

CORRECTED

REGULAR MEETING CITY COUNCIL

August 10, 2020

The City Council of the City of Albemarle met in a regular session on Monday, August 10, 2020 at 6:00 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 Bill Aldridge, Chris Bramlett, Martha E. Hughes, Dexter Townsend, Chris Whitley, and Shirley E. Lowder.

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Mayor Michael called the meeting to order.

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The Mayor gave the invocation.

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Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, unanimously carried, the minutes from the July 13 regular and July 14 adjourned and closed meetings as submitted were approved.

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**ANNOUNCED DELEGATIONS**

Dr. Eric Johnsen - Candidate for Political Office

Councilmember Aldridge requested this item be placed on the agenda. Dr. Johnsen is a candidate for the Stanly County Board of Commissioners.

Dr. Johnson introduced himself as an unaffiliated candidate for District 5 for Stanly County Commissioner. He stated that as a new, unknown candidate he came with the intention of letting people know about his candidacy. He is a local retired family doctor, having worked in hospital, nursing home, and private practice settings here for a number of years. He is a Vietnam War veteran and a member of Central United Methodist Church. He has been on a number of local boards over the years, including the Stanly County YMCA board.

Council thanked him for his remarks.

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**ADMINISTRATIVE REPORTS**

Adam Kiker, LKC Engineering – Discussion of Needed Concrete Repairs at US Highway 52 Water Treatment Plant

Council received a memo from Mr. Kiker before the meeting regarding issues the City is experiencing with concrete work performed as part of the US Highway 52 Water Treatment Plant rehabilitation project. In sum, Mr. Kiker stated that LKC conducted an investigation beginning in 2018 after cracks were starting to appear in the recently poured concrete. They underwrote a lab analysis of core samples of the 1949-era cement to investigate the issue in 2019. After rounds of analysis and meetings with the subcontractor and lab experts, LKC determined that the subcontractor incorrectly used the cement substitute product resulting in the cracks in the cement soon after the job was completed. However, it was also discovered the original 1949 concrete is deteriorating and portions need to be removed prior to reapplication of new concrete. Had this issue been discovered during construction, the cost related to the repair of the 1949 concrete would have been a change order to the City's contract and therefore paid by the City.

Staff is proposing that Council authorize the City to pay for work that would have been included in a change order had the issue been discovered at the time of the project. All other costs of the repair work will be borne by contractors. The City Manager proposes paying for the City's share of the work from retained earnings in the Water and Sewer Fund. Mr. Kiker anticipates the cost to City on the high end to be approximately \$77,000, but is hopeful that the final cost to the City will be less. The City would pay based on actual time and materials for the work.

Mr. Kiker answered questions posed by the Mayor and Council. Questions and answers included:

- What is the definition of "removing" the cement for LKC? The removal process would not go all the way down to the original cement. It would be a more precise method which would vary from location to location of the area to be repaired.
- Will a test be used to tell what's underneath the more recent, damaged cement before removal occurred? Yes.
- Did the subcontractor use the cement that was specified in the bid process? No they did not – they used a substitute. Did LKC approve the cement substitute that was used? Yes, but that does not absolve the subcontractor from accountability.
- If the subcontractor had used the specified concrete product, would there be this problem now? From LKC's perspective, it is not clear whether this problem would have occurred if the originally intended product was used.
- What product will be used for the repair work? Plain concrete.
- Is the City's estimated portion of the cost coming from project funds or general funds? Funds will be taken from the Water/Sewer fund since the project is now closed out.
- Should the City inquire with its insurer whether there is liability coverage for this? Or consult with a bond insurer? Per LKC, the real source of the problem is that the concrete poured in 1949 was of poor quality, and so it would be unlikely that an insurer would agree to pay out.

A budget amendment will be prepared and presented for Council's consideration at the following meeting, but authorization to proceed is needed to begin this repair work so City staff can safely access and utilize these areas of the WTP.

Upon a motion by Councilmember Hughes, seconded by Councilmember Whitley, and carried with a vote of 5 members for and 2 against, Council authorized the City and LKC Engineering to

proceed with the repair project at the Highway 52 Water Treatment Plant. Council members voting in favor of the motion included Hughes, Whitley, Hall, Aldridge and Townsend. Voting against the motion were Council members Bramlett and Lowder.

Adam Kiker, LKC Engineering – To Discuss Improvement Options for Wastewater Treatment Plant (WWTP)

At the June 1<sup>st</sup>, 2020 meeting, Mr. Kiker reviewed the current project path for addressing SOC (Special Order By Consent) issues at the WWTP and discussed the possibility of converting the treatment process to a fine bubbler system for enhanced treatment and providing for storage at the facility. The presentation on the WWTP upgrade was a continuation of the discussion from June 1<sup>st</sup> regarding the bubbler system. The motivation for the project is to implement a comprehensive rehabilitation project that significantly lowers the risk of non-compliant events due to high flows and low influent loading. The total project budget is estimated at \$16,782,000.

A major scope item of the project is the aeration process conversion to fine bubble diffusion, versus the floating aerators used currently. Fine bubble diffusion is the preferred method of wastewater aeration used over the past two decades. It is widely implemented at wastewater plants all around Albemarle. LKC has designed fine bubble diffusion systems in Hoke County, Chadbourn, Raeford, Franklin County, Nags Head, and Raeford. Prior to starting LKC, Adam also designed the system at the Moore County plant.

On August 5<sup>th</sup>, 2020 Public Utilities employees Shaun Whitley and Brandon Plyler accompanied LKC staff to visit the Hoke County and Moore County plants to see how the systems operate. The benefits of converting the Albemarle aeration process are as follows:

1. It gives the treatment process the ability to treat a broader range of influent flows and strengths and maintain compliance versus the current system.
2. It is a more operator-friendly solution, with all electrical and mechanical components inside a building versus floating in the basins.
3. The fine bubble diffusion system will significantly reduce the energy consumption at the plant, saving an estimated \$180,000 annually in direct electrical cost to the sewer plant.
4. The new aeration system only requires two of the four aeration basins to properly treat the wastewater, allowing for the other two basins to be converted to equalization basins. This provides 8,000,000 gallons of volume to buffer peak flow events.

The proposed project includes changes that will address the electrical issues at the plant and the intent of the 2013 report by Southeastern Consulting Engineers. LKC worked with Southeastern when developing the scope for this project.

The project scope also includes other important upgrades to help the plant maintain compliance. It features two new clarifiers that will replace two of the older clarifiers. It also features a Supervisory Control and Data Acquisition system (SCADA) that will give the operators monitoring and control capabilities of the critical processes.

The project is a good candidate for Clean Water State Revolving Funds, and the next round of applications are due on September 30th, 2020. (CWSRF is the same program used for Phases 1, 2, and 3 of the I&I projects.)

Mr. Whitley came in front of Council to answer questions about the proposed work along with Mr. Kiker. The discussion is summarized as follows:

- With the proposed bubble diffusion improvement project, would that be a new build including new concrete pouring? No – the proposed project would be a retrofit, not new construction.
- Would this proposed work be an extension of earlier projects done? No – the earlier work done will remain untouched. This proposed project would be for a different area/function of the plant.
- Per Mr. Whitley, based upon his visit to the Moore County water treatment plant, there is low maintenance on the bubble diffusion system. Replacement heads are needed about every 20 years.
- Per a question about average frequency of boat trips needed with the current aeration system, Mr. Whitley replied that for the 24 aerators, they need to go out in a boat to fix/clean on average once a month. They go out about 12 times a year to replace aerator motors.

Council agreed that Mr. Kiker should move forward with seeking funding for the proposed rehabilitation project as discussed by Mr. Kiker and LKC Engineering in this and the June 1<sup>st</sup> Council meetings.

Adam Kiker, LKC Engineering – Change Order #4 (Deduct), Phase II Contract II

This item is being presented for Council consideration of a final change order for DH Griffin's contract. This is a reconciliation of the contract quantities versus what was actually installed. For unit priced contracts like this, when the contract is completed, a final adjusting change order is required to reconcile any discrepancies between the quantities of the contract and the quantities of work performed. The change order is a net deduct to the contract amount of \$41,219.45.

The Sanitary Sewer Rehab, Phase 2 project is completed, including the work at the wastewater treatment plant. All systems are operating as intended, and final closeout documents with the contractors and the funding agency are being prepared. The project is completed with \$182,362 remaining in contingency. The City is working with LKC to identify need eligible items at the wastewater treatment plant to use the remaining contingency. Otherwise, the final loan will be reduced by \$182,362.

Mr. Kiker took questions from Council and addressed them as follows:

- Based on this project about how many elevated sewer pipes were there? There were two pipes between the WWTP and Uwharrie Commons, plus two more elsewhere.
- Are the pipes in the creek now buried? LKC has changed out and buried most of them.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, unanimously carried, Council approved Change Order #4, Phase II, Contract II for the wastewater treatment plant.

### Departmental Monthly Reports

The Mayor and Council received July 2020 monthly departmental reports prior to the meeting. The Mayor asked if any Council members had any questions or comments about the reports.

### Update on CARES Funding

Assistant City Manager Nyki Hardy presented the update and distributed hard copies of the presentation to Council. The North Carolina General Assembly appropriated \$300 million in Coronavirus Relief Funding (CRF) to assist counties and municipalities with COVID-19 expenses. Session Law 2020-80 requires counties to allocate 25% of the county's CRF funding to municipalities within the county. Stanly County received a total allocation of \$2,490,810 and has to allocate at least \$622,702 to its municipalities based on population. Albemarle's portion of this allocation is \$330,943.08.

The City is required to submit a spending plan for the \$330K to the county by August 31, 2020. CRF funds may be used for:

- Medical needs including the COVID-19 related expenses of public hospitals and clinics, including testing;
- Public health needs, such as personal protective equipment and other medical supplies, as well as the cost of cleaning public areas and facilities such as nursing homes;
- Payroll expenses for public safety or health-care employees dedicated to responding to the COVID-19 emergency; and
- Expenses to protect public health, including teleworking, distance learning, food delivery, paid leave for public employees, expenses for maintaining prisons, and protecting the homeless population.

Ms. Hardy presented an explanation of the reimbursable categories allowed under Session Law 2020-80 and answered questions from Council about them.

Currently, the City has drafted a plan and it was reviewed by the City Attorney. The expectation is that the plan will be submitted to Stanly County by August 20, 2020. At a later date, staff will provide more details which will include a budget amendment to receive and allocate the city's CRF. The funds have to be spent by December 30, 2020 and the plan is amendable.

Other questions posed by Council, and Ms. Hardy's responses are as follows:

- How many staff have been affected directly by COVID19 so far, whether being sick themselves with it or impacted by daycare issues? The number is not currently available but staff will follow up with Council on this. In terms of expenses related to COVID19, the city has spent \$35,000 on COVID19 employee leave thus far, and estimates that approximately \$69,000 will be spent by December 2020.
- There currently are 6 delinquent accounts in Public Housing – is that due to COVID19? Staff will follow up with Council on this item also, but reminded Council that the City's Public Housing Department already has received CARES Act funding.

Council is not required to approve the plan, but will be required to approve the budget amendment once funds are received. The Council has previously provided the City Manager the authority to make necessary decisions concerning COVID issues. The plan submitted by the City will be within the parameters outlined above.

Presentation of Middle School Academic Enhancement Program

In lieu of Parks & Recreation Department Community Programs Supervisor Brent Kirven, who could not attend the meeting, City Manager Michael J. Ferris provided an overview of a new Middle School Academic Program at the EE Waddell Community Center.

Due to COVID-19 health and safety precautions, 5-12<sup>th</sup> grade students' education will continue to be delivered in non-traditional ways. A major concern of the current academic delivery model is that some students will fall behind academically due to a lack of resources and academic support. In order to support Albemarle students and families, Parks & Recreation plans to implement an Academic Enhancement Program. This program will support middle school students by providing a safe, structured, and supervised learning environment with the technology necessary to support on-line learning.

Children will be split between morning and afternoon sessions to fall in line with social distancing measures, with a maximum enrollment of 15 children per session. Up to 60 children expect to be served by this program during "off" school weeks.

Mr. Ferris took questions/comments from Council and addressed them as follows:

- Is Ordinance 20-20 which Council is considering tonight related to this program? Yes – that is a portion of the resources needed to implement this program.
- Councilmember Bramlett thanked the City for this program and said he was grateful that they are implementing it. The City Manager noted that this program was the idea of Parks and Recreation Director Lisa Kiser.

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**MUNICIPAL CALENDAR**

Mayor Michael and Councilmembers received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar.

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**CONSENT AGENDA**

The Mayor asked if Council wanted to move any items on the consent agenda. Councilmember Bramlett encouraged his fellow Council members to move forward on the Alleyway Project. Mayor Pro Tem Hall requested that the performance incentive agreement for Quality Enclosures, Inc. be taken out of consent agenda consideration.

Ordinance 20-20 – To Appropriate Grants Funds Received in Parks and Recreation

The Parks & Recreation Department received grant funds from Stanly County Community Foundation for "Bridging the Educational Technology Divide" in June 2020. An amendment

is needed to appropriate the funds in the current year. The grant is in the amount of \$2,000 and will be used to purchase Chromebooks at the EE Waddell Community Center.

[Ordinance 20-20 – To Appropriate Grants Funds Received in Parks and Recreation]

Consider Street Closures for 2020 Autumn Extravaganza

The 2020 Autumn Extravaganza will take place October 29-31, 2020. Thursday, October 29th will be the annual Fall Festival, Costume Parade, and Costume Contest; Friday, October 30th will be Friday Fright Night that will feature a haunted 5K run/walk, and History Center Ghost Tours; Saturday, October 31 will be the Saturday Street Festival that will begin with a craft fair at the Farmer's Market and will feature the Carolina Soul Band performing at the Street Festival.

Consider Street Closures for Tour De Elvis 5K

The 11th Tour De Elvis 5K will take place on Friday, September 11<sup>th</sup>, 2020 at 7:00 pm. The proceeds from this run help with improvements and maintenance of the Roger F Snyder Greenway Fund.

Road Closure request: Depot St from Salisbury Ave to CB Crook.

Alleyway Project

At the July 13<sup>th</sup>, 2020 Council meeting, Council approved pedestrian only access for the alleyway project, contingent on receiving information from business owner located in the general vicinity, regarding where they receive deliveries and the impact the pedestrian only alleyway may have on their deliveries. Staff provided business owners with the alleyway presentation given to City Council. Council was provided with a list of the business owners that staff spoke with and their comments related to deliveries. The comments were overwhelming supportive and favorable for the pedestrian only alleyway. Staff recommends Council's full approval to move forward with this project. A professional design will be presented to Council later this calendar year.

Adoption of FY21 Budget Calendar

Council recently completed a poll to assist with developing the FY21 budget calendar. Based on that poll, staff provided Council a draft budget calendar prior to the meeting for its consideration. The City is partnering with CCOG again this year to plan the Fall and Winter strategic planning sessions. If staff later determines that some dates are not needed, we will make those adjustments and communicate to Council.

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

- Ordinance 20-20 to appropriate grant funds received by Parks and Recreation;
- Street closures for the Autumn Extravaganza;
- Street closures for Tour De Elvis 5K;

- Authorization to move forward with the Alleyway Project;
- Adoption of the FY2020-21 budget calendar.

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Execution of Performance Incentive Agreement with Quality Enclosures, Inc.

The City previously approved the incentive and performance package for the Quality Enclosure business location and investment. Quality Enclosures has been delayed in their plans and also has had some organizational changes. We have now received an executed copy from Quality Enclosures and would like the final agreement confirmed by Council.

Mayor Pro Tem Hall commented that there have been changes made to the agreement about which Council should be aware.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, unanimously carried, Council authorized the City Manager to sign the performance incentive agreement with Quality Enclosures, Inc.

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**UNFINISHED BUSINESS**

Consider Bid for SCBA Equipment in the Fire Department

This item was held over from the July 13<sup>th</sup> and July 14<sup>th</sup>, 2020 meetings for outside opinions and comments concerning the legalities of not accepting the low bid and moving to potentially the 2nd or 3rd bids, as well as to gather more information regarding the rules and requirements from the granting agency.

City Attorney Britt Burch came in front of Council to present her latest findings and summarize her legal opinion based on this new information, which was provided to Council as part of the agenda package for the meeting. Ms. Burch still is recommending that Council accept the lowest bidder, American Blazemasters, for the SCBA equipment in order to preserve the opportunity for future federal funding for the Albemarle Fire Department and remain within the legal parameters set forth in the General Statutes.

Various Council members provided comments prior to calling a motion. Mayor Pro Tem Hall first noted that she was not happy with the process in which Council has been engaged to consider this bid. She recommended in the future that City departments should make sure they are covering the scope of the work or service or product before sending out the bid solicitation, and investigate potential bidders. City staff responded by ensuring Council that this was done in this case with the committee formed in the Fire Department, and that their position in this bid process should be considered.

Councilmember Townsend concurred with Mayor Pro Tem Hall's recommendation. The Albemarle Fire Department committee did a lot regarding this bidding process, and he is not willing to put firefighters' lives at risk. Councilmember Aldridge also concurred with Mayor Pro Tem Hall's recommendation. To him the evaluation process for this equipment has been muddied. Per the

Albemarle Fire Department committee all bidders' equipment met the safety specifications. However there is a need to provide safety equipment for the firefighters. In addition Councilmember Townsend remarked that the Fire Department is saying that the low bid SCBA equipment is low tech. It is not always better to go with the cheapest equipment. Councilmember Whitley agreed with Councilmember Townsend and wondered what could have been done to avoid this dilemma. He is concerned about the risk of litigation and loss of grant funding should Council decide to approve a higher bid.

The Mayor called for a motion. Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, and carried with a vote of 5 members for and 2 against, Council approved the **low** bid for SCBA equipment from American Blazemasters. Council members voting in favor were Aldridge, Hughes, Lowder, Bramlett, and Whitley. Voting against the motion were Mayor Pro Tem Hall and Councilmember Townsend.

#### Traffic Information for Montgomery Avenue and North Second Street Intersection

At the July 13th meeting, Council heard a request from Mr. John Williams to create a 3-way stop intersection at Montgomery Avenue and North Second Street. The intersection is currently a stop intersection on Montgomery Avenue with North Second as the through street. Previously, the intersection was controlled by a traffic signal. Prior to making a determination on this request, it was noted that information about traffic volume, speed, and accident history should be gathered.

Police Chief David Dulin and Public Works Director Ross Holshouser came in front of Council to provide summaries of their research on the intersection and to answer any questions Council had.

Council received a Police traffic report of the intersection prior to the meeting. Based on that report, accident history does not seem to indicate an issue with the safety of the intersection as currently configured and the description of each of the 5 reported accidents in the vicinity of the intersection are detailed by Chief Dulin. Public Works Director Ross Holshouser has reviewed the current and potential intersection configurations with the Manual on Uniform Traffic Controls Device (MUTCD). Whether it remains the same or changes, alternations are necessary, with either option being fairly straightforward to address.

Council had a discussion and asked questions as follows:

- Why did the traffic light come down in the first place? There was a microburst in 2013 and that Council voted to permanently take down the traffic light due to the change in pedestrian traffic. The middle school had moved and so at the time there was no impetus to put it back up.
- Should the left turning lane on North Second Street be taken out? Per Mr. Holshouser, if Mr. William's request to have on street parking in that vicinity is approved, then it would alleviate some of the confusion that turn lane has caused. The road is wide enough for parking on both sides.
- What would be better: a 3-way stop or a traffic signal? Staff's recommendation would be no stop light but a 3-way stop with flashing lights.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved the drafting of an Ordinance to create a 3-way stop configuration including flashing lights and on-street parking on North Second Street to be installed at the intersection of North Second Street and Montgomery Avenue.

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## **NEW BUSINESS**

### Discussion of City of Albemarle Employee Handbook

Council was presented with information on a new Employee Handbook during a workshop on July 14<sup>th</sup>, 2020. It is recommended that the City's existing Personnel Policy document be revised to ensure compliance with most recent employment law, simplify processes, and build a foundation to support positive partnerships between employees at all levels.

Council requested additional information on both the proposed rehire/reinstatement policy and residency policy. This information was provided by email on Monday, August 3<sup>rd</sup>, 2020. HR Director Dana Chaney presented the Council survey results regarding the few pending items and answered any further questions Council had on the draft policy handbook.

For the rehire/reinstatement policy impact on 6 employees coming back to the City of Albemarle, Ms. Chaney walked through the costs associated with that with Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, unanimously carried, Council approved the rehire/reinstatement policy and for the policy to be applied to all applicable employees moving forward (prospectively) allowing for the employees to retain their tenure based leave accumulation rates and to be eligible for longevity pay based on the date of original hire.

Ms. Chaney then distributed a handout with 5 residency statement options to Council. The options are the same as provided in an August 3<sup>rd</sup> Council survey. Ms. Chaney noted that there are challenges now to hiring employees who don't meet the current City residency requirement, providing at least 3 recent examples of how the City lost qualified candidates for different positions due to the residency requirement. Additionally, she noted that the current hiring outlook for the City is hampered by relocation issues, where a number of qualified candidates live outside the county and are settled and would expect relocation costs to be paid in order to accept a City position.

For the residency statement options, based on the August 3<sup>rd</sup> survey, the majority of Council members voted for residency statement option #4.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Townsend, unanimously carried, Council approved new residency statement option #4.

For the employee handbook as whole, a few members noted that they either had contacted Ms. Chaney about proposed changes or noted them in meeting as follows:

- Councilmember Bramlett noted changes or asked for clarification on the following pages:
  - Page 8: The statement in item #4 of “Administration and Maintenance” subsection regarding new permanent positions being established in Human Resources is incorrect and should be amended.
  - Page 12: the City Attorney should just be listed as a position with no name attached.
  - Page 18: there should be a statement included that sexual harassment will not be tolerated among employees of the same level or rank (co-workers).
  - Page 19: suggestion to add in CBD use warning, however Ms. Chaney noted that it is current practice to have employees divulge any possible substances used prior to taking the test.
  - Page 33:
    - Is longevity pay included in the salary listings? Per Ms. Chaney, no.
    - For the definition of a work week, the City should be more specific than a.m. and p.m. shift cycles. Maybe use noon and midnight instead?
  - Page 35: For overnight travel away from home, if travel is for a number of days, does the City pay the equivalent of a workday for all days? That should be clarified.
- Mayor suggested changes:
  - Page 55: Amend the language for the special separation allowance for police to be in line with state law.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, unanimously carried, Council adopted the updated/revised employee handbook with all changes noted above.

#### Purchase New Special Response Team Bulletproof Vest with Reserve Drug Funds

Members of the Special Response Team (SRT) in the Police Department have bulletproof vests that expire in 2020. The bulletproof vest for SRT members are much thicker and can stop larger rounds from penetrating the vest compared to the standard bulletproof vest. The thickness and stopping capacity of the SRT bulletproof vest drives the price up as well. We have 10 SRT members that need a new vest and the department wants to use drug funds to pay for those items.

Each time a law enforcement agency makes an arrest and money is seized, the money is sent to the federal government. Depending on the disposition of the case, the agency(s) could get an 80% reimbursement. The Albemarle Police Department has a total of \$63,515.40 from reimbursements from the federal government, and that money is been kept in an account.

The agency is desiring to purchase the following protective equipment for the SRT Members:

1. 10x Bulletproof Vest = \$14,800.00
2. 10x Rifle Plates = \$4,950.00

3. 10x Operator Helmets = \$6,450.00

4. 10x Communication Headsets = \$6,300.00

These four items total \$32,500.00 that we propose spending out of the Reserve Drug Fund Rollover. If approved, a budget amendment will be drafted for Council's consideration.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, unanimously carried, Council approved the purchase of new Special Response Team bulletproof vests as itemized above with reserve drug funds. A Budget Amendment will be drafted to utilize these funds.

#### Consider Additional Measures to Assist Utility Customers

As has been reported, The Governor's Executive Order prohibiting utility disconnections has expired. The City obviously is in the business of helping our community, which is the reason the City of Albemarle voluntarily suspended utility disconnections before the Governor's Order existed. While we want to continue to help where we can, we do have a business to operate and all utility customers to keep in mind.

Staff is proposing resetting the number of utility extension available to customers. Customers are typically provided 4 extensions in any 12-month period. We are proposing resetting all customer extensions to allow for up to 4 extensions from this time forward. Essentially, all customers will begin fresh with a full year's worth of extensions.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council authorized City staff to reset the number of extensions available to utility customers to 4 in the next 12-month period.

#### Consider Appointments to Boards and Commissions

Staff requests that Council consider the following appointments to the following Boards and Commissions of the City of Albemarle:

##### *Planning & Zoning Board:*

- *Seat 2*, Rev. Harold McDonald, first term expired July 1, 2020. Rev. McDonald is eligible for, but not interested in re-appointment. Please consider 1st alternate Chuck Horne for this seat.
- *3rd Alternate*, Vacant: Please consider Ms. Emily James.

##### *Historic Resources Commission:*

- *Seat 5*, Ms. Sheila Simpson, currently serving a full term that expires July 1, 2020. She is not eligible for re-appointment. Please consider Anna Christian Harkey (see volunteer form).
- *Seat 6*, Mr. Gene Starnes, currently serving a full term that expires July 1, 2020. He is not eligible for re-appointment. Please consider Ms. Melanie Holles.

Parks and Recreation Advisory Board:

- *At Large seat.* Mr. Rick Johnson's seat expired on July 1, 2020 and is currently vacant.
- *At Large seat.* Currently vacant.

Council discussed some of the potential volunteers for the boards and commissions. A few volunteers currently sit on the Albemarle Downtown Development Corporation Board, which if selected for any of the current open seats on the above named boards or commissions would then be sitting on at least two City-specific public bodies. The Mayor noted that although not specified or codified anywhere, it has been the custom of Council not to appoint a resident to more than one City board or commission.

Also, for the Historic Resource Commission candidates, both work at the same place and one reports to the other, which could create potential issues on the Commission should Council approve both of them to positions on the Commission.

Based on these considerations Council actions were as follows:

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, unanimously carried, Council appointed Chuck Horne to a term on the Planning and Zoning Board in primary seat 2. This would shift Mr. Horne from the 1<sup>st</sup> alternate seat.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved shifting the members in the 2<sup>nd</sup> and 3<sup>rd</sup> alternate seats on the Planning and Zoning Board to the 1<sup>st</sup> and 2<sup>nd</sup> alternate seats.

Upon a motion by Councilmember Townsend, seconded by Councilmember Bramlett, unanimously carried, Council appointed Ms. Emily James to a term on the Planning and Zoning Board in the 3<sup>rd</sup> alternate seat.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council appointed Ms. Anna Christian Harkey to a term on the Historic Resources Commission.

Council decided to table a vote on the 2<sup>nd</sup> open seat on the Historic Resources Commission to see if other candidates are available who are not currently sitting on another board.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, unanimously carried, Council appointed Mr. Bryan Sharpe to an at large seat for a term on the Parks and Recreation Advisory Board.

Council inquired about the vacant seat on the Parks and Recreation Advisory Board previously filled by Mr. Rick Johnson. City Clerk Cindy Stone replied that she had been working with departments on reappointments and appointments and is aware that Parks and Recreation Director Lisa Kiser has tried several times in the recent past to contact Mr. Johnson to discuss his seat on the Board. She was not able to reach him. Council noted that Mr. Johnson has provided excellent service to the Board and should be contacted again to inquire about his interest in remaining on the Board. The Mayor

requested that the City Clerk reach out to Mr. Johnson. Council agreed to table any motions on appointing anyone to the seat held by Mr. Johnson until further efforts were made to contact him.

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## COMMENTS

The Mayor announced that Economic Development Director Mark Donham will be retiring from his position at the end of the month. He called Mr. Donham up to the podium. Mr. Donham began his remarks by stating that he has enjoyed the opportunity to work in this position for the last 6 years. He took the job because he believed in the City's dreams for development and wanted to help implement them. However he is excited about entering this new phase of life and is looking forward to spending more time with his 4 grandchildren. He thanked Council for supporting him.

From his perspective the City has a bright future, as it is considered a major growth area. To accomplish growth, Pfeiffer University expansion is critical, and retail industry growth is also important. The City now has a plan to address future growth. The City of Albemarle is a beautiful place to live, and has a good labor force pool with access to over 300,000 plus people from which to draw.

The Mayor announced that Mr. Donham's retirement party would be Friday August 14<sup>th</sup> at City Hall and for people to stop by and wish him well.

### Councilmember Bramlett:

- He stated that he thought Mr. Donham has done a superb job with the position and that Council would miss him.

### Mayor Pro Tem Hall:

- A reminder that the first 3 Fridays in August are the Rebound/Round Up food truck events. On August 7<sup>th</sup>, the event was well attended. There were 7 vendors there. She was thrilled that families came out and socially distanced themselves. For the next 2 events there will be food trucks but no live band.
- A "shout out" to Public Works Director Ross Holshouser and his crews for their clean out of a nuisance lot on Pee Dee Avenue.
- September is Pediatric Cancer Awareness Month. To bring attention to this issue the water in the fountain in Courthouse Square will be dyed gold.
- In regards to the new electric rates, the change to the majority of commercial, residential, and high demand customers should be reflected in a decrease in the amount shown on monthly bills.
- In May Council donated funds towards T-shirts for graduating seniors from Albemarle High School. She wanted to alert Council that Albemarle 5<sup>th</sup> grade teachers now need help. Due to district decisions relating to COVID19 for this new school year, 5<sup>th</sup> grade will be shifting to middle school. With this shift 5<sup>th</sup> grade teachers are asking for school tool boxes of supplies they will need in their new classrooms. If anyone on Council wants to donate towards this effort, come see her.

City Manager Michael J. Ferris:

- He thanked Mr. Donham for taking on the Economic Development Director position. He knows he has been in a difficult position, particularly in being the first person to fill this role for the City. He praised Mr. Donham for his work ethic, integrity, and commitment to the job. He noted to look where the City is now in terms of economic development and growth, and that the City is better off due to Mr. Donham's efforts.

Councilmember Hughes:

- She wished Mr. Donham well in his retirement.

Councilmember Aldridge:

- He congratulated Mr. Donham on his impending retirement.

Councilmember Townsend:

- He congratulated Mr. Donham on his impending retirement.
- Per the EE Waddell Center library renovation, he thanked the Nehemiah Project and noted it looked very nice.

Councilmember Whitley:

- He wished Mr. Donham good luck in his retirement.

Councilmember Lowder:

- She noted that Mr. Donham always had the City of Albemarle in mind with everything he did. She thanked him for his service to the City.

Councilmember Bramlett:

- On September 8<sup>th</sup>, 60 Pfeiffer students will be starting class. Should there be a contingency from the City there to greet them?

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The Mayor noted that the agenda calls for closed session. There is enough business for a rather long closed session. He polled Council members on whether they wanted to try to convene at another day and time for closed session.

Upon a motion by Councilmember Hall, seconded by Councilmember Lowder, unanimously carried, Council agreed to continue with closed session tonight.

**CLOSED SESSION**

The Mayor called for a motion to appoint Councilmember Hughes as acting clerk during the Personnel portion of closed session. Upon a motion by Councilmember Hall, seconded by

Councilmember Whitley, unanimously carried, Council approved Councilmember Hughes to be acting clerk during the Personnel portion of closed session.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) Consultation with Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

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### **RETURN TO OPEN SESSION**

Upon a motion by Councilmember Aldridge, seconded by Councilmember Bramlett 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) Consultation with Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

The Mayor announced that for the Personnel portion of closed session a review was conducted for the City Attorney.

The Mayor called for a motion to approve the settlement terms for the lawsuit Whitfield v. City of Albemarle. Upon a motion by Councilmember Hall, seconded by Councilmember Lowder and unanimously carried, Council approved the settlement terms for Whitfield v. City of Albemarle.

The Mayor called for a motion to approve payment of the attorneys' fees for City of Albemarle v. Chuck Nance which totaled \$17,750 for MT Lowder and Associates and \$92,406 for the Bowling Law Firm. Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes and unanimously carried, Council approved the payment of the attorneys' fees for City of Albemarle v. Chuck Nance.

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### **OTHER BUSINESS**

#### Flooding Projects Update

The Mayor updated Council on his ongoing work with finding opportunities to move forward with recommendations from the 2005 flood study he noted in last month's meeting. He has spoken with the engineer who wrote the study for the City for some guidance on possible next steps. The engineer told the Mayor that it was probably not beneficial to update the plan because it would cost between \$40,000-\$60,000. He recommended that the City choose a project within the 2005 plan and finance it.

One of the projects is the Montgomery Park Plan, which the Mayor detailed in last month's meeting. That project likely will not be much help in stemming flooding. Another project in the

plan is to build a berm in the wetland area north of Uwharrie Commons to slow flooding down. However, if the berm was built, the nearby meatpacking plant and 4-5 houses would likely flood.

Councilmember Aldridge asked if City crews currently are going out to clean up vegetation. Assistant Manager Nyki Hardy responded that the City does continue to work on this as crews are able, but does not have capacity to dedicate personnel to doing that on an ongoing basis, but as the stormwater management plan moves forward, it is hoped that dedicated positions to regularly conduct work like this will be filled. Ms. Hardy also commented on the process of hiring of an engineer to develop proposals for a stormwater management system and fee. She recommended that the stormwater management team and the Mayor work together so that there is a coordinated effort to hire an engineer for City stormwater management needs.

The Mayor asked for Council's thoughts on whether they should choose a project from the 2005 study to finance, or wait and see how the City's current efforts reduce flooding issues. The Mayor noted that there are 2 other projects recommended in the plan: Rock Creek, and resetting the 2 warning systems on the Salisbury Avenue bridge. Also, the City could look into having the culvert at Market Street Station enlarged and build wetland area between Highway 52 and the bridge there.

Councilmember Whitley noted that Council should let the City keep cleaning streams out. Councilmember Bramlett agreed with Councilmember Whitley.

There was no further discussion or action on the item.

#### Lowder Hardware Project Update

The Mayor provided new information to Council on the status of this rehab project. There is a fire district overlay in effect which triggers state building code limitations. As a result, the business owner is having a hard time fixing the issue. He asked Council if they have any interest in investigating whether the fire district overlay can be removed from this property. As a point of reference, City Manager Michael J. Ferris explained that the fire district overlay was added due to the close proximity of buildings in the City and the use of shared walls.

There was no further discussion or action on the item.

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Upon a motion by Councilmember Whitley, seconded by Councilmember Lowder, unanimously carried, the meeting was adjourned to Tuesday, September 8, 2020 at 7:00 p.m. in City Council Chambers.