incorporate all five into one parcel. The church will be building a new fellowship hall on NC Hwy 73 and stated that access to the alleyway will still be available and open. No blockage will be made and property owners will still have access to the alleyway as they do now.

Mr. Rudisill and Mr. Napier came forward and answered any questions that Council had.

City Attorney David Beaver came forward and stated that the property owners would still have fee simple ownership as they do now. The only thing that this abandonment would do is extinguish the rights of the developer who owns the right of way. Main Street Methodist can grant a right of way for ingress and egress to each individual property owner this may affect for their individual property.

Mr. Beaver further stated that Assistant City Manager Christina Alphin's research showed no easement the alley has been formally accepted for maintenance by the City. If not maintained now, and an easement is granted to Charles Napier and other property owners, then no harm done.

Councilmember Hall moved to close the public hearing. Councilmember Townsend seconded the motion. Voting for the motion were Councilmembers, Aldridge, Bramlett, Hall, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Dry. The motion carried and the public hearing was closed.

Councilmember Dry moved for this right of way abandonment be contingent on access to the alleyway by all property owners surrounding the church. Councilmember Townsend seconded the motion. The City Attorney stated the church can grant right of way to surrounding property owners for use in vehicular and pedestrian traffic and a document can be drafted to this effect if the

church is in favor of doing so. Mr. Rudisill stated that he feels the church would be in favor of this but he would need to ask them first.

Councilmember Hall moved to pass Ordinance 16-21 with a contingency provision of granting surrounding property owners access on both sides of said alleyway, to have the right to continue use of said alleyway and that Main Street Methodist will approve this contingency provision and that the church will maintain this alleyway from here forth. Councilmember Dry seconded the motion.

Upon further discussion, Councilmember Bramlett made a substitute motion that this ordinance be tabled until the next Council meeting on Monday, July 18, 2016. Councilmember Aldridge seconded the motion. Voting for the motion were Councilmembers Aldridge, Bramlett, Dry, Hall, Hughes, Townsend and Hughes. No one voted against the motion. The motion carried.

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The Mayor and City Council held a public hearing to consider the rezoning of 1224 West Main Street from Two-Family Residential (R-8) district to Neighborhood Business (NBD) district. No one spoke for or against this hearing.

Senior Planner Nasser Rahimzadeh came forward and stated that this is a request for a zoning map amendment for 1224 West Main Street. The owner is Crawford Curlee, Jr. with the existing zoning status as Two-Family Residential (R-8) District and proposing a change to Neighborhood Business District (NBD). Mr. Rahimzadeh stated that the property was a non-conforming commercial use and recently lost it nonconforming status by having discontinued commercial uses for more than 180 consecutive days. Adjacent zoning is either Two Family dwelling (R8) or Single-Family dwelling (R-10). He also stated that the Planning Board voted six to zero (6-0) to recommend City Council approve zoning the parcel NBD.

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

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

(Ordinance 16-22. To rezone 1224 West Main Street from Two-Family Residential (R-8) district to Neighborhood Business (NBD) district.)

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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 stated that she read the monthly departmental reports and mentioned all the radios and software upgrades being added in the Fire Department. She would like for Council to be able to go by the Fire Department and be shown all of these upgrades and changes such as:

- 800 MHz radio upgrades
- Implement Emergency Reporting
- Implement Streetwise Software
- Implement CrewSense software for staff
- Mobile CAD software with laptops in apparatus

IS Director Owen Squires came forward and stated that we will be able to access the information remotely and can do a walk-through with Council.

Councilmember Hughes thanked the Fire Department and the IS Department for all of their efforts and hard work.

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The Mayor and City Council reviewed considered Ordinance 16-16 FY 2016/2017 Budget Ordinance on second reading. The Ordinance passed first reading unanimously at the June 6 meeting. State law requires the annual budget ordinance to be approved on two readings prior to adoption.

The City Manager thanked the Mayor, City Council and City staff for their months of hard work in helping develop the budget. Following the recent budget work sessions, there are two minor changes to note from when the Budget was originally presented:

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

(Ordinance 16-16 - To Adopt the City of Albemarle  
FY 2016/2017 Budget on Second Reading.)

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The Mayor and City Council discussed the sale of 320 Brooks Street. At the June 6 meeting, the City Council voted to tentatively accept the offer of Mr. Bob Garmon, Garmon Mechanical, 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 located. The substation was taken out of service and dismantled as it was no longer needed as a result of system improvements we have made.

It was noted that since that time Mr. Garmon provided the 5% bid deposit and the potential sale was advertised in the Stanly News & Press providing an opportunity to anyone interested in the property to submit an upset bid. No upset bid as received and Council can now confirm the sale of the property to Mr. Robert Garmon

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, and unanimously carried, the City Council approved proceeding with the sale of 320 Brooks Street to Mr. Bob Garmon with Garmon Mechanical for \$35,000.

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The Mayor and City Council considered a resolution to provide a 1% Cost of Living adjustment (COLA) for all employees effective with the pay period beginning July 3, 2016. The pay tables are a part of the Personnel Policy and therefore the entire document has to be approved to make this change and nothing in the Personnel Policy section is changing, just the pay ranges.

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

(Resolution 16-13. To adjust the COLA by 1% wage increase for all employees as of July 3, 2016)

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

(Resolution 16-15. To adopt revisions in the Electric Rate Schedule Effective July 1, 2016)

It was noted that there are no other revisions or changes from ElectriCities and there are no City initiated changes in the remaining rates schedules and/or riders from the previous Rate Schedule adopted July 1, 2015.

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Upon a motion by Councilmember Hughes, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the following resolution. This provides for the 4% adjustment based starting July 1, 2016.

(Resolution 16-14. To adopt revisions in the Water & Sewer Rates Schedule)

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

(Ordinance 16-23. Budget Amendment to appropriate funds for work on the Central Apartments auditorium upfit)

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

(Ordinance 16-24. To Amend the US Hwy 52 Business Sidewalk Project Budget.)

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The Mayor and City Council considered bids for liquid alum and liquid caustic for use at the US52 and Tuckertown Water Treatment Plants and the Long Creek Wastewater Treatment Plant.

On May 17, 2016 the PUD received and opened bids for supplying liquid alum (aluminum sulfate) and liquid caustic. The chemicals would be ordered and delivered to each plant periodically throughout the fiscal year. Payment for the respective chemical is based on the dry tons contained in each delivery. The bid tabulation was received on May 17, 2016. The apparent low bidder for liquid alum is Univar USA, LLC at \$243.00 / dry ton. The apparent low bidder for liquid caustic is JCI Jones Chemical, Inc. at \$415.00 / dry ton.

Upon a motion and second, unanimously carried, the City Council approved the low bidder for liquid alum is Univar USA, LLC at \$243.00 / dry ton. The apparent low bidder for liquid caustic is JCI Jones Chemical, Inc. at \$415.00 / dry ton the

(Bid Tabulation 2016-09)

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The Mayor and City Council considered a declaration of surplus and authorization to sale as scrap three (3) electrical substation step-down transformers from the Rolling Hills Gin warehouse and Gold's Gym.

These transformers have been taken out of service due to their age and voltage ratings. Given this, the transformers have no surplus value other than as scrap. There is also the possibility that the insulating oil in the transformers may contain PCBs in which case there is the potential that the City may incur additional disposal costs that would affect the net surplus value received.

Transformers for surplus and sold as scrap:

Standard Transformer Company

SN - RCB0723

1500 KVA 22900-277/480V

HEVI-DUTY Transformer Company

SN - G169604-1

750 KVA 22900-277/480V

HEVI-DUTY Transformer Company

SN - G169604-2

750 KVA 22900-277/480V

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council declared the referenced transformers as surplus and authorized the Public Utilities Department to sale transformers as scrap.

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The Mayor and City Council discussed a special events ordinance. Assistant City Manager Christina Alphin stated that staff has been working over the last several months to create a new ordinance to streamline event planning and street closures and to allow controlled alcoholic beverage consumption and sales at special events. During this process, staff has reviewed similar ordinances of other communities such as Asheville, Hillsboro, New Bern, and Burlington. She also stated that staff believes the ordinance being presented best meets the needs for the City of Albemarle. Council reviewed a memo that highlights the proposed ordinance and a manual that will be used to help guide any interested parties for any special event they wish to host within the City of Albemarle.

Ms. Alphin stated that once Council reviews the ordinance and informs staff if changes are needed, the City Attorney will draft the official ordinance and we will bring back for formal consideration at a later date. Ms. Alphin answered any questions that Council had.

Councilmember Townsend stated that he has concerns with the special event ordinance excluding the EE Waddell Community Center and the Niven Center from the locations that would allow for the consumption of alcohol. Ms. Alphin stated that these sites can be included in the ordinance.

Mayor Michael stated that he has concerns with alcohol at the parks.

Upon questioning, the City Attorney will look at the deed for the EE Waddell Community Center and the Niven Center concerning having alcohol on these premises.

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The Mayor and City Council considered proposed changes to City Boards and Commissions. The City Manager explained in his agenda comments staff is recommending the merging of the Housing Board of Appeals with the Board of Adjustment, the Appearance Commission with the Historic Preservation Commission, and the merging of the Greenway Commission with the Parks and Recreation Advisory Board. There are also proposed changes to add term limits to all the remaining Boards that do not currently have term limits. We are also proposing to move all of the Council appointed Boards and Commissions to one central location in the Code of Ordinance, which should make these a little easier to find and keep up with.

If Council agrees with the proposed changes, a public hearing is required and can be set for the July 18<sup>th</sup> meeting. This will also authorize the City Attorney to put these changes into an ordinance format and Mr. Robinson will work closely with him. There will be a recommendation on filling the various positions for City Council to consider at the July 18 meeting. The Planning Board meets tomorrow, June 28 at 7 pm and will consider approval of these board and commission ordinance changes.

Mayor Michael stated that he has concerns on placing term limits on all of the boards.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved setting public hearing for Monday, July 18, 2016 to consider ordinance changes to City Boards and Commissions.

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The Mayor and City Council considered an amended lease agreement for the use of the Central School Apartments auditorium. Landmark recently contacted the City Manager about a need to revise the auditorium lease agreement that was approved last year. They have realized the lease we signed was for a 15-year period (with an option for an additional 15-years). According to Landmark, the initial terms needs to be 20-years to match their compliance period requirements with the NC Housing Finance Agency.

The proposed revision was provided by Landmark. The only change is for the initial auditorium lease term moving from 15 to 20-years. There is also the option for an additional 10-year lease, which provides for a total of 30-years as was the case with the original agreement.

Upon a motion by Councilmember Hall seconded by Councilmember Hughes, and unanimously carried, the City Council approved an amended lease

with the Landmark Group for the Central Apartments auditorium to be changed to 20-years instead of 15 years to match their compliance period requirements with the NC Housing Finance Agency, which provides for a total of 30-years as was the case with the original agreement.

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The Mayor and City Council received an update on the Lillian Mills, LLC Loan. The City Manager reviewed this in the agenda and the Mayor stated that the City continues to work on the repayment of the loan made by the City to Lillian Mills, LLC. However, as we learned at the previous meeting not everyone is aware of the project status.

The City originally received a Community Development Block Grant through the NC Department of Commerce in the amount of \$800,000. In 2005 these funds were loaned to Lillian Mills, LLC at 2% interest. Loan repayments were scheduled to begin in 2006; however Lillian Mills, LLC requested and received approval to defer repayment until March 2015, at which time the entire principal and interest amount would be paid in full.

Prior to the scheduled repayment date, the City contacted Lillian Mills, LLC regarding their obligation and was advised the LLC was not financially able to repay the loan at that time. Per the agreement with the LLC, the City reviewed the finances of Lillian Mills, LLC with the assistance of the Development Finance Initiative (DFI). DFI performed their review and determined the order of repayment of all the lenders to the LLC. The City was advised its best opportunity for repayment would be when other obligations were satisfied or expired in 2017, at which time the City could begin receiving annual payments from the LLC including the 2% interest since 2006.

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The Mayor and City Council discussed possible dates and times to meet with First Tryon who is our newly hired financial planners/advisors. They have completed their information gathering phase and Council can discuss a day and time for a potential meeting.

It was the consensus of Council to meet with First Tryon for a work session on Monday, September 12 at 6 pm if this is okay with First Tryon. The City Manager will check with First Tryon and email Council to let them know.

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The Mayor and City Council reviewed information of the surplus property sales results from Linda Lewis on surplus sales for fiscal year 2015-2016. No action is needed. Staff provides this annual report on sales items.

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The Mayor and City Council reviewed information concerning NCDOT holding a Public Input Session on the 10-year Transportation Program in Albemarle at Stanly Commons on July 12 between 5-7 pm.

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The City Manager stated that NCDOT will be completing the bi-directional medians on NC 24-27 between Henson Street and Spaulding Street. He would like to know if Council is interested in talking with NCDOT about doing landscaping with trees and shrubs in these medians. This is the most traveled street in the City of Albemarle and could affect the perception of our City and possibly help with traffic calming at the same time.

The City Manager spoke with Pate Butler with NCDOT to make sure it would be possible to add landscaping to the median if Council is agreeable to do so. NCDOT stated that it is the most feasible at the east end of the median near Henson Street and at the west end of the median near Spaulding Street for the landscaping. The City would create the landscaping and maintain it if we decide to do so. If Council is agreeable, we will create design ideas and get cost estimates of the trees and shrubs needed and staff will come back before Council with this information at a later meeting.

It was the consensus of City Council for staff to move forward with design ideas and get estimates of the cost of trees and shrubs to place in the bi-directional medians created by NCDOT on NC 24-27 between Henson Street and Spaulding Street and bring back for review.

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Mayor Michael stated that everyone has probably read in the Stanly News and Press of the City and County working on an agreement for the Stanly County Historic Museum to occupy the City Annex. The Stanly County Historic Museum was willing to shoulder 1/3 of the costs for repairs to the City Annex but the County denied the approval of the agreement with the City of Albemarle.

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Mayor Michael stated that he had received a letter from Annette Starnes who owns the Good-O on East Main Street requesting the City to purchase this historic prime location to use as a welcome center, visitor center, inner-City park, fundraising center or community center.

The City Council reviewed a copy of Ms. Starnes letter and confirmed their original consensus to not pursue this property presently and to stand by previous action made at a previous meeting.

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Mayor Michael stated that previously the City Council has been a part of the Fabulous 40 sponsored by Albemarle High School. This fundraiser would involve a 3 year commitment of \$41.67 per year from each Councilmember for 3 years totaling \$1,000.

It was the consensus of Council to support the Fabulous 40 Campaign and each Council member, personally contribute \$41.67 each year for 3 years totaling a \$1,000 commitment by the City Council.

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Mayor Michael stated that Council has been asked by the Amvets to allow City staff to help paint the flag pole at Park Ridge Christian School.

There were concerns expressed about performing work to private property and it was the consensus of City Council to deny the request.

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Mayor Michael stated that he was approached today by someone concerning residents being able to water their lawns without sewer fees applied but not on swimming pool fill ups. They asked that Council consider adjusting the water bills for pool fill ups to remove sewer charges. The Mayor stated that we may be able to consider doing this for pool fill ups one time per season with credit only for filling swimming pools.

The Mayor asked Public Utilities Director Michael Leonas to look at how other cities our size handles this issue and report back.

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Councilmember Hughes asked for an update on the Central School Apartments. The Mayor stated that they are still planning on completion of the one story building and parking lots by the end of this week. It may be several weeks before the new building at the back will be complete.

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Councilmember Aldridge reminded everyone of the Forest Hills 4<sup>th</sup> of July parade and celebration on Monday, July 4<sup>th</sup> beginning at 10:30 am.

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Councilmember Hall asked of date that the public can do a walk through of the Central Apartments. The Mayor stated that it will probably be sometime in September and they will be having a grand opening.

Councilmember Hall asked if the City Manager heard anymore concerning House Bill 483 at the City County Manager's meeting this past week-end. The City Manager stated that the NC League of Municipalities is continuing to work on this which undermines local land use authority. They have been working with members of the General Assembly to provide real world examples of how the proposed legislation could be detrimental.

Councilmember Hall asked about the property on US Hwy 52 across from Quenby Auto owned by Richard Huneycutt that is adding more vehicles every week. This is in violation of City ordinance and he will be receiving a violation for the vehicles parked there.

Councilmember Hall asked about the property at 503 Old Charlotte Road. Council had given the owner of this property 1 year from January 1, 2016 which ends December 31, 2016 to remove all of these vehicles. It has been six months and Planning and Development Services will be sending out a letter reminding them that six months of the agreement has expired and he has until December 31, 2016 to clear the land of vehicles.

Councilmember Hall stated that it was sad the Stanly County Historical Society are unable to move the museum into the City Annex and that this did not work out and we need to look at repairs needed in this building and address them anyway.

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Councilmember Dry stated that in 2014 the Business Development Task Force stated that we need to keep our processes as simple as possible. He stated that he is glad the City is continuing to do this and encouraged this and thanked Assistant City Manager Christina Alphin and Planning and Development Services Director Kevin Robinson for all their hard work.

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Councilmember Bramlett thanked everyone involved on the new US Hwy 52 sidewalk and that it looks fantastic. He stated that he and his wife Pat will be doing free trash pick up there and also along NC 24-27.

Councilmember Bramlett stating that he and his wife Pat are looking at downsizing and selling their current home with a realtor. They have had several people from outside of Albemarle look at his property but he stated their impression of Albemarle was that it looked depressing. He said a lot of people may perceive us this way and we need to be aware of that fact.

Councilmember Bramlett asked that staff send a letter to Marc Morgan with NCDOT thanking them for surfacing 1<sup>st</sup> Street between West Main Street and Salisbury Avenue.

Councilmember Bramlett asked about the City doing a theme-accent stamp at the square downtown that was depicted in the streetscape photos. The City Manager stated that staff will be coming before Council in July or August with streetscape implementation plans for 2016 and will need Council's input at that time.

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Councilmember Hall reminded everyone of the Cruise-In this Saturday, July 2 at the YMCA beginning at 4:00 pm. The mobile food units will be there.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, 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) (3) (4) (5) & (6) To consult with City Attorney, To discuss Economic Development, To discuss Real Estate and To discuss Personnel Matters and there was nothing to report at this time.

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