

CORRECTED

REGULAR MEETING CITY COUNCIL

January 4, 2021

The City Council of the City of Albemarle met in a regular session on Monday, January 4, 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.

Mayor Michael called the meeting to order.

The Mayor gave the invocation.

The Mayor called a motion to approve the minutes from the December 21st, 2020 special, regular, and closed meetings. Mayor Pro Tem Hall requested that the closed minutes be pulled from the motion and discussed in closed session tonight.

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, the minutes from the December 21, 2020 special meeting as submitted and the December 21, 2020 regular meeting as corrected were approved.

PUBLIC HEARING

Consider Petition for the Assessed Curb and Gutter Installation on Heritage Court

The City Council set a public hearing to consider the petition received from the property owners along Heritage Court. City Manager Michael J. Ferris provided Council an overview of the process in which the City engaged to support the homeowners living in the cul-de-sac on Heritage Court with their petition requesting curb and gutter installation.

Eighty percent of property owners (4 of 5) agreed to sign the petition. These individuals represent 70.57% ownership of the street frontage on Heritage Court. All property owners were notified via certified mail and SNAP publication regarding the hearing. Should City Council approve moving forward with the project, the property owners will be responsible for their share of the assessment. In June 2020, the City established an assessment rate of \$23.21 per foot, per side. Each property owner will be responsible for their share and payment opportunity will begin after the project is completed. Shortly after the project is completed, a hearing will be set after which property owners can receive a 10% discount on their total bill if paid in full. Owners also have the option of paying over 10 years at equal principal and 8% interest.

Per a memo provided to Council prior to the meeting, Public Works Director Ross Holshouser met with two of the property owners (Johnson and Poplin) regarding the drainage outlet in the cul-de-sac. The City Manager further explained that rain water, driveway and other private property water run off can end up in the street. With the current topography, everything from the general area of the cul-de-sac will gravity flow to the back of the cul-de-sac. All other water will flow toward Heritage Drive and join the existing stormwater system. The water in the cul-de-sac will be collected by the curb and gutter and allowed to flow out at its lowest point, which is in the general area of the property line between the Johnson and Poplin properties where it appears a bulk of the runoff travels currently.

The Mayor called for any members of the public to come forward to provide their comments.

Mr. Garey Edwards, residing at 1405 Heritage Court, came in front of Council to make remarks. He stated that some of his neighbors approached him about curb and gutter installation a few years ago. He believes the installation to be a straightforward project in that it would not have the dynamics of the Heritage Drive curb and gutter installation project. He is for the installation because he believes that the project will bring up property values and match the look of Heritage Drive.

Ms. Christina Alphin/Amos residing at 31746 Celeste Drive, came in front of Council to provide her input. She noted that she owns the single largest property on Heritage Court which would be affected by this project. She handed out packets of information to Council. She stated that she believes her neighbors on the cul-de-sac think that the curb and gutter project will address the flooding along Melchor Branch which is close by. She noted that there are no engineered stormwater plans drawn up, nor is there any information about catch basin work in the cul-de-sac, and so the City does not know what extra cost might be borne by affected homeowners in the cul-de-sac on Heritage Court. She concluded that the flooding issue is a stormwater issue for the cul-de-sac, but in her opinion not one which would be addressed by curb and gutter installation.

Ms. Alphin/Amos continued by stating that there are right-of-way issues which would need to be addressed. Also per some of the materials she distributed, she pointed to stormwater management via MS4 permitting which she said was something that was discussed at length in a 2020 Council meeting. Per her understanding of that topic presented at an earlier Council meeting, she stated that the City of Albemarle is in the population threshold to put them in a category to be required to hold a MS4 permit, and that the City is already working on addressing stormwater issues. Therefore, for all of her stated reasons, she requested that Council consider tabling action on the curb and gutter installation assessment resolution adoption until engineered plans are drawn up or the engineer to be contracted by the City completes its assessment.

Mayor Pro Tem Hall commented that per the internal memo from the Public Works Director to the City Manager which Ms. Alphin/Amos also supplied, she was inquiring as to any other costs the homeowners would have to pay for as a result of this project.

Councilmember Aldridge asked for clarification where the City currently was with selecting an engineer for stormwater management work. The Mayor replied that they City has already gone through a process to identify an engineering firm. City Manager Michael J. Ferris added that the City currently is in talks with an engineering consultant on pricing.

The City Manager responded to items brought up by Ms. Alphin/Amos. He first noted that the neighborhood in question is not in a flood zone. Further, the City of Albemarle is not under MS4 permitting requirements for stormwater management at this time. Since the City knows where the curb and gutter installation will go, there is no need to create an engineered map of Heritage Court. In terms of water flow, catch basins at the back of the street will naturally allow water in the cul-de-sac to collect there. Should it be needed, an easement for installation of a drain pipe could be requested and considered by Council.

The Mayor asked if there was need for engineers to survey the cul-de-sac. The City Manager replied that surveying cost will not be assessed to the property owners and theirs is a fixed cost.

Councilmember Whitley noted that when curb and gutter installation occurred on Heritage Drive, he had lived there. He remembered that he as a homeowner did not have to pay any more than the assessment fee. Any water issues that occurred there were taken care of by the City.

Councilmember Dry asked for clarification of what decision is in front of Council with this item. The Mayor responded that Council needs to consider the homeowners' petition of curb and gutter installation and the resolution of assessed fees per homeowner for the proposed installation tonight in order to move forward with the installation work.

Mayor Pro Tem Hall noted her concern in the internal memo from the Public Works Director to the City Manager that some potential issues with the curb and gutter installation were raised. The Mayor affirmed that fact but noted that if Council voted to not move forward with the resolution of assessment of fees for that project those concerns would be immaterial.

Mayor Pro Tem Hall asked if the \$23.21 per square footage of property frontage would be all that the homeowners would have to pay or if there were additional costs for which they would have to pay. The City Manager replied that any other costs related to this project are borne by the City.

Councilmember Townsend asked about the homeowner against the installation – would she still have to pay? Yes she would still have to pay the assessment fees.

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

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council adopted Resolution 21-01 thereby approving the final assessment per owner for curb and gutter installation on Heritage Court, as well as payment terms.

[Resolution 21-01 – Final Assessments for Heritage Court]

ANNOUNCED DELEGATIONS

Presentation of Audit for Fiscal Year Ended June 30, 2020

Finance Director Colleen Conroy came in front of Council to introduce Ms. Erica Brown, a partner with Martin Starnes & Associates, CPAs to present audit findings for fiscal year ended June 30, 2020. Ms. Brown appeared via video conference. Printed copies of the Comprehensive Annual Financial Report for each elected official was provided prior to the meeting.

Ms. Brown provided the following highlights of the financial audit:

- The firm is providing an unqualified opinion. This means that the City received a clean audit. The audit was submitted and approved by the NC Local Government Commission.
- The summary tonight will focus on the General Fund portion of FY 2019-20.
- Between FY 2019 and FY 2020 revenues decreased by about 1.7% largely due to prior debt that had not been written off.
- At the end of the FY 2019-20 period, the City had \$8.6 million in the General Fund distributed among restricted, non-spendable, assigned, and unassigned accounts.
- Between 2018 and 2020 the General Fund increased in total balance.
- For the fiscal year just ended, the fund balance after satisfying requirements set forth in the NC General Statutes was \$6.2 million.
- Revenues were split as follows: 44% property taxes; 37% unrestricted intergovernmental funds; 10% due to sales and services; and 9% other revenue.
- Expenditures were split as follows: 50% public safety; 24% public works; 15% other; and 11% general government.
- Enterprise funds from 2019 and 2020 showed balances as follows:

	<u>2019</u>	<u>2020</u>
Unrestricted net position	\$8,837,254	\$16,602,833
Cash flow from operations	\$4,336,430	\$6,002,553
Change in net position	\$3,662,635	\$8,011,448

- The change in the unrestricted account of the Electric Fund increased due to the \$4.9 million received in rebate.

Ms. Brown took questions from Council and addressed them as follows:

- Per the actuarial assumption, is it based on other city audits? Specifically the wage/salary gap – is that common? The actuarial analysis in the audit report comes straight from the actuary to determine liability. For the salary wage gap assumption, other cities are similar.
- For the regulatory debt limit does that figure in the report include borrowing from outside sources, such as inter-fund loans? The City Manager said that he thought so but would get confirmation.
- Please clarify who the auditors work for and report to. The firm works for the City and Council although is directly interacting with the Finance Department. The NC Local Government Commission is the intermediary between the audit firm and the City of Albemarle.

Council thanked Ms. Brown for her presentation.

The Mayor called for a motion to accept the Fiscal Year 2019-2020 audit report. Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously approved, Council approved the motion.

ADMINISTRATIVE REPORTS

Update on the Compensation Study

Human Resources Director Dana Chaney introduced David Hill with Piedmont Triad Regional Council, who is performing the City's compensation study. Mr. Hill provided an overview of this project with the Mayor and Council, including the process to date, and the timeline and activities moving forward.

Mr. Hill, along with an internal team identified 18 local governments to use as comparisons. Of these, all have provided pay classification data to him. For the study, the comparison will be position classification to position classification. Phone conversations have occurred between him and representatives from the 18 peer governments. He plans to review options in a meeting tomorrow with Ms. Chaney and Mr. Ferris. From there, recommendations will be presented to Council.

Mayor Pro Tem Hall asked if Mr. Hill could disclose the names of the municipalities which were chosen to be comparison governments for this study. Mr. Hill said that he did have that list and they include (among others): Asheboro, Ashe County, Cabarrus County, Harrisburg, Laurinburg, Locust, Matthews, Salisbury, Concord, Stanly County, Union County, Stallings, Southern Pines, and Pinehurst.

Council thanked Mr. Hill for the update and looks forward to his next presentation.

Charters of Freedom Update

Mayor Pro Tem Hall provided an update on the status of the Charters of Freedom dedication and process moving forward. First she asked if anyone on Council or staff knew where the project stood. The Mayor stated that according to the City Manager's agenda comments, the contractor is waiting for permits from the County but that weather has also been a factor.

Mayor Pro Tem Hall asked for participation from the public and Council to think of ideas for the dedication ceremony, such as items to place in the time capsule or any presentation items or presenters. She again noted that the dedication day date is still in the offing since the project needs to be 75% complete before the date can be finalized.

From a construction standpoint, the City's Public Works Department Streets Division has prepared the site and dug the footages. Don Ramsey with Charters of Freedom is still working with the County to receive approval for the footers.

Councilmember Dry asked if besides the County permits if there were any other permit issues. The Mayor did not know but said that the contractor would know this.

A Councilmember asked if the City was paying for the Charters of Freedom. The City is not paying for the Charters of Freedom.

Process for Animal Control

An update regarding this process was requested. City Manager Michael J. Ferris began the discussion by stating that the process from the City's standpoint has not changed, even with the Sheriff's Department taking over Animal Control, as this is still a Stanly County service and operation. He then asked Police Chief Dulin to come forward and speak with Council.

Chief Dulin noted that animal control calls will go to the sheriff's office first moving forward. APD will still work with the County but it is still a County function. If residents have an animal control issue who should they call? APD can still take calls and will hand them over to the County if needed.

Councilmember Lowder noted that this started as a discussion in the County Health Department and that department was instrumental in moving the process forward. She asked Chief Dulin if he understands the process now. Chief Dulin responded by saying that yes he understands that APD will directly be contacting the sheriff's office.

Staffing Update

Mayor Pro Tem Hall requested an update on the current staffing levels in Police and Fire Departments. This information was provided in the agenda packet prior to the meeting. Chief Dulin summarized his report in front of Council; Chief Brewton took questions from Council via phone.

POLICE DEPARTMENT

APD has 10 current vacancies. The vacancies are listed on the City's website as open until filled. APD continues to sponsor individuals through BLET training at Stanly Community College. We have been screening applications and have narrowed down to at least seven that can pass the background checks. We are currently walking them through registering with SCC and finishing up with their background checks for hiring. These seven are not guaranteed at this time but are in the process of being hired. We are also working on a recruitment day to be held at the new PD soon, giving us the additional three needed to be staffed fully. The next BLET class is scheduled for February of 2021, so the next group of cadets should be finished around June of 2021.

Multiple Councilmembers asked about the upcoming APD recruitment event. Chief Dulin will send Council the flyer and has ensured that there are social media posts and ads about the recruitment event being sent out on a regular basis.

Councilmember Dry expressed concern about retaining the officers the City has now and will be bringing in. What retention strategies can be used? The compensation study will help, as will equipment upgrades and providing officers with their own vehicles which they can take home.

Councilmember Lowder commented that it is hard to stem the tide of officers leaving APD because of the pay differential with other local law enforcement outfits and municipality tax base differences.

FIRE DEPARTMENT

The AFD has 4 vacancies. The job advertisement ended 11/30/2020 with 28 prospective candidates. Emails were sent to each advising of the entry level qualification assessment for:

- Job Related Skills Assessment: 1/2/21 and 1/9/21
- Job Related Written Assessment: 1/16/21
- Peer/Chief's Interviews: 1/20/21 and 1/21/21

There were no candidates with complete firefighter or EMS training, therefore the City will host a fire cadet school through Stanly Community College. We continue to search for candidates through employee referrals, social media, Indeed, and the State Fire Association.

Mayor Pro Tem Hall asked if the fire cadet program at Albemarle High School is a recruiting ground for AFD. Chief Brewton replied that AFD does monitor that program but there are a few complications in gaining recruits through that program. AFD would have to wait until cadets are 18, and once they turn 18 end up pursuing a career in another field and volunteering for a fire department.

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.

UNFINISHED BUSINESS

Electric Vehicle Charging Station

The current grant opportunity and project were recently discussed in an earlier Council meeting. For some time our primary location has been the area of the City Hall parking lot closest to the Courthouse Square Park and 2nd Street. A second location was also discussed as a possibility. Staff has looked at other locations for practicality, as well as for meeting the requirements of the grant. If another location is desired, staff recommendations are either a second location in the City Hall parking

lot, but on the other end close to 3rd Street, or in the City lot at First and Main. Once a number and location is settled upon, the City will prepare and submit our application.

Council discussed possible second locations as well as confirming cost to the City for installing an electric vehicle charging station. Council agreed upon the APD parking lot.

The Mayor called for a motion. Upon a motion by Councilmember Whitley, seconded by Councilmember Hall, unanimously carried, Council approved staff moving forward with the state grant with the 2 proposed locations as the City Hall parking lot and Albemarle Police Headquarters parking lot.

NEW BUSINESS

Truck Traffic on Montgomery Avenue

Mayor Pro Tem Hall requested this item to be discussed. She raised the issue because until recently she was not aware that the stretch of Montgomery Avenue between 5th Street and Moss Springs Road allowed commercial truck traffic as large as tractor trailers. It was brought to her attention after a recent water main break, and took the opportunity in meeting to commend Public Utilities for their quick and professional work to fix it during the holiday season.

She wondered why there were large trucks in that area. Councilmembers replied that Martin Industries was close by and likely relied upon truck traffic for their business operations.

Councilmember Hughes commented that Montgomery Avenue was narrow and wondered if large truck traffic could be diverted to Ridge Street. She also wondered if consideration of options could be considered, such as widening Montgomery Avenue. City Manager Michael J. Ferris responded by saying that staff could look into it, but that there might be right-of-way issues, and possibly improvements such as shoulder additions that might need to occur.

There was no further action on, or discussion of the topic.

Review of Landfill Hours of Operation

Public Works Director Ross Holshouser came in front of Council to present this item, and handed out a 1-page data sheet to Council. The landfill hours of operations are Monday - Friday, 7:15 a.m. to 4:30 p.m. When COVID-19 first hit, the City, like many other agencies, was trying to find ways to limit exposure and so the Saturday hours were halted. An analysis was performed of the Saturday activity, and the volume and amount received at times was barely break even and at times not enough to cover the Saturday operations. Therefore, the Saturday hours have not been reinstated.

If Council would like the facility open, a suggestion would be an occasional Saturday, such as immediately following a significant holiday, a few Saturdays in the spring, a summer and fall Saturday as well. This concept would continue to help reduce costs and increase the volume on the Saturdays it is open to the public.

Mayor Pro Tem Hall asked how much of the tonnages being reported for Saturdays were related to commercial/construction and demolition work. Mr. Holshouser said he would look into that and report back. The question was asked based on the possibility that those who are contractors may not have any other time except Saturday to take discarded/demo materials to the landfill.

Councilmember Townsend stated that he asked this item to be on the agenda because he was not aware until very recently that the landfill was closed on Saturdays. Apparently Googling the landfill shows that the landfill is open on Saturdays which causes confusion. Mr. Holshouser stated that he can't control what Google displays, but information about the landfill not being open on Saturdays has been on the City website since last spring. Councilmember Townsend wondered where the trash went if people can't access the landfill on the weekend.

Councilmember Lowder noted that the data provided should help guide any decision Council makes. She also noted there still is an issue with COVID19 to consider.

Councilmember Lowder called a motion to keep the landfill closed on Saturdays. Councilmember Townsend seconded the motion but commented that Council should consider keeping the landfill open for at least 1 Saturday a month.

Councilmember Dry asked what an average tipping fee would be on a Saturday. Mr. Holshouser guessed that it would be around \$8 per person on Saturdays based on the volume of each load.

Councilmember Aldridge suggested that 1 Saturday a month with advertising would be key to resumption of Saturday operation.

The Mayor called for a vote. The motion failed with Councilmembers Lowder and Whitley for the motion, and Councilmembers Townsend, Hall, Hughes, Aldridge and Dry against the motion.

Councilmember Townsend called a motion to reopen the landfill the first Saturday of the month effective February 1st 2021 operating from 7:30 am to noon. A Council member asked Mr. Holshouser if he could work with that timeframe. Mr. Holshouser replied that the beginning of March would be better. The Mayor asked if Councilmember Townsend wanted to amend his motion to reflect the effective date as March 1st rather than February 1st. Councilmember Townsend amended his motion with the new effective date. That amended motion was seconded by Councilmember Aldridge and unanimously carried.

Designation of City's Voting Delegate for NC League of Municipalities (NCLM) Policy Goals Planning Process

Council received a copy of the full set of the NCLM Policy Goals prior to the meeting. During even-numbered years, member municipalities submit their legislative goals and priorities. Over the last few months, the Legislative Policy Committee has been considering these ideas and will present its recommendations to the Board of Directors in December. The Board will refine the position further before sending them to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels.

The voting delegate can be an elected or non-elected official. The delegate's vote can be cast electronically by January 14th. 17 policy goals have been advanced for the consideration of each member municipality. Each member municipality can vote for 10 of the 17 policy goal areas.

The Mayor suggested that Council members could give their ranked goals sheets and provide to the delegate. It was recommended that the City Manager should be the point of contact for submitting ranked goals sheets.

The Mayor called for a motion to have Council members provide ranked goals sheets to the City Manager by Friday, January 8th for them to be handed over to the delegate. Mayor Pro Tem Hall called the motion, seconded by Councilmember Hughes, and the motion passed with a vote of 6 Council members for and 1 against. Councilmember Lowder voted against the motion.

The Mayor asked if anyone on Council wanted to volunteer to be the delegate. Mayor Pro Tem Hall indicated that she would be interested in being the delegate for the City of Albemarle.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, and carried with a vote of 6 Council members for and 1 against, the motion passed. Councilmember Lowder voted against the motion.

COMMENTS

Councilmember Hughes:

- She wanted to know the status of the show that is scheduled at the end of the month in the ANT. City Manager Michael J. Ferris replied that the City is following Executive Orders on seating capacity for indoor entertainment venues and expects that the performance will still occur. Assistant City Manager Nyki Hardy added that the City is only seating 80 people in the ANT, which is within the recommended seating capacity per the Executive Order.
- She requested that staff consider either rotating Councilmembers on and off the dais for meetings or providing those members who are off the dais with computers or laptops. Staff will look into this request.

City Manager Michael J. Ferris:

- He wanted to remind Council and the public that the City of Albemarle Community Survey is still open for completion. Surveys can be completed up through Friday January 8th. The City is looking for participation from all categories of people who interact with the City of Albemarle. Councilmember Aldridge asked for the survey completion count to date. Assistant City Manager Nyki Hardy replied that the count as of a week ago was 1025 completed surveys.

Mayor Pro Tem Hall:

- She followed up on the community survey item by asking approximately how many residential and commercial addresses were mailed a postcard. Assistant City Manager Nyki Hardy replied that 8,000 postcards were mailed out.

- She asked when Council would meet the new Planning and Development Services staff and get an update on planning ordinances changes. The City Manager replied that Planning was expecting to address both items at an upcoming meeting.

Councilmember Lowder:

- She has been informed that one of the City employees who was on extended leave is coming back Monday January 11th. She wondered if Council was planning on providing him with a welcome back gift. The Mayor replied that Council would be happy to do something for that staff member.

Councilmember Whitley:

- Per the water main break that occurred on Christmas Eve he gave kudos to the Public Utilities crews who diligently worked on a holiday to fix the problem quickly. They did a fantastic job.
- Per the building the City purchased from Pinnacle Bank recently, Preservation NC is planning to assess the building on January 20th. If there are any members who would be interested in attending that event please let him know.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Aldridge, unanimously carried, Council approved moving into closed session pursuant 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)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall and unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to pursuant 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)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel.

The Mayor called a motion to approve the December 21st closed minutes. Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council passed the motion.

The Mayor called a motion to appoint former Councilmember Chris Bramlett to a seat on the Historic Resources Commission subject to his agreement to serve. Upon a motion by

Councilmember Hall, seconded by Councilmember Whitley, unanimously carried, Council passed the motion.

Upon a motion by Councilmember Townsend, seconded by Councilmember Whitley, unanimously carried, the meeting was adjourned to Tuesday, January 19, 2021 at 6:30 p.m. in City Council Chambers.