

REGULAR MEETING CITY COUNCIL

June 15, 2020

The City Council of the City of Albemarle met in a regular session on Monday, June 15, 2020 at 6:00 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; Dexter Townsend; Chris Whitley; and Shirley E. Lowder.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, the minutes of the June 1, 2020 regular meeting as corrected were approved.

Councilmember Bill Aldridge entered the meeting.

ANNOUNCED DELEGATIONS

Ms. Emily Shaw – Principal of Albemarle High School

Ms. Emily Shaw, Principal of Albemarle High School, came in front of Council to provide an update on how the Class of 2020 fared this academic year. She reported the following:

- Of a graduating class of 92 seniors, the graduation rate was 100%
- Twenty-four (24) seniors received career endorsements
- Forty (40) seniors received college endorsements
- Forty-one (41) seniors earned a CTE certificate
- Eight (8) seniors achieved Latin honors; 12 became NC Scholars; 8 became National Honor Society members; and 10 became National Technical Honor Society members
- The graduating class received \$720,200 in scholarships; this will increase by approximately \$100,000
- The class as a whole was accepted into 51 institutions of higher learning
- Twenty-eight (28) seniors have enrolled in a 4-year college
- Fifteen (15) seniors have enrolled in a 2-year college
- Forty (49) seniors are planning to enter the workforce
- Two (2) seniors have been accepted into military academies

Ms. Shaw also shared some results from the NC Teaching and Working Condition survey, which is distributed two times a year to all teachers. For 2020, a number of measures received higher

ratings than results from 2016. The survey posed the following statements to teachers in Albemarle High School, with their respective “agree” response for 2020:

- School maintains clear, two-way communication with the community (92% agreed)
- Parents know what is going on with their school (74% agreed)
- Community members support teachers and contribute to the success of students (69% agreed)
- The community we serve is supportive of our school (56% agreed)
- Faculty in our school environment feel safe (94% agreed)
- In the school we take steps to solve problems (83% agreed)

Ms. Shaw thanked City Council and the City for their support over the past school year, particularly in how community support was encouraged via assistance from local small businesses. She also thanked Council for their generous donation of T-shirts and goodie bags for graduating seniors as part of remote graduation celebrations due to COVID19.

The Mayor and Council thanked Ms. Shaw for her presentation.

Public Works Director Ross Holshouser and Mr. Evan Kirk, UNC Chapel Hill School of Government – To Provide a Storm Water Management Presentation

Ross Holshouser, Public Works Director, and Evan Kirk, Research Project Director for the Environmental Finance Center at UNC-CH School of Government, provided an overview of storm water management programs in order to help with Council’s understanding of options available to the City.

Mr. Holshouser played a video developed by the NC Storm Water Authority then gave a PowerPoint presentation for Council. The video defined storm water and storm water management, as well as benefits of a storm water management program.

In the presentation, Mr. Holshouser summarized the history of water infrastructure development in Albemarle and the challenges in dealing with storm water now. The existing storm water system is a collection of public and private pipes and ditches, with each property owner having a responsibility to keep water moving and to not adversely impact other property owners. Like with any infrastructure, a storm water utility requires maintenance and upkeep. Quite often, private property owners do not understand their responsibilities, or even realize that previous owners have installed private drainage systems for which they are responsible to upkeep. In addition, the pipes system is aging and there is no mapping of the pipe configuration, making it difficult to know the source of any given water line problem.

The second part of the presentation outlined the problem areas in Albemarle with storm water/flooding issues. They include: Henson Street; Inger Street by Public Housing; Melchor Branch; East Oakwood Avenue; Mascot Drive, particularly near Avondale Avenue; Leonard Avenue; and Woodcrest Lane.

Mr. Holshouser introduced Mr. Evan Kirk from the UNC-CH School of Government’s Environmental Finance Center. Mr. Kirk provided a PowerPoint presentation to Council in which he

discussed how to create a storm water utility program, and the benefits involved with the creation of this type of program.

The presentation covered: state-related storm water statutes and how they are interpreted; the required components of developing a storm water ordinance which is in line with NC General Statutes; the 5 types of storm water fee structures, how widely or narrowly they are used in municipalities across the state, and how their use would compare to a potential fee structure for a municipality the size of Albemarle; and a case study of Carrboro's storm water utility program to provide Council with a scenario of how a municipality with issues and size similar to Albemarle developed their program.

In 2018 North Carolina counted 88 utilities across the state with 90 fee structures, so it is possible to customize a fee structure which would work for Albemarle's needs. There is precedence for a municipality to not have a MS4 (Municipal Separate Storm Sewer System) permit but establish storm water fee structure. Also, it is possible to assess a storm water fee which could be affordable to households in Albemarle.

Mr. Kirk took questions from Council and answered them as follows:

- Would Mr. Kirk be able to provide City Council with a storm water utility program proposal? The more appropriate member of the School of Government to advise Council on this topic is Kara Millonzi. An engineering firm would be better suited to providing a proposal.
- Given the monetary restrictions for use of a storm water fee, what could collected funds from this fee be used for? Those fees could be used for public education, easements, work on public property, and right-of-ways.
- Per the slide showing the statewide map of locations of municipalities by MS4 permit type, please explain the dynamic behind why there are multiple municipalities that do not have a permit or fee structure. There has been a reluctance in many cases to setting up a storm water fee, and there is a real affordability challenge in these municipalities.
- Per Mr. Holshouser's presentation, would water pipe mapping be an allowable way to spend the fees? Yes that would be a good fit, but it might also be good to map out reaction time to go along with infrastructure mapping.
- Since storm water runs off properties into streams, could fees collected from a storm water management program be used for streams? Yes funds can be used that way. For example, in Durham they have established a stream restoration project.
- There actually is a history here of storm water management being done; was there ever a storm water management program implemented? There were attempts made in previous administrations but they never got very far in the process.
- Is the revenue from collecting a storm water fee based on the number of utilities customers? The fee is computed by the number of property owners rather than utility customers, who could be owners or renters.
- What is the minimum population size for a municipality to apply for a permit? The cut off is 10,000. Municipalities under this population size can apply for a waiver.

Staff requested that Council authorize them to work on a multi-year, phased effort to address storm water issues, which could ultimately result in a storm water maintenance division in Public Works.

Upon a motion by Councilmember Whitley, seconded by Councilmember Bramlett, unanimously carried, Council authorized staff to work on a multi-year, phased effort to address storm water issues.

The Mayor called for a motion for an agenda adjustment to bring the New Business item of Discussion of Flooding to after the Unannounced Delegations since they were related to the topic of flooding. Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, Council approved moving the Discussion of Flooding item.

UNANNOUNCED DELEGATIONS

Ms. Aileen Hudson, residing at 1259 Wendover Avenue, came to speak to Council about her house flooding. Last Thursday, June 11th, there was a heavy rain at night. The rain caused her home to flood. Ms. Hudson stated that last Thursday night's experience was overwhelming, and that she had never experienced flooding like that before. She thinks that new development of a business across from her at 700 Moss Springs Road needs to be investigated by the City since pine trees and pine needle ground cover have been removed over the last six months, which provides no erosion control and no drainage options. The water then spills across the street towards her property.

The Mayor asked if water spilled over her curb. She replied that it had and filled her yard, and that at 611 Moss Springs Road the basement flooded.

Ms. Lina Chandler of 1002 Ridge Street then appeared in front of Council. She also has had her property flooded recently, and noted that flooding has become more frequent in recent years, occurring in 2009, 2012, 2018, and two times in 2020. With the most recent rain, water was ponding in her backyard and basement. She and her late husband moved to that property in 1979 and had no flooding issues in 20 years there. She had to line her basement with sand bags, take out baseboards, sheet rock, paneling, doors, wall studs and sectional storage with the latest flooding last week. Mr. Benton Dry has been her contractor for this repair job. He was in the audience.

Mr. Dry then came up and addressed Council. He sees the City as being reactive, and asked where is the City's jurisdiction to help people eliminate visible problems like flooding. He noted that what is carried along by storm water is just as bad as the water itself, including mud. His concern is that the City is not addressing storm water issues. It is important to the health of the citizens to clean up after flooding.

Ms. Chandler resumed her discussion with Council. She is now getting too old to deal with the continual problems of flooding on her property, but if she chose to sell the property, the value of the house has decreased due to flooding issues. She asked if maybe there was something blocking the

creek that winds around the back of her property, and she wondered if the City could come onto her property with a backhoe to clean the mud and silt out periodically.

The third resident coming to speak about flooding was Cheryl Davila of 102 Henson Street. The house at the address was bought by her son and daughter-in-law 3 years ago. In that time the house has flooded 3 times. When the family bought the house no one told them that the house was prone to flooding, and on the paperwork there was no indication that the house was located in a floodplain. In her household she has grandchildren who have asthma which is worsened by the presence of mold.

With the storm that occurred a few weeks back, there was advance notice of heavy rains and flooding, so they bought 2 sump pumps and set them up in front of their porch. Even with the 2 sump pumps working, their property was flooded again. It destroyed their AC unit which they need to dehumidify and cool the air for the sick grandchildren. The repair of the AC unit was very costly, and they cannot afford to make repairs on that level again. The front of the house is starting to mold. They have no flood insurance, since they did not know they would be on property that flooded.

Ms. Davila commended the Mayor and City staff (Public Works and the Police in particular) for their responsiveness in handling issues they had during and after the flooding. Now there is mud everywhere and it smells horrible. The grandchildren's health has gotten worse with the heat and the mold. She stated that residents need help; they need a solution to the flooding problem.

NEW BUSINESS

Discussion of Flooding

Public Works Director Ross Holshouser began the discussion by summarizing the current Public Works activities being implemented routinely before and after flooding. They use a list of flood prone areas of the City and after a heavy rain they check trouble spot areas' catch basins. However catch basin management is complex. They have also implemented checking culverts.

The department's ability to perform this kind of storm water management is limited due to personnel levels and budget. In the past the City did come onto property with heavy equipment to dig out silt from creeks and other local waterways, but have learned from the NC Department of Environmental Quality (formerly the Department of Natural Resources) that local municipalities are not allowed to perform this type of stream/creek maintenance anymore. The City has no creek/stream management division.

City Manager Michael J. Ferris provided further information about the City's limitations to performing robust storm water management. There is a different regulatory environment now than even 10 years ago. Storm water management and maintenance of natural resources for waterways, including creeks and streams, is more heavily regulated now. The City is responding to flooding issues on state highways with no County or state response. Per Mr. Holshouser's mention of DEQ input on the issue, he and Mr. Holshouser met with staff at the Mooresville DEQ office recently and were told that local municipalities cannot dredge waterways that are deemed to be owned by the state, and cannot alter channels in any way.

There has been a recent effort to include storm water management into a BUILD grant. Building on what Mr. Holshouser noted in terms of City efforts related to storm water management, the City Manager noted that in addition to cleaning out culverts and catch basins, there is active monitoring of local waterways, flood retention efforts underway in Montgomery Park, and active monitoring and distribution of early warning advisories to the public via social media.

The City Attorney added that she was asked to contact the Army Corps of Engineers to see if they could provide guidance or assistance, but she has yet to receive any response to her inquiry.

The City is making efforts to manage storm water and flooding through educating Council on paths to take by bringing in subject matter experts such as Mr. Kirk, and coordinating with Stanly County and NCDOT for discussions around storm water/flooding issues which start at sources outside of the City limits. However this is a complex issue to address, with no short-term or immediate solutions at hand that can be addressed solely by the City government.

The Mayor and Council members had questions/comments for Staff, which were addressed as follows:

- Can the City clear brush on right of ways and culverts? Public Works can provide street maintenance for right-of-ways, but not for creeks and streams. This maintenance can also occur on City property and/or City easements.
- Councilmember Aldridge noted that his family lived near Melchor Branch creek for years and it was always well-maintained. Now he recently went back there and saw that at Smith and Melchor Streets, there was much vegetation and overgrowth by that portion of the creek. Ms. Chandler added to Councilmember Aldridge's statement by saying that the creek is on her property, but the City can't do anything about its maintenance. She too has deep family roots here in Stanly County and would like to stay here and have the flooding issue be addressed rather than leave.
- Mayor Pro Tem Martha Sue Hall provided the following comments/questions:
 - The part of the creek over by Smith and the Harris Teeter has debris there.
 - There hasn't been flooding like this until 2018 – what has changed in the County?
 - The frequency of heavy rains has contributed to the problem, as well as the choke points in local waterways not being addressed due to the City not being allowed to manage them.
 - Although stream/creek restorations are allowed, the City needs be permitted to manage creeks and streams. However, being permitted and creating a storm water program would be expensive.
- Councilmember Lowder inquired: are the specific issues Council heard about tonight in flood zones? City Attorney Britt Burch replied that for the Henson Street area, the problem seems to lie with the AutoZone parking lot. The City has sent the business notice of violation. The business has given her permission to talk to the contractor hired to camera the pipes on the property to see if there are blockages.
- Is there any legislation blocking City stream or creek clean out? The City Attorney will investigate this.
- Since NCDEQ is not permitting local municipalities to address their waterways can the City take action to pressure the NC General Assembly to amend the legislation? The City can go to their

state legislators to encourage them to change the legislation. The City Attorney agreed to provide the legislative language for such efforts.

- What can the City do now for residents? There is nothing the City can do beyond what it is already doing currently. The State needs to give the City permission to manage and maintain the local waterways here in Albemarle.
- Councilmember Aldridge thanked the City workers that were out today cleaning up.
- Councilmember Bramlett noted that the creek running through the back of his property seems to have trash and other items in it. He wondered if it was being carried there from somewhere else. Based on that observation he noted it was easy to see how a temporary “dam” could form and change the creek’s path over time.
- Mayor Pro Tem Hall asked Ms. Chandler about a story she shared with her about the last time her property flooded a few months back. Ms. Chandler addressed Council and stated that a City employee did come out about 2 months before to check the property for any issues. She reported that the employee could not see any obstructions at the time.

The Mayor asked on behalf of the residents who came in front of Council tonight what the City could do for them. Public Works can check culverts and right-of-ways again. The City Attorney can research City permissions for creek/stream clean up and will follow up with the Army Corps of Engineers to request help.

Ms. Hudson requested that the City check on the property across the street to see if the lot was properly graded. Planning and Development Services Director Kevin Robinson stated that his team will follow up with that property. In addition Public Works Streets Division Manager Stephen Hartsell said that for Ms. Hudson’s issue there is also an issue with a ditch on private property being stopped up by debris which is contributing to Ms. Hudson’s property flooding. Both Public Works Director Ross Holshouser and Mr. Hartsell noted that after the last rain/flooding issue there were 100 calls for service, and that was for just a quick thunderstorm. They expect that Council’s approval tonight of development of a storm water management plan will help residents and staff address these types of issues moving forward.

ADMINISTRATIVE REPORTS

Special Events Committee Summer and Fall Events

This update was requested by Mayor Pro Tem Hall. Parks and Recreation Department Director Lisa Kiser updated Council on upcoming summer and fall events sponsored by the Special Events Committee and Parks and Recreation. The following events are scheduled between July and October:

- National Parks and Recreation Month is in July.
- Summer camp and outdoor challenge programs started today (June 15th).
- Rebound/Round Up is a 3-Friday fun night event series in August. On August 7th, 14th and 21st, food trucks and games/entertainment for the family will be at City Lake Park from 5:30-8:00 pm.
- In September the Tour de Elvis 5K and Cycle Tour will occur on Friday and Saturday September 11th and 12th; also the walking routes will be reopened then.

- In October the Autumn Extravaganza including a series of Halloween events will occur. The Autumn Extravaganza will be held October 29th-October 31st. On the 29th the City will host kids' trick or treating; on the 30th there will be a Haunted 5K run, Friday Night Frights haunted house and Downtown ghost tours; and on the last day there will be a street festival with a live band and the last day of the Farmer's Market.
- In December there will be the Christmas Parade and Downtown Christmas.

The Mayor asked if Ms. Kiser could send event invites to Council for these events. Ms. Kiser will send them to Council. Mayor Pro Tem Hall let Council know that the Special Events committee would be meeting this Thursday June 18th.

Departmental Monthly Reports

The Mayor and Council received May 2020 monthly departmental reports prior to the meeting. The Mayor asked if any Council members had any questions or comments about the reports. Councilmember Aldridge commented that it looked like there are a good number of firefighter applicants.

CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda. Mayor Pro Tem Hall requested that the item about the Resolution for the Cost of Living Adjustment for All Employees be discussed separately.

Consider a Resolution for Street Assessment Fees for FY 2020-21

Per our Charter, the City Council must establish annual rates for the City's street assessment fees. The rates must be based on actual cost. Council was asked to consider the resolution to establish these fees.

(Resolution – Street Assessment Fees for FY 2020-21)

Consider Resolution to Establish Electric Rates for FY 2020-2021

Council was asked to consider a Resolution adopting the electric rates for FY20-21. This will reflect the implementation of recommendations from the Rate and Cost of Service Study. This will insure that rates are appropriate and customers will be charged accordingly. Rates schedules include an increase of the base facilities charge, but do not increase rates for the average user in each category. Actually, the average residential user will see a 3.9 % reduction in their rates. There are no increases for outdoor rental lights and traffic signals.

(Resolution – Establish Electric Rates for FY 2020-21)

Consider Resolution Adopting Water and Sewer Rates Schedule for FY 2020-2021

Council was asked to consider a Resolution adopting changes in the Water & Sewer Rate Schedule for billings rendered effective July 1, 2020. This provides for the 6% adjustment of the Water Rate and 8% adjustment of the Sewer Rate both based on the 2020-2021 budget.

(Resolution – Adopting Water and Sewer Rates Schedule for FY 2020-2021)

Request Approval for Street Closures for Forest Hills Independence Day Parade

Residents of the Forest Hills Neighborhood are requesting street closures for the annual Independence Day Parade. Streets requesting to be closed:

- Azalea St from 9th St to 6th St.
- Cannon Ave from East St to Park Lane
- McGill St closed at Azalea
- Eighth St. closed at Azalea St.
- Seventh St closed at Azalea St.

The group will practice social distancing.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, unanimously carried, Council approved the following:

- Resolution for street assessment fees for FY 2020-21;
- Resolution to establish electric rates for FY 2020-21 per the approved FY 2020-21 budget;
- Resolution to establish water and sewer rates for FY 2020-21 per the approved FY 2020-21 budget; and
- Street closures as specified above for the Forest Hills Independence Day parade.

Consider Resolution to Provide Cost of Living Adjustment for All Employees

Council was asked to consider a resolution adjusting the pay tables to provide for a 1.5% cost of living adjustment (COLA) for all employees effective with the payroll beginning July 12, 2020 as provided in the approved FY 2020-2021 Budget.

Mayor Pro Tem Hall stated that she wanted to bring this item up separately to confirm that this proposed COLA would not just come out of General Funds, but that it is also partly coming from funds where Council has agreed to raise rates per the approved FY 2020-21 budget. Also this is being done when there is uncertainty about revenues for FY 2020-21 due to COVID19.

The Mayor reminded Council that they already had a discussion during the budget development discussions in February about whether to time COLA disbursements in fall 2020 rather than right at the beginning of the fiscal year. At that time Council agreed that it could be done at the beginning of the fiscal year.

The Mayor called for a motion to approve the COLA resolution. Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, unanimously carried, Council approved the 1.5% COLA for all City employees to be provided in the first full July 2020 paycheck.

(Resolution - Provide Cost of Living Adjustment for All Employees)

UNFINISHED BUSINESS

Scheduling Christmas Events (Parade, Downtown Christmas, Tour of Homes)

As Council requested at the June 1st meeting, Main Street Manager Joy Almond presented results of a local business survey about timing of City of Albemarle Christmas events. Ms. Almond handed out a summary of business owner survey results to Council.

The majority of downtown business surveyed are in favor of combining the Christmas Parade and Downtown Christmas in one day. She also clarified some the survey response information on the handout.

Ms. Almond took questions from the Mayor and Council. Is there a date that is being recommended? Ms. Almond said that preferred dates were not part of this survey, but now that there is interest among downtown businesses for a combined event she would survey businesses again for an appropriate date. What are business hours for downtown businesses typically on a Saturday? They open between 9:00-10:00 am and close around 2 pm.

Ms. Almond asked whether Council would like her to survey downtown businesses again and come to the next Council meeting with preferred date(s). Council agreed that Ms. Almond should survey downtown businesses for preferred dates and times and update Council at the July meeting.

NEW BUSINESS

Consider Payment for Denied Damage Claim

C.K. Earnhardt & Sons, Inc. incurred damage to their paver when working on a water line repair as they were paving over a repaired area and another water line break occurred. The damage was submitted to our insurance carrier the Interlocal Risk Financing Fund of NC (through the NC League of Municipalities). The claim was denied. The claim was re-run to ensure all the facts were available to IRFNCC as they evaluated the claim. The denial of the claim did not change as it was determined the damage caused by the second water line break and was not a result of the City's repair or negligence,

but was in another section of the water line. Mr. Earnhardt has reached out to the Mayor to request the City pay the repair costs following the insurance denial. The City Manager cannot approve any denied claim, as this would be circumventing the insurance process. If the City believes the claim should be paid, City Council would be the appropriated level for this to be approved.

The Mayor and Council were provided a copy of the invoice from Mr. Earnhardt totaling \$5,553.94 to view prior to the meeting. Staff took questions from the Mayor and Council about this situation.

- Who has the relationship with the insurance company to be able to resolve the issue? HR took the responsibility to manage the claim process, as they typically are the group within the City to handle insurance claims. The HR Director checked on all options with the insurance carrier before coming to Council.
- Why did the City bring on a contractor for this job? The City didn't have the big equipment needed for that particular job.
- There must be some reason why this claim was denied twice. The HR and Public Works Directors teamed up on this process. Public Works wrote the incident report and HR filed it with the insurance carrier. The insurance claims adjuster denied the claim. HR filed the claim again. The insurance adjuster spoke with the contractor, Mr. Holshouser and Superintendent of the Water/Sewer Division Bryan Hinson separately and found that all their stories aligned. It was explained to them that the premise for insurance to settle the claim was that the city was "neglectful" in causing damage to Mr. Earnhardt's machine. However, that premise did not hold up in that the contractor was brought in to fix a second line break in a different location which occurred circumstantially and not as a result of the first line break. Since the contractor was working to repair street damage cause by the second water line break when his equipment was damaged, the City could not be considered "neglectful" for the second water line break occurrence and the damage which resulted from it.
- What was the nature of the damage to the paver? Technological-related equipment on the paver was damaged.
- Mr. Earnhardt is in a difficult position because his insurance company states that the City's insurance company needs to pay the claim, which has been denied.
- Are there any legal remedies available? The City Attorney could go back to talk to the claims adjuster but that would be inserting a new person into the process.

Councilmember Lowder made a motion for the City Attorney to talk to the insurance carrier. The motion was seconded by Mayor Pro Tem Hall, and in a vote of 1 member for and 6 against, the motion failed. Councilmember Lowder voted for the motion, and Mayor Pro Tem Hall and Councilmembers Townsend, Whitley, Bramlett, Hughes, and Aldridge voted against the motion.

Mayor Pro Tem Hall noted that CK Earnhardt & Sons, Inc.'s insurance carrier should pay out this claim. There was agreement with this from other Council members. Councilmember Aldridge asked as a follow up question if the contractor's paver was damaged how did that patch of Highway 52 get fixed. Public Works Director Ross Holshouser replied that the City was forced to pave that stretch of Highway 52 because there was no other option at hand.

Upon a motion by Councilmember Townsend, seconded by Mayor Pro Tem Hall, and carried with a vote of 6 members for and 1 against, Council approved payment to C.K. Earnhardt & Sons

for the total damage to his paver in the amount of \$5,553.94. Voting for the motion were Mayor Pro Tem Hall and Councilmembers Townsend, Whitley, Bramlett, Hughes, and Aldridge; Councilmember Lowder voted against the motion.

Discussion of Establishing Rules and Procedures for Public Commenting

Councilmember Lowder requested this item be placed on the agenda for discussion. This request is in line with Council's desire to streamline and make meetings more organized and efficient. Clerk/Assistant to the City Manager Cindy Stone presented to Council. The intent of this proposal is to provide a method for increasing the efficiency of conducting City business at City Council meetings by allowing for public input in a more structured way. Staff is requesting that Council consider whether to adopt a more structured public commenting process, and if adopted how this process should be formalized and announced to the public.

Staff asked the following questions and posted them to the UNC School of Government clerks' listserv in late January:

- What is the time allotted for an individual speaker; for a group?
- Does this apply to speakers who have signed up in advance to speak?
- Does this apply to speakers who have NOT signed up in advance to speak?
- Does this apply to speakers at public hearings?
- Can a speaker comment on any topic or are they required to only speak on topics that are on the agenda?
- Who calls time on a speaker?
- Does your governing body respond to speakers' comments?
- Has your local government adopted a formal policy for comment? If yes please share.

The query solicited 22 responses from a variety of municipalities across the state. Many municipalities also shared their formal documents regarding this topic, whether it was a simple rule sheet or a formal policy. From that information the attached Rules for Public Comment Period was drafted by the Clerk/Assistant to the City Manager with review and input from the City Manager, the Assistant City Manager, and the City Attorney.

If City Council chooses to adopt a policy, any of the rules in the draft can be changed. A draft policy was created in order to facilitate discussion and the process should City Council choose to move forward with a policy. If/when Council is satisfied with the draft policy, it will be placed on a future agenda along with a resolution for consideration and adoption.

Councilmembers Bramlett, Aldridge, Townsend, and Whitley all spoke against the proposed public commenting policy. Councilmember Bramlett noted that tonight's process of hearing residents speaking their concerns about flooding and Council asking questions and responding to them is a perfect example of how Council should be interacting with residents without having to call time on them or limiting them in any way. He is proud of how that discussion went, and felt that by structuring public comments Council would never have gotten the information and feedback they needed to further consider the issue at hand. He would rather continue with public commenting as it currently works.

Councilmember Townsend stated that he was not open to putting any barriers on how the public communicates with Council. Although there is local knowledge that City of Albemarle City Council meetings run long compared to other local municipalities, there is no comparison. Under no form or fashion would he be in favor of creating any barriers for the public to speak in front of Council. He did note that sometimes Council does not take into account the length of meetings and the staff time being put in after their regular hours to attend Council meetings regardless of how long they take.

Councilmember Aldridge agreed with Councilmember Townsend. He is never going to support any efforts to silence people. As elected officials Council is obligated to hear from the public. For instance, taking into account residents' perspective, if he had to tell a story of his home being flooded like the residents who came in front of Council tonight, and was told to limit his story to 3 minutes he would be upset.

Mayor Pro Tem Hall added that she agrees with her fellow Council members on this issue. To Councilmember Townsend's point about the effect of meeting time on staff, she appreciates that but she thought that staff would agree that the assembled group is a dedicated City Council.

Councilmember Bramlett spoke about the "rule of reason" as applied to this topic. It would stand to reason that if there were many residents who wished to speak at a Council meeting, the Mayor would then acknowledge that there were many speakers and encourage them to be brief so as to accommodate all wishing to make remarks.

However, Councilmembers did thank Ms. Stone for her research and presentation on the topic.

Since there were no motions put forth on the topic, the Mayor closed discussion by stating that Council will let the topic lie unless it comes up again in a future meeting.

Consider Approval of Payment Deferment Agreement

In December 2019, Carolina Treetop Challenge made a request for deferment of lease payments for the property they lease from the City at Rock Creek Park. City Council authorized the City Manager to negotiate an agreement with Carolina Treetop Challenge and requested that the former City Attorney draft the agreement. The former City Attorney never provided the draft agreement. Staff asked the current City Attorney to draft an agreement, which was then used to negotiate with Carolina Treetop Challenge. In addition to the initial payment deferment of six months, Carolina Treetop Challenge is requesting additional months due to the impact that COVID-19 has had on their business. The attached deferment is for the time period of December 2019 to September 2020. Payment will resume in October 2020 under the proposal. Council authorized the City Manager to negotiate the terms of this agreement. Council is now being asked to approve the agreement.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Lowder, unanimously carried, Council approved the payment deferment agreement.

Consider Centralina Council of Government's Services for Residential Code Enforcement Until Position is Filled

Mayor Pro Tem Hall requested this item be discussed. City Manager Michael J. Ferris was asked during the budget process if the City was going to continue with this service until the position proposed in the budget was approved and a candidate hired and in place. He indicated this was an area where the City could save a small amount of funds by not having contracted services until the position was filled. Staff believes that it is best to continue with the contract in the interim period, but wanted Council's input if they felt the contract should continue until the position filled, or they would rather realize savings in this area. The monthly contract cost is approximately \$2,880.

A question was asked about the length of time the City would have these services per the agreement. City Manager Michael J. Ferris replied that the contract is for 2 months currently to cover the time when a full-time code enforcement officer search and hiring would occur. The agreement could be amended to cover a longer period of time if needed.

Mayor Pro Tem Hall brought this issue up to ensure that the agreement would not end on June 30th considering all of the work in which Planning and Development Services is involved at this time. They need the help.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council approved the agreement with the Centralina Council of Government's services for residential code enforcement until the position is filled.

Introduction of Lee Staton, Public Housing Director

As Public Housing Director Lee Staton began his work with the City, Coronavirus protections began to be put into place. As a result, Mr. Staton's introduction to the Mayor and Council was via telephone, as the Governor's Order at the time did not permit any more people in the Chambers beyond the Mayor, City Council, and City Manager. Now that the restrictions are somewhat relaxed and we can have greater numbers in attendance, we thought it would be good to have Mr. Staton to appear in person to introduce himself.

Mr. Staton addressed Council. He said that he was grateful to be here in Albemarle and is thankful he made that choice to come here because he has found with City leadership and Management Team peers an environment of integrity, transparency, experience, and humor and support. He is looking forward to working with City Council, residents, and colleagues.

The Mayor and Council welcomed Mr. Staton again. The Mayor noted that Council is looking forward to a presentation from Mr. Staton in the future on the needs for Public Housing and what can be done to address them.

COMMENTS/UPDATES

Mayor Michael asked if Council members or the City Manager had any comments/updates they would like to make.

Councilmember Aldridge:

- He thanked Marilyn Wells with Waste Management. She got involved to quickly resolve an issue a couple of weeks back.

Councilmember Hughes:

- Congratulations to the 2020 graduates, and thank you to Principal Emily Shaw for her efforts over this past school year considering the unusual circumstances. It was wonderful to hear from her and hopes that the relationship between Council and Albemarle High School continues.

Councilmember Townsend:

- He thanked staff and Council for their participation in community unity rallies at Courthouse Square and Market Station over the last 2 weeks.
- Per an email sent by Assistant City Manager Nyki Hardy today, this coming Saturday's Community Clean Up event at Elizabeth Heights will start at 9 am.
- In the May monthly reports, he noted that the police report contained a lot of good statistics and was easy to follow and understand. He requested that the Police Department consider adding in a statistic for citizen complaints in order to remain transparent with the community.

City Manager Michael J. Ferris:

1). Per the application submitted to Council, Tiffany's at the Boardroom is planning to host an all-ages Car Show on Saturday, July 11, 2020. They are requesting that the following streets be closed for the event between 1:00 – 10:00 p.m.:

- Main Street from Third Street to Depot Street;
- Third and Depot Streets from North Street to South Street.

The Mayor asked if Council wanted to consider a motion to approve street closures for this event with the condition that staff provides more notice on future Tiffany's at the Boardroom car show events. Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, unanimously carried, Council approved the event street closures.

2). A reminder was given to Council that the re-scheduled personnel policy Council meeting will be held on Tuesday, July 14th at 6 pm, as this was the date which received the most votes from Council members based on a survey sent to them.

Mayor Pro Tem Hall:

- She gave a shout out to Assistant City Manager Nyki Hardy for keeping Council updated on COVID19 information across the state as well as the information coming out of Governor Cooper's briefings.
- The King property has been torn down. Residents have messaged her asking if that lot could be turned into a downtown park.
- She reported that some folks called her over the weekend noting that the City is looking for an Economic Development Director. That shows that the word is getting out about the position and has been advertised. That is an important job for the City of Albemarle. She asked how long the position would be open. The Mayor replied that a search firm consultant was hired to conduct

the search. He hopes they have qualified candidates – the City really needs a qualified, experienced person for this position.

Councilmember Whitley:

- He wished all present and viewing the meeting a happy Independence Day.
- He noted that the nuisance house on 110 Park Ridge Road was burned down.

Councilmember Lowder:

- She wanted to note that she will continue to vote per what she thinks about issues and not as part of a voting bloc.

Councilmember Bramlett:

- He asked of Council got his email about the Pfeiffer downtown campus development update. They said they did. Stokes Construction said the university will be in the building soon. This is the start of positive development in the downtown area.

CLOSED SESSION

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved appointing Councilmember Hughes to be the acting clerk for the closed session and moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) Consultation with City Attorney and 143-318.11(a)(6) Personnel.

Councilmember Lowder left the meeting.

RETURN TO OPEN SESSION

Upon motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, City Council reconvened to open session. Mayor Michael stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) Consultation with City Attorney and 143-318.11(a)(6) Personnel. No Council decisions or actions will be taken as a result of the closed session.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned to the next regular City Council meeting on Monday, July 13, 2020 at 6:00 p.m. in City Council Chambers.