REGULAR MEETING CITY COUNCIL February 18, 2019

The City Council of the City of Albemarle met in a regular session on Monday, February 18, 2019 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, Martha E. Hughes, Shirley D. Lowder, Dexter Townsend and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael stated that Boy Scout Troup 82 is here tonight and asked that Scout Azch Ehmann come forward and led the Pledge of Allegiance.

Each Boy Scout gave their name as listed:

Duncan Bryson

Angus Currie

Ben Parsons

Samuel Parsons

Colby Vullo

Colin Flanagan

Jacob Rodgers

Jason Bowlin

Also present was Scoutmaster Jason Ritter and Assistant Scoutmaster James Snuggs. Scoutmaster Jason Ritter stated they are working on their citizenship/community badge.

Youth in Government Day

These eighth graders from Albemarle Middle School spent the morning with the City Manager providing an overview of the City's structure and operations. Those assigned as City Manager, Mayor and City Council conducted a mock Council meeting. The students assigned to departments shadowed their department head. This annual event is sponsored by the Albemarle Optimists Club.

Youth in Government Day participants:

City Manager: Isaiah Jones

Mayor: Emma Brown

Fire Chief: Aaron Hernandez

Police Chief: Landon Blue Parks and Rec: Zac Schrump Public Utilities: Graylin Olivieri Finance Director: Kelsey Flake HR Director: Mary Grace Krol City Council: Zaynah Moore City Council: Sherylyn Riddle City Council: Keith Brown

City Council: Terrence Quesenberry

City Council: Seneca Thao City Council: Jaziah Cole

City Council: Emma Honeycutt

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the minutes of the February 4 regular session were approved as amended and February 4 Closed Session minutes were approved as submitted.

PUBLIC HEARING

The Mayor and City Council held a quasi-judicial hearing to consider Conditional Use Permit 19-02: Bed and Breakfast at 427 Pee Dee Avenue with provided testimony.

Mayor Michael declared the public hearing open at 7:09 p.m. and stated public comments offered in this hearing must be conducted by persons that have standing in the issue only.

SWEAR IN:

Nasser Rahimzadeh, Senior Planner/Zoning Administrator. Ron Perrine, Property owner 427 Pee Dee Avenue Charity Barbee, Property owner 427 Pee Dee Avenue

Staff Comments

Senior Planner Nasser Rahimzadeh came before Council to review the application and stated this proposed Bed & Breakfast will be located at 427 Pee Dee Avenue. The property is currently zoned Residential Office (R-O). The majority of parcels in the vicinity are zoned either R-O, Central Business District (CBD), or Multi-Family Residential (R-8A). They request the permit to allow R-O and R-8A. Mr. Rahimzadeh reviewed the size of the two-story Victorian home and showed photos of the interior and exterior of the home. The homeowners will run and live at this property, available 7 days a week, and will have a main and second driveway and plenty of parking spaces for guests. This is also consistent with the City of

Albemarle Land Use Plan. The 2028 Land Use Plan calls for the property to be neighborhood residential which allows for a wide range of housing types and for low intensity business uses designed and constructed at a residential scale and appearance.

Applicant's Counter Argument/Testimony

Ron Perrine and Charity Barbee, owners of the property came forward. Mr. Perrine gave their comments concerning the five Findings of Fact as follows:

Per § 92.101(E) the following is shown to have met in the conditional use permit application:

- I. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and provided **photos shown of the vicinity of neighbors of mixed use, guest driveway and walkway.**
- II. The use meets all required conditions and specifications compliance of building code showing photos of bedrooms, parlor, dining room, and foyer. 30 day occupancy limit will be enforced
- III. The use will not substantially injure the value of adjoining or abutting property, or, alternatively, that the use be a public necessity upon review of existing fair market values of adjoining property, the average value is \$113,642 and this property's fair market value at purchase was \$186,386.
- IV. The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics The homeowners will run and live at this property, available 7 days a week, and will have a main and second driveway and plenty of parking spaces for guests. This is a guest only B&B.
- V. Be in general conformance with adopted plans This is a mixed used neighborhood outside of the Central Business District (CBD) and the property is zoned R-O. The 2028 Land Use Plan show that the site falls under neighborhood residential with proximity to city center zoning as a neighborhood commercial center.

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

Findings of Fact

The City Council considered the following findings of fact:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding of fact #2.

3. The use will not substantially injury the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved finding of fact #3.

4. The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the City Council approved finding of fact #4.

5. Be in general conformance with adopted plans

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding of fact #5.

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the City Council voted to approve a conditional use permit order for 427 Pee Dee Avenue for a Bed and Breakfast.

(CUP Permit 19-02)

Public Hearing

To Receive Input Regarding a Possible Change to Non-Partisan Municipal Election

The City Council set this hearing during the second meeting in January to receive public input on this issue. A notice of public hearing ran in the Stanly News and Press and a copy is attached. The notice indicates that the public is welcome to attend the hearing to provide their input, or provide written input in advance that can be share, viewed and considered at the public hearing. The comments we received are attached. Notice of this opportunity also was also posted on the City website, Facebook and Twitter pages.

Mayor Michael gave a brief history of this issues follows:

There was an order in 1988 to establish districts in the City 2007 Councilmember Ed Underwood made a motion to change elections from partisan to non-partisan and it failed with a 4-3 vote

2010 Councilmember Ed Underwood made a motion to change elections from partisan to non-partisan and it failed with a 4-3 vote 2013 research was done concerning changing to non-partisan elections

He said the City had spoken with the UNC School of Government. He also reviewed the cost for attorney fees of at least \$10,000 and up and the Council did not move forward. There were further talks with the NAACP by Councilmember Townsend and they needed a letter by our attorney. The cost in 2014 would have been around \$2,500 and everything was put to a halt in 2014.

The Mayor also stated that he reached out to the Federal Court System, they said that we do not have to go back to court just a verbal agreement would suffice.

Mayor Michael said that Council has received comments by email and mail concerning this input session tonight. We will now here comments from the audience.

Mayor Michael opened the input session at 7:36 pm.

Peter Asciutto, 1106 Melchor Road

Need a vote by the citizens on the ballot Non-Partisan opens up the number of candidates that can run

Brenda Stanback, 249 Groves Avenue

Concerned non-partisan elections would negatively affect minority representation She wants someone that looks like her on the Council as it is now Her and several others (Titus Stanback, Chuck Horne, and Sharon Davis) present filed the lawsuit against the City in 1988 Non-Partisan sometimes supports upper echelon of people voting Removal of label does not remove candidate's party (Rep/Dem) ideas She asked "Do we need to change"

Bishop James E. Richardson, Saints Delight Church, 520 Wall Street

He asked Council to do what is right and this is not right

Ashley Morgan, 1503 Sunset Avenue

Opposes non-partisan and does not support this change Turn off to voters and a voter disadvantage Asked Council to table or drop. Should be citizens decision

James Snuggs, Assistant Scoutmaster, 1206 Pineview Street,

He asked that Council clarify this hearing about elections to the boy scouts present

Mayor Michael stated that what we are discussing is partisan to non-partisan elections. Partisan is a strong support for a party as Republican, Democrat, or Unaffiliated. Non-

partisan is not party related at all. There are different forms of non-partisan which would determine if we would have a primary elections.

Three options for non-partisan elections:

- 1. Plurality requires no primary
- 2. Run-off election method requires no primary
- 3. Non-Partisan with primaries

Mark T. Lowder, 714 Eastwood Drive,

Asked Council to not make any change to non-partisan

Party labels are an important part of information that the citizens now have –
denying this to the voters leads to blurry distinction between candidates

Most republicans on Albemarle City Council he has ever remembers

He requested no action to change to non-partisan.

Boy scouts Troop 82 left the meeting at this time

Lea Robinson, 439 Pee Dee Avenue

In favor of non-partisan – citizens can define themselves as individuals Need to find solutions not based on party affiliation

Need more people to be heard – non-partisan allows this

City of Albemarle is 1 of 8 municipalities in the state still partisan

The Mayor took a short break as the East Albemarle Elementary School students left the meeting at this time.

The Mayor brought the meeting back to order.

Rebecca Ayscue, 629 Yadkin Street

In favor of non-partisan – party affiliation can deter a voter from voting for them Less than 2% of cities in NC are partisan Citizens need to research the candidate not their party of D/R/U

She said she spent a lot of time at the polls this past time on Election Day at Albemarle Middle School and Southside Fire Department campaigning for Dr. Elaine Coates and Jeff Crisco and their party affiliation she feels hurt them.

Colleen Conroy, 944 N. Tenth Street

For non-partisan

It is vital all citizens have a voice no matter what ethnic group. This will not change the districts.

Very important Asian, African-American, Mexican, etc. have a voice Citizen's responsibility to look at who the candidates are and what they stand for Partisan has no place in local government

Tim Scott, 2020 Mountain Creek Road

For partisan

He wants Council to listen to the people

Non-Partisan elections could turn into popularity contests – who you like and not what they can do for the citizens or the community

Roddrick Howell, 304 Leonard Avenue

Need a vote from the people on this issue first then move forward Stanly County still votes by district and political parties and he wants it to stay as is

Benton Dry, 503 Wesley Heights Drive,

Albemarle is the only municipality in Stanly County that is partisan Ask Council to make sure everyone has a voice. Partisan has no place in local government

One-Third of our community is unaffiliated Vote needs to go to the people for a decision

Phil Burr, 46403 Sapona Lane, Norwood, Chairman of Republican Party

Republican Party opposition to non-partisan elections and also said NC Representative Wayne Sasser is also opposed to this

Jennifer Miller, 823 Sixth Street,

She is registered democrat and has been Independent or Unaffiliated It does not matter what party affiliation you have on the local level

Fran Albritton, 20683 Running Creek Church Road, Locust

He agrees with Mark Lowder's comments He asked to stay partisan so candidates can be able to identify themselves

Thomas Townsend, 36534 Cooper Road, Norwood,

He said what happens in Albemarle still affects the entire County He asked that Council place this decision before the people if they

do move forward

Eston West, 912 N. Eleventh Street

Resident of Albemarle 40+ years
For non-partisan
He is unaffiliated with a party
Qualified voter should do research to vote for best candidate
He thanked Council for considering this change

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

Councilmember Bramlett asked Council to hold off until at least the next meeting before making a decision.

Councilmember Townsend requested that this be placed on the ballot for citizens to vote on before Council moves forward. He asked for a motion to consult with Stanly County Board of Elections.

Councilmember Lowder agreed with Councilmember Townsend and asked that we do it real soon. She said Council has been talking about this for 12 years so far with no decision made.

Councilmember Hughes asked about the process of a citizen vote. Mayor Michael stated that staff will go to the board of elections and find out the process. The next general election is November 2020.

Councilmember Bramlett agrees with Councilmember Townsend's proposal.

Councilmember Hall mentioned the federal law suit signed on February 19, 1988. It will be exactly 31 years tomorrow. She further stated that there isn't any wording in the federal order of 1988 about partisan/non-partisan, only about districts. There are nine other municipalities in Stanly County that are non-partisan.

Councilmember Townsend moved that the City speak with the Stanly County Board of Elections concerning a referendum for partisan/non-partisan elections being placed on the ballot for citizens of Albemarle. Councilmember Bramlett seconded the motion. Voting for the motion were Councilmembers Bramlett, Lowder and Townsend. Voting against the motion were Councilmembers Aldridge, Hall, Hughes, and Whitley. The motion failed with a vote of 4-3.

Councilmember Townsend stated that if we proceed as non-partisan, we will still have districts but African-Americans have one centrally populated minority district. He feels minority representation would be at risk if elections were moved to non-partisan. Also, if we have low voter turnout at an election, the minority may be the only group not represented and impacted and could go without having a seat at the table for an open or closed session meeting.

Councilmember Whitley disagreed with Councilmember Townsend about not being able to get elected on a non-partisan basis. Councilmember Whitley stated that when he was on the Board of Education and served with Anita Scott-Owens, the board was non-partisan at the time and she was elected twice in countywide elections.

Councilmember Hall asked to continue discussion on this issue to a later Council meeting.

Councilmember Aldridge thanked everyone for coming out tonight and Council works together for the best for all our citizens. Each citizen should be educated by researching the candidates before voting. He said we should vote for the best candidate no matter their party affiliation.

Councilmember Whitley stated that the comments tonight that said that voters vote due to party affiliation upsets him. We should research the candidates and vote for the best one.

Councilmember Townsend said he is the only Councilmember that has to worry about City wide diversity, other Councilmembers do not have to worry about bringing this to the table.

Councilmember Bramlett said a referendum would allow a voice of the people and no better way to do that then with a referendum.

Mayor Michael asked if Council wanted information brought back to the meeting on March 4 for further discussion. There was no consensus from Council.

Councilmember Aldridge asked the public to let their voices be heard and email or call any Councilmember about this issue.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved continuing the discussion of the Partisan/Non-Partisan issue at the March 4, 2019 regular session.

Announced Delegations

Ms. Laurie Randolph - To Request a Peddler License.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a peddler license for Laurie Randolph to sell prepackaged ice cream.

Mayor Michael stated that we will take a short recess for 2 minutes.

Mayor Michael brought the meeting back to order.

Announced Delegations

Dr. Jeff James, Stanly County School Superintendent - To Update the City on System Activities

The City Manager noted that he asked for a listing of all the individual school attendance districts that come into the City limits of Albemarle. The list below provides an overview of where children from our City attend school. The following school attendance lines are located entirely, or a part of their district is located inside the City Limits of Albemarle.

Entire District

Central K-5
East Albemarle K-5
Albemarle Middle School
Albemarle High School

Part of the District

Badin K-5 North Stanly Middle School North Stanly High School Aquadale K-5 South Stanly Middle School South Stanly High School Endy K-5

Dr. James came before Council to inform Council of the following:

East Albemarle Elementary School

Students - 340

Grade C – highest in 3 years

Central Elementary School

Students - 563

Grade C – met expected growth

GR 5 Science - saw a jump of 9.8% points to 65.2% GLP for 2017-18

Albemarle Middle School

Students – 363

Grade D

Growth Index -6.75 Working on Southern Regional Education Board (SREB) – Carnegie Mellon University grant

Albemarle High School

Students - 382

Grade C

Highest GLP in 5 years

Increase of 8.76% points from previous year index of -11.96

Stanly Early College

Students - 206

Grade A School

Highest level in the County

Most Challenging School in Count

Top School in US News and World Report

Growth Index -4.92

Career Technology Education (CTE) Courses

Health Sciences (some in the list)

Biomedical Technology

Foods & Nutrition I

Food Enterprise II

Personal Finance

Stanly Early College will start offering programs in Health and Human Services in September of 2019

Timeline of added programs:

Public Safety January of 2019

Firefighter I & II September of 2019

Teacher Cadet to begin January 2019

HVAC Program to begin September of 2019

Dr. James also mentioned the following:

Credit/Certifications

- 18 Healthcare
- 2 Microsoft PowerPoint
- 2 Microsoft Word

Dr. James mentioned that his first year here they received \$6.3 million in scholarships. They also received a \$1 million project grant provided by Sprint. This grant will provide 55 devices

for students with inadequate or no internet from home. They will grant 25 more due to highest of requests from students.

He reviewed with Council about the bid being awarded to Conterra to install 10 Gig of fiber which will be installed at all Stanly County School sites. This should be completed by July 1, 2019. Dr. James invited Council to attend any of the Stanly County School Board meetings.

Dr. James answered any questions that Council had.

Monthly Departmental Reports

The Mayor and City Council received a copy of the January Monthly Departmental Reports and asked if anyone had any questions.

New Business

1. Consideration of a Special Event Permit for ReKindled Ministries

This event does not require Council approval as it is not closing any streets. Consider approval of fee waiver for Rekindled Ministries of \$25.00. Rekindled Ministries will be holding an event on May 25th at YMCA Park. The event will focus on finding solutions to the addiction problem in Stanly County.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, and unanimously carried, the City Council approved continuing this item until a later Council meeting concerning the request of Rekindled Ministries to waive the \$25 special event application fee.

2. Consider Extending Street Name of Dr. Martin Luther King, Jr. Drive to North Second Street

Councilmember Townsend requested the item be added to the agenda. Currently, the street name stops at South Fourth Street, leaving a two block section of East South Street. Consideration of renaming the remaining portion of East South Street to reflect Martin Luther King, Jr. Drive.

Councilmember Townsend noted that as one of the original petitioners for the previous portion of East South Street which was renamed back in the late 1990's, the primary reason for not approving the portion in question was due to an attorney's office (112 E South

Street) and a bank on West South Street which would have had to get a lot of new literature and stationary with their new address. Now in 2019 both of those businesses are no longer in existence and he believes it is the perfect timing for reconsideration.

Mr. Townsend stated that when this originally was voted on by Council, two readings were required by Council. The first reading was to extend MLK, Jr the full length of South Street but the ordinance had been modified to extend the street only to South Fourth Street at the second reading.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved setting a public hearing for Monday, March 18, 2019 at 7 pm to consider renaming the remaining portion of East South Street to reflect Martin Luther King, Jr. Drive. Mayor Michael stated that this will allow time to notice the public in the newspaper and send a letter to property owners that would be affected if this address changes.

3. Close CKA Project Budget and Transfer Remaining Funds

The City has completed the CKA project and requests City Council's permission to formally do so and transfer any residual cash back to the Water/Sewer Fund. The City has \$72,458.82 to transfer back which will be used by W/S to purchase a transfer switch for Old Whitney. The transfer switch will allow a generator at the Old Whitney raw water intake station to be connected fairly quickly in the event of an extended power outages.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and unanimously carried, the City Council approved closing the CKA Project Budget and the transfer of the remaining funds in the amount of \$72,458.02.

4. Ordinance 19-05 - To Amend the FY 18/19 Budget

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

(Ordinance 19-05 - To appropriate additional investment interest for Keller Partner's w/s shares and appropriate the money transferred from CKA Capital Project for the Automatic Transfer Switch. It also appropriates insurance proceeds for the Fire Department.)

5. Consider the Sale of Surplus City Property

At the January 22 meeting, the City Council declared surplus parcels of land that include an undeveloped portion of the EE Waddell Center property, and unopened street right of Way of Spaulding and a portion of a remnant tract of land on the north side of NC 24/27 left over from when the highway split the Ingram Park property. The City Council preliminarily accepted the offer and authorized the property to be advertised for upset bid. The required bid deposit upset bid notice was advertised as required by law and no other bids were received. The City can formally accepted the offer of \$40,000 and authorized the property sold.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council formally accepted the offer of \$40,000 which includes an undeveloped portion of the EE Waddell Center property, an unopened street right of Way of Spaulding and a portion of a remnant tract of land on the north side of NC 24/27 left over from when the highway split the Ingram Park property.

6. Albemarle Police Department Annual Report for 2018

Police Chief Bowen came before Council and gave a few highlights concerning the Annual for 2018.

Police Department received 20,021 calls last year, up 4% from 2017 3,000 arrests - up 14% from 2017 Seized \$373,000 in stolen property in 2018 Seized double the amount of heroin in 2018 Seized double the amount of money in 2018 Seized Firearms 59 in 2017 and 99 in 2018 1,127 traffic accidents up 4% from 2018 Traffic accidents up 4% from 2017 10,000 pieces of evidence being researched and stored

Chief Bowen stated that this will be his last Council meeting attendance because he will be retiring Friday, February 22, 2019. He said he has worked with the City since 1990 and has loved his job with his best friends being people he works with every day.

Chief Bowen stated he plans to spend time with his wife his grandkids, play golf and travel during retirement. Also, he has located some of his family and he plans to meet them soon.

Chief Bowen thanked Mayor and Council and City Manager Michael Ferris for their guidance and support, thanked the community for the support of the department, and the other City departments for their help and support.

COMMENTS

Mayor Michael stated that the Stanly County Council of Governments Meeting is Tuesday, February 26 in Oakboro. The City will take a van and anyone wanting to travel to the meeting together should meet at City Hall at 6pm that evening.

Councilmember Townsend reminded everyone of the Stanly County Historical Society program presenting Notable African Americans of Stanly County on Sunday, February 24 at 2:30 pm at the EE Waddell Community Center.

Councilmember Townsend asked that Council considered recognizing the Albemarle High School Girls Basketball Team. It was noted that they have only lost one game.

Councilmember Hughes asked that Planning and Development Services Director Kevin Robinson address the condition of the property located at 919 Pee Dee Avenue. Mr. Robinson stated that this is currently being addressed.

Councilmember Hughes asked that a tour be set up for Council to see the new employee facility at the landfill.

Councilmember Aldridge thanked everyone for coming and participating in the input session this evening and letting their voices be heard.

Councilmember Aldridge asked about the graffiti on the metal box on West Main Street at the railroad crossing.

Mayor Michael said that they will let the railroad know about this.

Councilmember Aldridge asked about the progress being made on Leonard Avenue beside of OfficeMax to NC 24-27. The Mayor stated that the weather has not stopped them yet and they should be complete by spring.

Councilmember Hall stated that she was shocked at the Council's budget work session that a lot of people not knowing about juuling. She stated she was handing out to Council this evening information from DSS.

Councilmember Hall asked Fire Chief Oke about what was happening at Christian Ministries today. Fire Chief Oke stated that they were called but it ended up being an electrical issue with their HVAC system. They called their maintenance to correct the issue.

Chief Oke stated that the fire department had three back to back incidents that morning and the afternoon was busy also with calls.

Councilmember Whitley reminded everyone of the Winter Wine Festival Saturday, February 23 from 12-5 pm at Market Station.

Councilmember Whitley asked if the Stanly County Historical Society program presenting Notable African Americans of Stanly County on Sunday, February 24 could be videoed. He said we use to use SCC to video these types of programs.

Councilmember Bramlett stated that we use to have a sign stating Albemarle Pride at Albemarle High School. He asked what had become of the sign.

Councilmember Bramlett stated that the City has trash lying all around on the highways and City streets. He stated that the sweeper keeps the downtown area nicely groomed. He further stated that there should be someone way to instill pride in our local property owners.

Councilmember Lowder stated that she will try her best to be a good Councilmember and hopes to satisfy the other Councilmembers on the board.

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Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, and unanimously carried, the City Council adjourned the meeting until Monday, March 4 at 7pm for a regular session meeting.