

REGULAR MEETING CITY COUNCIL

November 21, 2016

The City Council of the City of Albemarle met in a regular session on Monday, November 21, 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.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the minutes of the November 7 regular session and November 7 closed session minutes were approved as submitted.

The Mayor and City Council held a public hearing to consider an amending Chapter 91: Subdivisions. No one spoke for or against this public hearing.

Define, subdivision administrator, exempt, minor and major subdivisions.

- Provide for a streamlined approval process for minor subdivisions
- Change Council approvals of Major subdivisions to occur during The preliminary or "general plan" phase
- Renumbering and other minor changes

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

(Ordinance 16-48. To amend Chapter 91 of the code of Ordinances regarding the approval of Subdivisions.)

The Mayor and City Council held a public hearing to consider rezoning 210 NC 740 Bypass from General Highway Business District (GHBD) and Multi-Family Residential District (R-8A) to Multi-Family Residential District. No one spoke for or against this public hearing. Senior Planner Nasser Rahimzadeh introduced the request and reviewed the facts of the case.

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

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

(Ordinance 16-49. To rezone 210 NC 740 Bypass from General Highway Business District (GHBD) and Multi-Family Residential District (R-8A) to Multi-Family Residential District (R-8A).)

Councilmember Bramlett read the following consistency statement:

CONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend the City's Zoning Map parcel tax record #15996 from Multi-Family Residential (R-8A) district and General Highway Business (GHBD) district to Multi-Family Residential (R-8A) 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 R-8A exemplify the residential 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 Multi-Family Residential are in harmony with existing uses on adjacent properties.

The Mayor and City Council held a public hearing to consider an Economic Development Incentive Grant. The City Council reviewed a copy of the incentive agreement along with an opinion of counsel from Nexsen Pruet, PLLC and an Economic Fiscal Impact Estimate Report from Sanford Holshouser Economic Development Consulting, LLC and Henry Lowenstein, Ph.D. with Research and Consulting Services, LLC.

Economic Development Director Mark Donham came before Council to speak about the development timeline concerning Pfeiffer University in Downtown Albemarle starting back in 2013 and including September 2016 when Pfeiffer, with the help of the City and DFI, evaluated several downtown buildings for the best site for their educational facilities and October 2016 when the City Council and Stanly County Board of Commissioners agreed to exchange the City Annex for the museum site.

The City then agreed to assist the County with the renovations of the former City Annex building. Also, in October the City offers the museum site to Pfeiffer to locate its two masters programs. November, 2016 Pfeiffer's Board of Directors approved the offer. The new Pfeiffer educational facilities involve constructing a facility costing \$5 to \$7 million, a 30,000 sq. ft. building will bring at least 200 graduate/professional students, faculty and staff into the downtown area. This will stimulate the redevelopment of the Historic Albemarle Hotel into 31 apartments and retail space.

It was further noted that the closing between the City and Stanly County involving the swap of the City Annex for the museum site was at 2 pm this afternoon. The proposed agreement is for the museum to move to the City Annex in April of 2016 and the City will demolish the museum building and turn the land title over to Pfeiffer to start construction on their new education facility.

Dr. Colleen Keith, President of Pfeiffer University came before City Council and stated Pfeiffer's Board of Directors has given a preliminary approval already and they are ready to move forward. She also stated that before coming to Pfeiffer, she was in Spartanburg, SC and saw this same type of thing occur which created great changes and growth to downtown Spartanburg and that is what she is hoping for downtown Albemarle.

Mr. Archie Sellars, 117 N. Fourth Street with his concerns and what impact there will be to his property since he is located directly behind the museum site.

The Mayor stated that there will be a 30,000 sf/ 3 story building constructed on the property when the museum building is removed which may block his view of Main Street from his home on Fourth Street. He also stated that it is too early to determine the full impact this will have to his property. The Mayor stated that the City is also looking at purchasing land in the surrounding area of the museum to create parking for Pfeiffer students.

Councilmember Townsend asked that the City contact all the adjacent property owners concerning this change.

Main Street Manager Katie Furr came before Council thanking the City and Pfeiffer University for their partnership which will bring jobs and investments to the downtown along with more people shopping, dining and living in the downtown.

Mr. Art Rogers, 505 Muirfield Drive, came before Council and stated that he has lived in Albemarle for 50 years and this is the most exciting thing ever to happen in Albemarle in that time period. He commended Dr. Keith and Pfeiffer University, City of Albemarle, and Stanly County Government for all their efforts and hard work to make this happen.

Ms. Dawn Allen, 433 N. Ninth Street came forward and stated that she has lived in Albemarle a long time and she is a Pfeiffer alumni student. She stated how exciting this partnership is and thanked Pfeiffer University, City of Albemarle, and Stanly County Government for their hard work.

Ms. Alicia Herrin, Director of Small Business & Entrepreneurial Development, Stanly Community College came forward stating how great relations are between the County and SCC as well as the great relations between of Pfeiffer and SCC and how this will stimulate economic growth with positive impact.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, and unanimously carried, the City Council excused Councilmember Bramlett from voting due to a conflict of interest being a Pfeiffer Board of Trustees member.

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

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the following resolution which was read by Mayor Pro Temp Martha Sue Hall into the minutes:

(Resolution 16-18. Economic Incentive Grant between with Pfeiffer University.)

The Mayor and City Council came forward and signed the incentive agreement with Pfeiffer.

Councilmember Bramlett came back into the meeting at this time.

Lou Whitley, Property Manager, Chimney Apartments came before City Council to request reimbursement of sewer charges for June Through October for excessive water usage due to an underground water leak.

The City Manager noted that Utilities Customer Service Coordinator Scott Hopkins is handling the request for reimbursement for October in the amount of \$1,382.07 and Chimneys has received credit for this, but Chimneys is asking Council for a possible reduction of sewer for the months of August, September, and November in the amount of \$2,445.16, as our policy only allows for one month adjustment.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved reimbursement of sewer charges for August, September and November 2016 in the amount of \$2,445.16 for Chimney Apartments.

Public Works Director Nina Underwood and United Way Executive Director Jennifer McSwain came before Council to present the results of the City employee 2017 Employee United Way Campaign. The City Manager noted that it has been the tradition of City Council to reward the campaign committee members with a paid day off for their work on this very worthy endeavor. The amount of \$26,393.31 was raised and is 100% employee funded. There were 96 Fair Share Givers and this total is \$3.32 more than last year. This year's campaign committee consisted of Brad Jenkins (AFD), Anita Almond (APD), Lindsay Carter (Finance), and Nina Underwood (PW).

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a paid day off for their work on this very worthy endeavor which consisted of Brad Jenkins (AFD), Anita Almond (APD), Lindsay Carter (Finance), and Nina Underwood (PW).

The Mayor and City Council made photos of the check with Public Works Director Nina Underwood and United Way Executive Director Jennifer McSwain.

Ms. Teresa Billips, 505 Mount Vernon Drive, came before City Council as an unannounced delegate concerning the Tim Marburger Honda dealership's expansion and the City ordinance requirements followed concerning privacy to neighbors. Ms. Billips stated that her home is directly behind the dealership and Tim Marburger has placed trees per City ordinance to create a blind between the dealership and their neighbors. She stated they planted small white pine and maple trees and the dealership is

still very visible from her home. She said that the dealership chose the plants they wanted which were probably based on cost. She stated that the value of her home has dropped since this dealership has located here. When she bought her home probably six months before the dealership was built, her realtor upon questioning stated there was nothing planned for that vacant area at that time.

Ms. Billips has already spoken with Planning and Development Services Director Kevin Robinson and Senior Planner Nasser Rahimzadeh about this issue. She wants to get her privacy back without spending a lot of money.

Upon questioning, Planning and Development Services Director Kevin Robinson came forward and stated that Tim Marburger has met requirements per the City ordinance.

Mayor Michael asked Mr. Robinson to speak with the Planning Board and the Tree Commission about what type of plants/shrubs/trees should be placed to create a blind between the dealership and the neighbors and come back before Council. Mr. Robinson stated that any updates to the ordinance at this point would help future issues but would not be retroactive to help Ms. Billips unfortunately.

Councilmember Bramlett and Townsend both asked can the City talk with Tim Marburger Honda concerning their best will toward their neighbors and intrusion onto neighbor's property.

The Mayor asked that Mr. Robinson speak with the Planning Board and the Tree Commission and also Tim Marburger Honda and get back with Council.

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

The Mayor and City Council received an update concerning zoning violations from Planning and Development Services Director Kevin Robinson.

Industrial property violations:

- 1) US Hwy. 52, Richard Huneycutt property – case closed and in compliance.

- 2) 503 Old Charlotte Rd. – He has made substantial progress but still a lot to be done and has until December 31, 2016 to remove vehicles. At which time he will be fined \$100 and given 15/30 days to comply then if not removed, fined \$100 again if not completed and then in 15/30 days it would cost him \$200/day until all vehicles are removed.
- 3) Depot Street – Jim Lowder of Al Too, Inc. – Kevin Robinson in touch with owner and sent owner a courtesy letter asking to remove junk, scrap vehicles, etc. within 60 days – some progress at this point and has dumpster on site for removing items. City has started the violation notice to go out this week giving 30 days to comply or fines incurred. Tenant on the property not the owner.

Mr. Robinson answered any questions that Council had.

The Mayor and City Council considered bids for demolition of warehouse at the former Wiscassett Site. Three (3) bids were received for demolition of the old warehouse building at the former Wiscassett Mills site. The low bid was submitted by Clear Site Industrial of Charlotte, NC.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the low bidder, Clear Site Industrial of Charlotte for the demolition of the warehouse at the former Wiscassett site.

(Bid tabulation)

The Mayor and City Council considered Statement of Qualifications received for Professional Engineering Services for the Sanitary Sewer Phase II Rehabilitation and the Long Creek Wastewater Treatment Plant Rehabilitation Project.

Public Utilities Director Mike Leonas noted that if Council accepts the SOQ from the LKC / Southeastern team, Public Utilities will then formalize a scope of services and request a formal cost proposal for professional services to support that scope. The formal cost proposal from the LKC / Southeastern team will then be reviewed and brought before Council for consideration at a later date. The cost of the engineering service will be charged to the project budget. The City received a no interest State loan as well as a grant of \$500,000 for this project

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the City Council approved a Statement of Qualifications received for Professional Engineering Services from LKC Engineering/Southeastern Consulting Engineers, Inc. for the rehabilitation work associated with Phase 2 of the Sanitary Sewer Replacement for I&I Reduction and Electrical System Rehabilitation and Equipment Replacement at the Long Creek Wastewater Treatment Facility.

The Mayor and City Council considered approval of Indefinite Quantity Contract for Architecture and Engineering Services for Public Housing. The Department of Public Housing sought proposals from Architectural/Engineering firms with HUD experience. RFQ's were sent out to six firms qualified to perform the requested services and only two proposals were received which were Stogner Architecture, LLC of Rockingham, NC and Cauthen & Associates, LLC of Nashville, TN. The Public Housing Department is recommending awarding the two-year contract to Stogner Architecture. The Department of Public Housing's current Indefinite Quantity Contract with Stogner Architecture will expire on November 22, 2016. The contract was for two years with the option to renew for three years.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council approved a Statement of Indefinite Quantity Contract for Architecture and Engineering Services for Public Housing with Stogner Architecture, LLC of Rockingham.

(Bid Tabulation)

The Mayor and City Council considered a negotiated proposal of Solid Waste Collection Services with Waste Management. At the August 15 meeting, the City Council authorized staff to enter into negotiations with Waste Management concerning a renewal of solid waste collection services. The City Manager noted that the instructions were that we include recycling in these efforts. We have been working on this matter and have a proposal for City Council to consider. Council reviewed a memorandum covering all the issues and next steps as well as the proposal from Waste Management.

Council reviewed the annual reduction on a 5 year contract of \$23,607.34 and the annual reduction on a 7 year contract of \$43,069.80. The cost to add recycling at \$2.80 per household x 6,238 households x 12 months = \$209,596.80. The renewal rate with recycling would be \$9.31 + 2.80 recycling per household and \$9.39 per household with no recycling added. Waste Management is offering as part of this renewal contract

to conduct annual recycling events for residents at no additional charge to the City, contract value of \$20,000.

Given the current status of this process, the next steps would be for the City Council to determine:

- 1) If you would like to pursue the 5-year or 7-year proposal
- 2) If you want to consider providing curbside recycling services as soon as we are able and therefore pay the displacement fee to Green Pieces, or wait 15-months to begin providing curbside recycling and not pay the fee
- 3) If Council wishes to proceed with the possibility of providing curbside recycling as soon as possible, a public hearing can be set for Tuesday, January 3, 2017.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved pursuing solid waste collection services contract including recycling with Waste Management for 7 year contract.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved setting a public hearing for Tuesday, January 3, 2017 pursuant to the NC General Statutes as the City is considering providing residential curbside recycling services and will therefore displace an existing vendor in the private market.

The Mayor and City Council received an update on the Parker Street paving project. The City Manager reminded Council of the issues with existing right of way affecting the City's ability to construct a paved road. Following City Council's instructions, Public Works contacted the ten property owners (14 parcels) on Parker Street to determine their willingness to donate right of way and the results of these efforts are below:

The responses were:

- 4 – would consider donation of property
- 1 – would consider donation of property unless it changed their setback
- 3 – would not consider donation of property
- 2 – no response

Public Works Director Nina Underwood stated that based on this information, it is her recommendation that the resolution to pave Parker Street be rescinded.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved that the resolution to pave Parker Street be rescinded.

Mayor Michael asked that Mr. Donald Swink resident and requester, be formally notified of the results.

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

(Ordinance 16-50. To amend the FY 2016-17 Budget.)

The Mayor and City Council received a quarterly new business report for August-November from Planning and Development Services Director Kevin Robison concerning information regarding new businesses and other business activity in Albemarle.

The report showed four changes in ownership, four moving/business expansions, and eight new businesses with seventeen new jobs being added. The new businesses are added are Hybrid Vapor, Inc., Music on Main, Country Blessing Consignment, Maxton C. McDonald, CPA, Albemarle Discount, Automotive Services, Heroes Guild Comics, Climatemax, Polish Nail Bar, All Around Online Sales, Chili Mama D's, and Petsmart.

The Mayor and City Council considered a request of Harvest Church to use Central School Apartments auditorium for Sunday Services. Mayor Michael was recently contacted by Harvest Church about using the auditorium for a few months as the location for their Sunday services.

Mayor Michael stated that Harvest Church would like to use the auditorium for their Sunday morning service only on a temporary basis. He also stated that the lease

agreement does not show leasing the auditorium to a church, but we will ask Landmark. The City needs to decide on charges for events.

The Mayor asked that the City Manager talk with Landmark concerning what type of events are allowed in the auditorium and get back with Council.

The Mayor and City Council were informed that the City will offer eBilling / Paperless Utility Billing as of December 1. The City Manager noted that this will be a very nice and convenient customer service enhancement for the City utility customers. Earlier this year, the City expanded its credit card acceptance to include payments at the Niven Center as well as at the Landfill. The ability to make a wider variety of credit card payments at the City Hall was added at that time as well. Finally, a safe telephone payment option for utilities was added earlier this year.

The Mayor stated that the Fire Department displayed their new technology implementations in their department prior to the meeting at 6 pm tonight.

The Mayor and City Council were informed that the updates to the Code of Ordinances are now available.

Mayor Michael thanked everyone especially the Parks and Recreation Department for a great job with the Albemarle Downtown Christmas event last Friday evening.

Mayor Michael thanked Fire Chief Oke and the Fire Department for a great technology improvement demonstration this evening before the Council meeting.

City Attorney David Beaver gave a brief report of the documents he is working on for the City.

The City Manager stated that the City will be closed this Thursday and Friday, November 24-25 for the Thanksgiving holiday.

The City Manager reminded everyone of the Stanly County COG meeting on Tuesday, November 29 in Stanfield at 6:30 pm. Those riding in the van should be at City Hall by 6 pm.

Councilmember Townsend thanked all of the firefighters that have gone to western NC near Lake Lure to help out with the wild fires.

Councilmember Townsend also thanked the Police Department for the On the Table meeting last week.

Councilmember Townsend stated his excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs to become an occupational therapist and physician assistant.

Councilmember Hughes reiterated her excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Hughes also stated that the Albemarle Downtown Christmas Event was great.

Councilmember Hughes also thanked the firefighters for their contribution to help neighbors in their need in the Western NC Mountains.

Councilmember Hughes wished everyone a Happy Thanksgiving

Councilmember Aldridge reiterated his excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Aldridge wished everyone a Happy Thanksgiving.

Councilmember Hall reiterated her excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Hall stated that she had noticed the street name being changed to CB Crook Drive last week.

Councilmember Hall thanked Public Utilities for their quick responses to water breaks in the City last week.

Councilmember Hall asked Assistant City Manager about priorities list and what is next. Assistant City Manager Christina Alphin stated that staff will be meeting tomorrow to go over Council priorities with First Tryon Financial Advisors. After this meeting, staff will get some dates together for a second meeting with First Tryon and get back with City Council in the New Year.

Councilmember Dry also thanked Public Utilities for their quick responses to recent, major water breaks in the City last week.

Councilmember Dry reiterated his excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Whitley thanked Fire Chief Oke and the Fire Department for a great technology improvement demonstration this evening before the Council meeting.

Councilmember Whitley thanked all of the firefighters that have gone to western NC near Lake Lure to help out with the wild fires.

Councilmember Whitley reiterated his excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college

locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Whitley said he is glad to see the City consider recycling in their Waste Management contract this evening.

Councilmember Whitley glad to things moving along with the building demolition for the sports complex also.

Councilmember Whitley stated that the Village of Misenheimer, Richfield and New London applied for a grant to hire someone to do a plan for their pedestrian/biking trails. RRRPO approved submitting a letter of support for the grant.

Councilmember Whitley mentioned that the NCDOT Swift Island Bridge / NC Hwy 24-27 widening project has no changes and is on schedule.

Councilmember Bramlett reiterated his excitement for the incentive agreement between the City of Albemarle and Pfeiffer University concerning the college locating a satellite campus in the Albemarle downtown area for masters programs in occupational therapy and physician assistant.

Councilmember Bramlett stated that we all need to also thank Stanly County for their role in the Pfeiffer agreement and to be able to see the City and County working together.

Mayor Michael thanked the City Council, the City Manager, and Economic Development Director Mark Donham for their support in the Pfeiffer endeavor.

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