

REGULAR MEETING CITY COUNCIL

February 1, 2021

The City Council of the City of Albemarle met in a regular session on Monday, February 1, 2021 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 Bill Aldridge, Martha E. Hughes, Shirley D. Lowder, Dexter Townsend, Chris Whitley, and Benton Dry.

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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 Hughes, seconded by Councilmember Aldridge, unanimously carried, the minutes from the January 19, 2021 regular and closed meetings as submitted were approved.

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**AGENDA ADJUSTMENT**

The Mayor announced addition of a public utility electric rates and billing discussion under New Business.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, unanimously carried, Council approved the agenda adjustment.

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**ADMINISTRATIVE REPORTS**

Request for Change to Contract 2, Phase 2 to Utilize Unspent Project Funds

Mr. Adam Kiker from LKC Engineering was available to answer any questions on the RFC (Request for Change) Phase II at LCWWTP for the amount of \$198,321.29. This covers 1 new storm water pump, stainless steel 480 volt soft-start starters, and a change in the main power feed to 480 volt with neutral from existing transformer including new aerial feed to existing drop pole. Currently WWTP is operating with one storm water pump which is approximately 60 years old. The second pump is out of service and is inoperable due to age and condition. The storm water pump has been used on multiple occasions over the past few years to pump excess rainfall away from the WWTP building.

State Revolving Loan Funds were received for a 2018 Wastewater Rehabilitation project. The funds included \$5,793,770 in 20 years @ 0% loan funds and \$500,000 Grant totaling of \$6,293,770. The project is substantially complete and came under budget. Approximately \$296,500 remains in the project as available funds to complete this needed work.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved the Request for Change for Contract 2, Phase 2 at the wastewater treatment plant in the amount of \$198,321.29 for a new storm water pump and other items as noted above.

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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. Mayor Pro Tem Hall requested that the National Future Leaders of America-Phi Beta Lambda Week Proclamation be moved off the consent agenda. Councilmember Hughes noted a typographical error in the ADDC Board of Directors handout.

### Ordinance 21-04 – To Appropriate CARES Funding in the Department of Public Housing and Insurance Proceeds in the General Fund

This ordinance amends the current year operating budget to reflect CARES Act money coming in for Public Housing and Section 8. It also amends the Police budget for insurance proceeds received for expenditures for auto repair.

Public Housing CARES ACT Funding has been expended on:

- Unpaid Rent due to COVID
- Cleaning Supplies
- Vacant Unit Turnaround Services
- Exterminations
- Exterior/Grounds (fencing, poles & chains)
- Purchase Order for Security Cameras -submitted week of January 25, 2021.

[Ordinance 21-04 – To Appropriate CARES Funding in the Department of Public Housing and Insurance Proceeds in the General Fund]

### Ordinance 21-05 – To Amend the Assistance to Firefighters Grant Budget

This ordinance amends the Assistance to Firefighters Grant for SCBA equipment. The Fire Department needed maintenance tools & stand-alone accessories for telemetry use on the packs. Since this was not part of the Grant, funds will be transferred from the Fire Department operations budget to the Grant for final payment.

[Ordinance 21-05 – To Amend the Assistance to Firefighters Grant Budget]

Confirmation of the ADDC Board of Directors

All future vacancies and recommendations for appointment will come to the City Council. The ADDC Board is authorized to have between 11 - 13 members. The Mayor, City Manager, Director of Economic Development, and Chamber of Commerce Director are *ex-officio* members and are counted toward the total membership.

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

- Ordinance 21-04 appropriating CARES Act funding in the Department of Housing to the General Fund;
- Ordinance 21-05 amending the Assistance to Firefighters Grant budget; and
- Confirmation of the ADDC Board of Directors.

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Proclamation – National Future Leaders of America-Phi Beta Lambda Week

This item was requested to be placed on the agenda by Mayor Pro Tem Hall in honor of National Future Business Leaders of America-Phi Beta Lambda Week, which will be celebrated from February 8-12, 2021. She noted that this was requested in conversation with a long-time local chapter head Mr. Don Hazlett at Stanly Community College. She paid tribute and recognized Mr. Hazlett for his dedication to the local chapter at SCC over the years.

She read aloud the proclamation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, Council adopted the proclamation.

[Proclamation – National Future Leaders of America-Phi Beta Lambda Week]

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**NEW BUSINESS**

Consider Amending City Policy to Allow for Remote Public Participation for Quasi-Judicial Hearings

Council received a draft of the revised policy prior to the meeting. Staff has received requests from applicants to call in to quasi-judicial public hearings. Earlier in 2020, state laws were prohibitive of this but have since been amended to permit this form of participation. Amending the City's current policy to allow staff the leeway to verify the identity of call in applicants would help to

expedite our quasi-judicial process. Allowing remote participation also will be very helpful in the time of COVID for applicants, property owners, and other interested parties who reside out of town or have schedule conflicts with City hearings.

The revisions as drafted allow for public participation via electronic means in quasi-judicial matters. It still precludes board members from doing so.

Mayor Pro Tem Hall asked to clarify that anyone from the public who had standing could participate remotely in a quasi-judicial hearing moving forward if Council approved this policy change. City Attorney Britt Burch confirmed this. Mayor Pro Tem Hall then asked how a person would be sworn in remotely. Ms. Burch explained that each person who wished to speak remotely would need to sign an affidavit before the quasi-judicial hearing.

Council discussed whether to accept this change for a specific period of time due to circumstances surrounding the pandemic or make the change permanent. Ms. Burch noted that the policy is specifically designed for use during a statewide emergency declaration. Once the statewide emergency declaration is rescinded, in person interactions for all boards/commissions/Council meetings and for quasi-judicial hearings would resume.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, carried with a vote of 6 Councilmembers for and 1 Councilmember against, Council approved changes in the remote meeting policy allowing people with standing for quasi-judicial hearings participate remotely. Councilmember Lowder voted against the motion.

### Montgomery Avenue Road Improvements

Council received a copy of an internal memo from Public Works Director Ross Holshouser regarding the section of Montgomery Avenue between Ridge Street and Moss Springs Road prior to the meeting. Staff recommends that widening the road is not something that should be pursued under these current conditions, given the cost. Furthermore, there has not been a significant amount of heavy truck traffic observed.

Councilmember Whitley asked if a traffic analysis could be done. City Manager Michael J. Ferris stated that it could be done, but he has had discussion with the nearby business owner recently and was told that on average 2 large sized trucks a day travel on that stretch of Montgomery Avenue.

Councilmember Aldridge wondered if trucks could be re-routed to Ridge Street instead of Moss Springs Road. Mr. Ferris replied that the business owner has already told drivers driving to and from his business to use different routes.

Mayor Pro Tem Hall commented that she appreciates the City being proactive in reaching out to the business owner on this issue.

There was no action or further discussion by Council on this topic.

Public Utility Electric Rates and Billing Discussion

The Mayor explained that this item is coming up for discussion in tonight’s Council meeting due to the many calls and questions residents have had about their most recent electric bill. There are a few factors which could contribute towards a higher amount on bills in the latest billing cycle. One factor is weather – it has been colder recently. Another factor is the number of State/City holidays during the cycle which has extended the last billing cycle to 35 billable days rather than 28 or 29 days. A third possible factor is household usage, which could be affected by the age of the house, how weatherproof it is, the amount/frequency of use of personal electronics, and residents’ personal preferences in terms of standard temperature set at their home, among others.

A City of Albemarle social media post last week pointed out that the electric rates the City charges have gone down by 8.5% over the last few years. Beyond approving the rates, the City Council does not have many options to help residents.

The Mayor encouraged all residents to schedule a house energy audit.

Councilmember Aldridge commented that due to COVID19, many people have worked or participated in school remotely, thus staying at home more often, which might have an effect too on the electric billing residents are experiencing.

Mayor Pro Tem agreed with the Mayor’s and Councilmember Aldridge’s comments. She reminded residents that the City’s Electric Division and ElectriCities provide excellent service, restoring power quickly, troubleshooting issues, and providing electricity consistently.

Councilmember Townsend remarked that the City should be proactive in messaging out information about public utilities on social media. The social media post last week explaining the reduction in the City’s electric rates and providing links to troubleshooting home energy efficiency was a good example of proactive messaging. He gave another example of the City posting last year about how little electricity is expended by the LED lights wrapping the trees throughout downtown as an effective way of educating the public about utilities.

Councilmember Whitley added that the average billing cycle of 29 days versus the most recent billing cycle of 35 days is almost an extra week’s worth of usage. He suggested a method that he personally uses – comparing the consumption from the previous year to the current bill as a resource to track usage over time.

Councilmember Dry agreed with Council’s comments about the days in the billing cycle. Extra days in the billing cycle makes a huge difference in cost. He urged residents and the City to work together to communicate to resolve issues on utility billing, and encouraged residents to be patient with the process.

There was no action or further discussion on the topic.

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## COMMENTS

### Councilmember Aldridge:

- He congratulated Brandon Beane, a former Albemarle native who currently is the General Manager of the National Football League (NFL) team the Buffalo Bills, for a great season. He noted there are many other local people who have gone on to have successful careers in the NFL.

### Councilmember Hughes:

- She asked if Economic Development Director Keith Tunnell could provide attendance numbers for the ADDC event which occurred today. Mr. Tunnell replied that his team is generating statistics on the event and will provide those numbers to Council. She asked him what the objective of the event was. He replied that the event was to showcase that the Economic Development team is here to listen to the local business community's needs and concerns, the team's desire to want to implement the public's ideas about economic development and its direction, and to better understand the resources available to support economic development efforts.

### Mayor Pro Tem Hall:

- Re: today's ADDC event – were the technical difficulties worked out with the live broadcast? Facebook Live worked well, but the Zoom conference was spotty. IS Director Owen Squires did fix the Zoom issue during the broadcast.
- Re: WM change in recycling schedule – Is the City notifying people of the change in the recycling schedule ahead of the change next week? The City Manager replied that City staff will continue to remind residents of the upcoming change this week.
- She had a call with someone at Pfeiffer University today about parking at the downtown campus. She wanted to let the public know that parking spots in the downtown area are public spaces – anyone can park in them. She reminded residents living in the downtown area that public parking spaces in front of their residences are open for anyone to use and are not “reserved” spaces for the residents living there.
- Update re: Special Events Committee planned upcoming events – Food Truck Fridays at City Lake Park will resume in March and go through October this year and will occur once a month. She asked for the April 9<sup>th</sup> Food Truck Friday if she should schedule a live band who is interested in playing on that date. The Mayor asked how soon Council would have to make a decision on that. Mayor Pro Tem Hall replied that by Council's 2<sup>nd</sup> meeting in March Council should decide whether the live band would be feasible to book.
- Re: flags located at Courthouse Square - She commented that the flags at all City facilities were at one height over the weekend, and the Courthouse Square Park was at another height. She felt flags should all be at the same height.

Councilmember Whitley:

- Re: Economic Development Department Downtown event – he thought the event was very good and the Facebook Live version was broadcast without any issues.
- He noted that he and his wife visited Morehead Park this past weekend and he saw a large amount of cars there, some from out of state such as Virginia and Florida. He discovered that there was a disc golf tournament there but thought that this type of use of the park is great for the City.

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**CLOSED SESSION**

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(1) to prevent disclosure of information that is privileged or confidential, N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney/legal matters, N.C.G.S. 143-318.11(a)(4) Economic Development, and N.C.G.S. 143-318.11(a)(5) Real Estate.

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Dry, seconded by Councilmember Lowder 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)(1) to prevent disclosure of information that is privileged or confidential, N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney/legal matters, N.C.G.S. 143-318.11(a)(4) Economic Development, and N.C.G.S. 143-318.11(a)(5) Real Estate.

The Mayor called for a motion to accept the final contract change order between the City of Albemarle and Terry's plumbing in the amount of \$560,879.57 to close out the contract. Upon a motion by Councilmember Hall, seconded by Councilmember Dry, unanimously carried, Council approved the motion.

The Mayor called for a motion to build the parking lot behind the Old Lowder Hardware building now being renovated by Earnhardt Exchange LLC once the design plans for the new apartment building are finished. Upon a motion by Councilmember Aldridge, seconded by Councilmember Whitley, unanimously carried, Council approved the motion.

The Mayor called for a motion to enter into an option to purchase real property for historic preservation with Preservation NC granting Preservation NC the sole right to purchase 115 and 117 West South Street. Upon a motion by Councilmember Whitley, seconded by Councilmember Lowder, unanimously carried, Council approved the motion.

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Upcoming Electric Cutoff Deadline for Residents with Outstanding Balances Due to COVID19

Mayor Pro Tem Hall began the discussion with Council about the upcoming electric utility cutoff period for people who have outstanding electric balances due to COVID19 and the Executive Order allowing nonpayment for bill for service from approximately April through July 2020. The Executive Order extension period provided through the end of January to pay these past balances before facing disconnection.

Multiple Councilmembers felt that cutting off residents during wintertime is troublesome. The City Manager summarized steps Council and staff took during the time the Executive Order was in effect and after it expired to address the issue, including Council agreeing to reset extension of payments for those who accrued balances during the period the Executive Order was in effect.

Councilmember Dry asked what other municipalities are doing about the issue. The City Manager replied that the Customer Account Manager has been following this via a listserv, and that the listserv has not provided much in the way of additional solutions.

A Councilmember asked whether the 600 customers who have COVID-related balances received communications from the City alerting them to the potential for utility shutoff. The City Manager stated that three separate mailings since July 2020 have been sent out to this group of customers, and that every bill they have gotten has shown their outstanding balance along with new charges from August 2020 onward.

Council discussed different themes surrounding the issue, including how to work with those who have COVID19 balances, the impact it is having on billing staff, the need for proactive communication on the City's part in explaining the situation to those affected and their options, and whether the County has experienced this issue to the extent the City has experienced it.

What is the breakdown among residential and commercial customers who owe electric payments to the City? Per the City Manager, based on information he received earlier in the day there are approximately 600 residential customers and 16 commercial customers who owe utility payments to the City.

Council then discussed different options to address the situation involving offering a further extension and whether to request partial payment, and if requested in what increments over what period of time. There also was interest in making sure the City was transparent with its position on the billing issue with timely social media posts to inform the public of the option granted and approved by Council.



The Mayor called for a motion. Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge and unanimously carried, Council approved a 60-day extension for all electric customers who have COVID19-related balances due, with the following conditions: 1). For the February billing cycle a resident would need to pay the full current bill plus 25% of the COVID19-related balance; 2). The resident would have the March and April billing cycles to pay the 75% remainder of the COVID19-related balance.

The Mayor asked if this information would be put on social media. The City Manager assured him that the Council-approved extension would be advertised.

The Mayor then asked per Council's earlier discussion on the latest utility billing cycle issue if Council wanted to make any motions for customers who are having difficulty paying the current bill. Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall and unanimously carried, Council approved providing an additional extension to all utility customers.

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Mayor Pro Tem Hall announced that if anyone was interested in Pfeiffer Friends contact her about it.

The Mayor announced that the Charter of Freedom permits have been obtained to allow the work to move forward.

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Upon a motion by Councilmember Dry, seconded by Councilmember Hall, unanimously carried, the meeting was adjourned to Tuesday, February 9, 2021 at 4:00 p.m. at the Stanly County Senior Center for a strategic planning session.