

REGULAR MEETING CITY COUNCIL

May 1, 2023

The City Council of the City of Albemarle met in a regular session on Monday, May 1, 2023 at 6:30 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following members were present, to-wit: Mayor Pro Tempore Martha Sue Hall and Councilmembers Chris Bramlett, Chris Whitley, Dexter Townsend, Bill Aldridge, and David Hunt. Absent: Councilmember Benton Dry.

The Mayor called the meeting to order.

The Mayor gave the invocation.

Mayor Pro Tem Hall requested that the April 17th closed session minutes be reviewed in closed session tonight.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, unanimously carried, the minutes of the April 17, 2023 regular meeting were approved as submitted.

UNANNOUNCED DELEGATIONS

The Mayor announced that 5 people had signed up to speak tonight. He called up Mr. Donald Long.

Mr. Long, residing at 1910 Hemlock Drive, came in front of Council to discuss the property owned by GHA at 1508 Hemlock Drive. He stated that he wanted some clarification from Council and City staff about the events surrounding the purchase and use of the property at 1508 Hemlock.

He summarized a series of communications and actions by the City related to the use of the property as a group home by GHA that in his perception did not seem consistent such as:

- At the February 6th Council meeting he and other residents were told about a group home being located at 1508 even though GHA hadn't purchased and closed on the property yet;
- Per his understanding, Council voted in closed session on February 6th about the property but now the City is treating the property differently.

He requested that a clarification about how a "[family] group home" is defined by the City be addressed tonight since what he and his neighbors understood from Council and staff

and what the City Attorney wrote in an email last week don't seem to match.

He recounted how the City's Planning Department initially handled the acquisition of the property as a potential zoning violation and then later he and residents were told by Planning and the City Attorney that the property is not in violation of the local Code of Ordinances.

He also made his case about his perception that the State definition of group home and the City's definition are contradictory, and the City's definition of family group home has been interchangeably used by the City in this case. He implied that GHA and the City were in alliance about locating and operating group homes across the City. He asserted that his and other neighbors' perception of the situation was that GHA was allowed to violate the Code of Ordinances only to comply when their operation of the home was better established and licensed.

The Mayor called up Billy Mills, residing at 401 Brenda Drive. Mr. Mills began by asking the City Manager if there have been any communications about 1508 Hemlock which Council and the residents involved in this situation would not be aware of. The City Manager replied to the comments of Mr. Long that all communications about this property have been transparent to all parties, including the Mayor and City Council. Mr. Mills distributed some documents to Council.

Mr. Mills read the state's definition of group home as well as the City's. He asserted that the City in the example of the Hemlock Drive GHA home was not following its own definition of family group home. He then pointed to another document, a listing of group homes in the County, and noted that the yellow highlighted group home locations seemed to be in violation of City Ordinances.

He discussed the clustering of group homes around Albemarle since 2020 noting that these group homes were categorized as mental facilities.

Mr. Mills addressed the City Manager with a series of questions about the organization sponsoring the home, why the 1508 Hemlock Drive property wasn't licensed, why the sponsoring organization didn't talk to the neighborhood about locating a group home there, among others.

Mr. Mills accused the City of changing definitions applying to the group home on Hemlock Drive in order to show preferential treatment to the home's sponsoring organization GHA.

The City Manager in response to Mr. Mills noted that the State grants licenses for group homes, and per the accusation of preferential treatment of GHA, specified that in an email to Mr. Mills and other concerned residents, invited the residents to meet with the Planning Department to review their concerns which also was extended to GHA.

The Mayor invited Robin Lowder, residing at 2415 Collins Drive to the podium. After introducing herself she requested that the City reply to the following questions in writing she posed about the GHA group home on Hemlock Drive:

1. How many group home requests have been denied in the last 10 years?

2. In the last 10 years, have you classified any other property owned by GHA with occupants/and or residents as a "family" like Hemlock Drive?

3. How could the Hemlock Drive residence be classified as a "family" and not a group home upon inspection in mid-March when no one moved in until March 31, 2023? How did the City determine it is a family? Please state what was said /questions asked during the interview. Who were the family members listed during the inspections? She requested a copy of the inspection reports.

4. How many "family" members are in the Hemlock Drive residence? Assuming they don't live there for free, do they pay rent? Do the residents receive Medicaid, food stamps or other government assistance?

5. She requested copies of the variances which waived the .5 mile distance requirements for the following properties:

- 506 Valleyview
- 1724 Tanglewood
- 1920 Woodhaven
- 1921 Palmetto
- 501 Heathwood
- 1616 and 1617 Moss Springs
- 1213 Moss Springs
- 1519 East Main Street
- 235 Coggins
- 112 Linwood
- 109 Penny

The Mayor called up Amy Scarboro, residing at 405 Brenda Drive. Ms. Scarboro made the following comments about the GHA group home on Hemlock Drive:

- She also recounted the history of when the resident group first came to a Council meeting on February 6th where they were told there was a zoning violation at the property.
- She maintained that the City switched terms when referring to the Hemlock property first as a care group home when it went to the Planning and Zoning Board and then became a family care group home subsequently.
- She raised an issue from the residents' perspective that GHA remodeled the property before purchasing it, which seems counter to GHA's claim that the property is a temporary shelter to autistic individuals.
- She stated residents were told that initially Senior Planner Travis Swain performed an inspection on the property before it was inhabited, and later last month on the 29th were informed that Planning and Development Services Director Kevin Robinson performed an inspection of the property. She requested copies of both inspection reports.

- She recounted an in-person visit to the Administration offices at City Hall on April 27th. She initially interacted with the City Manager requesting to see the change in ordinance related to the family group homes section of the Code of Ordinances. She perceived the City Manager's response to her as "resistant" to her requests and then had the balance of the discussion with the Assistant City Manager.
- She believes that the Hemlock Drive property is 2/10th of a mile from 2 other group homes which she maintained would be in violation of the Code of Ordinances.
- She insinuated that GHA dictates to the Planning Department and the City Manager on how its group homes will operate.
- She asked how many more group homes would be added in the Woodcrest neighborhood which would be in violation of the City's Code of Ordinances.
- She sees resistance by City staff to address this issue.
- Regardless of the City's definition of the property there is no state license but GHA places clients in the home, transports them and operates the property as a group home, which she feels puts the clients at risk.

The Mayor called up Carol Gibson, who resides at 508 Meadowbrook Drive. Ms. Gibson has owned 2 properties on Meadowbrook Drive since the 1990's. She expressed to Council that she feels that her street has been overlooked over the years for street paving. The Mayor responded by stating that the City hires an engineering contractor to look at all of the streets in the City and provides a list to the City of the worst assessed roads for street resurfacing. Council doesn't select the streets to be targeted for street resurfacing.

The Mayor invited City staff to offer a rebuttal to the residents' comments about 1508 Hemlock Drive. The City Attorney submitted the following statements:

- The City initially believed that the property could be in violation of the zoning ordinance based on information the Planning Department received from residents, but later confirmed that there were no noted violations at the property. Planning had a discussion with individuals present at that initial inspection and a courtesy letter was subsequently sent. After the Planning Department received written clarification from GHA regarding their use of the property and a subsequent property inspection was conducted, no violations were discovered.
- The City does not have any authority to issue licenses for group homes, and relies on the listing of group homes published by the State. Since this location is not considered by the State as a group home, the City also does not consider it as a group home.
- Since the City cannot classify it as a family care group home, the only other applicable regulation is for unrelated individuals living in the same dwelling is the "family" ordinance which is currently being adhered to. The City's definition of "family" in its code of Ordinances is not exclusive to blood family relation, but rather extends to legal relationships involved in caretaking.

The Mayor asked the City Attorney what the scenario would be for the City if the State declared 1508 Hemlock Drive as a group home. The City would then need to classify that property as a group home. Once that change in classification occurred GHA would have to apply for

a variance or a text amendment to the Code of Ordinances for operation of this property as a group home.

Planning and Development Services Director Kevin Robinson came in front of Council to offer a rebuttal. He remarked that across zoning districts the City allows up to 4 unrelated individuals to reside in a dwelling. He added that at the time of his inspection of the 1508 Hemlock Drive property only 3 individuals were residing there and so were in line with the Code of Ordinance’s definition of family group home.

City staff addressed comments and questions by Council.

- Has there been a change in the definition of “group home” over time? There has been no recent change in the definition of “family group home” and it is estimated that the last change occurred in the early 2000s
- There was acknowledgment that community emails have been received by Council members on this issue over time, but that since this is a complicated issue, a single communication source has been used in order to keep communication lines transparent and the dialogue straightforward. At the February 6th Council meeting, the City did note that it accepted an error in initial zoning analysis of the 1508 Hemlock Drive property. Mr. Robinson added that the Planning Department was in error to allow the group home to be located there, but noted that 2018 Code of Ordinance reorganization of the definition of different types of dwellings in that section (§92.008) was involved with Planning’s error.
- GHA still is waiting for licensure status notification from the State from what Council understands currently – does City staff know where GHA is in that state-level licensure process? City staff is not aware of where that process is at the State level, but they have notified GHA that once it obtains a group home operating license from the State they will need to apply for a variance in the Code of Ordinances with the Planning Department.
- Per the City’s Code of Ordinances up to 6 unrelated persons are allowed in a dwelling – how many individuals have been recorded at 1508 Hemlock Drive? Planning has been out to the property twice: first before anyone moved in, and then in late April 3 people were recorded living there with access to 3 separate bedrooms as well as multiple communal spaces (.e.g., kitchen, living room, etc.)
- It was noted and clarified for residents’ understanding that references to a Council closed session vote related to the issue of 1508 Hemlock Drive at the February 6th Council meeting is incorrect. Per state regulations regarding open meeting law, Council is prohibited from voting in a closed session, but rather is required to vote on a decision in a subsequent “open” session of the meeting.

ADMINISTRATIVE REPORTS

Municipal Calendar

Council received an updated Council calendar. The Mayor asked if any Council member had questions or comments.

Departmental Monthly Reports

Council received departmental monthly reports for March 2023. The Mayor asked if any Council member had questions or comments.

CONSENT AGENDA

Consider Approval of the Audit Contract

Council recently approved the 3-year Request for Proposal bid submission from Martin Starnes and Associates, CPAs, P.A. Per state law, Council approval is required for each year’s contract.

Per the bid proposal submitted to Council, the total cost for Year 1 audit contract are as follows:

Audit Fee:	\$59,415
Financial Statement Preparation:	\$10,485
 Total:	 \$69,900

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, Council approved Martin Starnes and Associates, CPAs, P.A. Year 1 audit contract totaling \$69,900.

NEW BUSINESS

Presentation of the Fiscal Year 2023-24 City of Albemarle Budget

City Manager Michael J. Ferris presented Council and the public the proposed Fiscal Year 2023-24 budget with the following highlights:

- The proposed budget for Fiscal Year 2023-24 is \$81,407,988, an increase of 1.43% from this current fiscal year’s adjusted budget;
- Summary of accomplishments the City realized in the current budget year to date related to General Funds and Enterprise Funds outlays and investments;
- No change in the property tax rate of 61 cents per \$100 of assessed value around which the General Fund budget for the next fiscal year is based
- The proposed General Fund budget of \$22,267,586 is 11.02% greater than the FY 22/23 adjusted budget
- The budget includes an adjustment in the solid waste collection fee to reflect the contractual increase in the solid waste collection management agreement, and a \$5.00

increase in the motor vehicle registration fee to support street maintenance and preservation activities

- There are no increases in planning and zoning fees
- General Fund initiatives to be funded in the new fiscal year include:
 - Use of SAFER grant funds to add 10 additional full-time firefighters which would increase 3 personnel per shift as well as an Assistant Fire Marshal position for the Fire Department (contingent on grant award).
 - Addition of 1 more School Resource Officer in the Police Department so that there is dedicated School Resource Officer at all 4 schools in the City limits, an additional fleet maintenance mechanic, the reestablishment of an Assistant Parks and Recreation Director, and the addition of a paralegal to assist the City Attorney.
 - Continuation of contractual support by Retail Strategies and Downtown Strategies to prevent business leakage from Albemarle.
 - Additional Police resources (new K9, new traffic trailer, 4 police vehicles, replacement of mobile data terminals, rifles, funding for body cameras).
 - Funds for comprehensive planning and growth management spearheaded by the Planning and Development Services Department.
 - Update to Parks and Recreation Master Plan.
 - Fire Department continued facility repair and overhaul/upgrades to an existing front line engine, and roof replacement at Fire Station 1.
- Powell Bill Fund is proposed at \$580,397 which is a 27.43% decrease from the current fiscal year's adjusted budget. Street preservation and maintenance, portions of which are drawn from this Fund and the General Fund, will be budgeted at \$420,000 in the proposed FY 23-24 budget. Should the state decide to increase state funding for roads, that will add to the funding level for street work for the upcoming fiscal year.
- Water and Sewer Fund is proposed at \$15,068,406 and is 11.10% greater than the current fiscal year's adjusted budget for this Fund. The proposed budget does include a 3% water rate increase and 8% sewer rate increase to fund significant City investment in water treatment and wastewater treatment and sewer systems, as well as counting for the increase in the costs of materials necessary to support water and sewer operations. Revenue in this fund will go towards purchasing mixed media materials, lining and reconstructing manhole towers, smoke test equipment, replace meter vaults, and replace vehicles and equipment. Also to meet the steep rise in the cost of chemicals, funds will contribute towards purchase of chemicals necessary for the plants operations. In terms of project, funds will be used to for Highway 52 water treatment plant security improvements and rehabilitation of the front tank. The Systems Division will conduct a needed water line replacement project on First Avenue and a sewer line replacement on Coble Avenue. Vehicles and equipment to be purchased include boom truck (shared expense with Electric Fund), right of way mowers, a dump truck and new sewer jet truck.
- Electric Fund is proposed at \$33,291,235 which is a 6.58% decrease from the current fiscal year's adjusted budget for this Fund. The proposed budget will assist in the 2nd phase purchase of AMI meters and supporting infrastructure, financing for the purchase of a bucket truck, reflects a Council-approved bulk transformer purchase needed for new growth and development in the City which will be expended in the new fiscal year, the addition of a lineworker position and costs for the instructor for the Stanly Community College Electrical Lineworker Program. Also this fund will share the cost of a new customer service

representative. Additionally this fund will support system enhancement along Highway 52 South corridor, additional 3-phase reclosers, acquisition of equipment for working in small spaces, continuation of LED street lighting replacement, and purchase of materials which are more expensive and difficult to find.

- Landfill Fund is proposed at \$4,243,551 representing an increase of 10.77% from the fiscal year's adjusted budget for this Fund. There is no recommended increase in the tipping fee for municipal solid waste or construction and demolition disposal. This fund will assist with continued payments for the force main sewer leachate line, and previous debt obligations for equipment. There also will be funding to research the construction and demolition cell in the landfill since there is limited free space in that cell and expansion needs to be considered.
- Public Housing Funds (conventional housing and Section 8) is funded federally by HUD and is \$1,041,000 for Section 8. The Conventional Housing fund for administration and operations is \$1,585,661. Both funds are primarily composed of tenant/resident rental payments. Funds are used to address residents' needs, improve operations, address routine apartment turnaround and maintenance as well as grounds maintenance.
- The proposed budget includes an across the board 6% cost of living adjustment for all City paid positions, an annual salary study for a third of City positions to include market adjustments where necessary, and merit pay. The budget also accommodates a 5th consecutive increase in State mandated municipal contribution to employees retirement system.
- Healthcare Fund is proposed at \$3,330,152 which is unchanged from the fiscal year's adjusted budget for this Fund. A benefit from a self-funded health insurance program is no increased budget costs in the per person insurance rates due to realizing the city's own savings in cost rather than giving that to an external insurance provider. The City is exploring the concept of offering an on-site health center for employees to increase employee health and wellbeing and reduce employee-related healthcare costs.

He thanked Council, City department heads and City personnel for assisting with either budget development and/or cost savings efforts over the past year.

Mr. Ferris requested that Council consider setting a public hearing for the FY 2023-24 budget on Monday, June 5th at 6:30 pm.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Townsend and unanimously carried, Council approved setting a public hearing for the FY 2023-24 budget on Monday, June 5th at 6:30 pm at City Hall.

Mr. Ferris took questions from Council. Are department line items included in the proposed budget and have the departments seen this budget yet? Department line items are detailed in the budget Council has been given, the Departments are aware of any significant changes as he has regular conversation with them through development process, and the budget will be released to the department heads tomorrow with each receiving a copy. When will the SAFER grant notification occur? Later in the summer around August or September the Fire Department should hear about where the grant stands. Regarding the 1/3 market rate study, since Council hears that personnel in departments like Fire, Police and Public Utilities migrate to other

municipalities/counties in the region will funds go towards internal pay for personnel or given to 3rd party contractors? Finally Mr. Ferris clarified the line item total for street preservation and resurfacing noting that it is the largest single-year, self-funding effort with current year revenues he has proposed.

Walk of Fame Advisory Board Update and Consideration of Ordinance 23-08

The Clerk provided an update for Council.

The Walk of Fame Committee (now called the Walk of Fame Advisory Board to align with other City boards and commissions) met on Wednesday, March 22nd for their first meeting. As a result of the meeting, staggered terms were set, with the At Large and District 1 members volunteering to take a 2-year term, and District 2, 3 and 4 members retaining their 3-year terms.

Based on the Advisory Board’s request, the Clerk had a conversation with the staff member managing the Winston-Salem Walk of Fame Committee (upon which the City’s model of a Walk of Fame is largely based) about how they have implemented their Walk of Fame.

As a result of that discussion, the bylaws were simplified. The new name and staggered terms also were addressed in an edited version of the bylaws.

Future work of the Walk of Fame Advisory Board will consider Walk of Fame nominating and disqualification criteria to be added to the Walk of Fame Policy and brought back to Council for its approval, and setting up the procedure (and supporting documents if applicable) for nominating individuals for the Walk of Fame.

Finally, in the vein of other boards and commissions, the clerk requested that Council consider an addition of the Walk of Fame Advisory Board in the Code of Ordinances, with Ordinance 23-08.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved Ordinance 23-08.

[Ordinance 23-08 – Walk of Fame Advisory Board]

Information – Employee Cookout Wednesday May 17, 2023

The City Manager noted that Wednesday, May 17th is the date for the City of Albemarle Employee Cookout, which will be held at City Lake Park from 11:00 am until 1:00 pm. In the event of rain the cookout will be held at EE Waddell Center.

COMMENTS

Councilmember Townsend:

- He sent thoughts and prayers to the family and friends of former Mayor and City Councilmember Whit Whitley on his recent passing.
- He congratulated Mayor Pro Tem Hall for being voted in as the second Vice President for the Board of Directors for the NC League of Municipalities.

Councilmember Aldridge:

- He offered condolences to the family and friends of former Mayor and City Councilmember Whit Whitley.
- He encouraged everyone to keep Councilmember Dry in their thoughts and prayers.

Mayor Pro Tem Hall:

- She will distribute her notes from the NCLM CityVision conference to Council. She was concerned that the City didn't provide information for the annual NCLM resolution to acknowledge retired employees and those who have passed away.
- She noted that boards and commissions seats would be up soon. The Mayor added a public call for any residents who are interested in serving on any of the City's boards or commissions to fill out an application online.
- She asked if there was any support for resuming Council/Planning and Zoning Board meetings.

Councilmember Whitley:

- He made the following report out related to the NCLM CityVision conference:
 - Per the resolution remark, he noted that not too many municipalities were represented
 - In one of the sessions he found out that this is an historic time for municipalities to access funding and thought that the City should go after funding opportunities
 - The session facilitated by a federal funding analyst with the State was informative
 - In 1 session he learned that if municipalities had issues with titles not settled in probate the UNC School of Government has resources to help

Mayor Pro Tem Hall commented that tonight's unannounced delegations demonstrates that people want to be heard and she was glad Council gives citizens opportunities to speak. She noted that Council treats them with respect and people appreciate that.

CLOSED SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hunt, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consult with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge and unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consult with the City Attorney and N.C.G.S. 143-318.11(a)(6) Personnel.

Council requested that the personnel portions of closed minutes from April 3rd and April 17th meetings be brought back to them at the May 15th Council meeting.

Upon a motion by Councilmember Hunt, seconded by Councilmember Bramlett, and unanimously carried, the meeting was adjourned to Tuesday, May 9, 2023 at 4:00 pm in Council Chambers of City Hall for a budget workshop.