

SPECIAL MEETING CITY COUNCIL

July 25, 2022

The City Council of the City of Albemarle met in a special session focusing on the reevaluation of a proposed stormwater management plan and fee, and a technology upgrade discussion for Council on Monday, July 25th at 6:30 p.m. in Council Chambers of City Hall. Mayor Ronnie Michael and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall and Councilmembers Martha E. Hughes, Dexter Townsend, Christopher Whitley, Shirley D. Lowder, Benton Dry, and Bill Aldridge.

Also present were representatives from the stormwater plan consultants WK Dickson and Raftelis, as well as Public Works Director Ross Holshouser to co-present other options for development of a reduced stormwater plan and fee structure.

The Mayor called the meeting to order.

Stormwater Management Program and Fund Discussion

Mr. Holshouser introduced Tom Murray from WK Dickson and Keith Reading from Raftelis. Mr. Murray presented to Council. He reviewed why there is a need for a stormwater program in Albemarle, the current City services offered related to stormwater management, a recap of efforts to date to plan for a stormwater program, and an overview and side-by-side comparison of the original proposed plan with the newly proposed reduced plan.

The reduced plan would be as follows:

- Programmatic: 2.5 full-time employees instead of 3.5 and leaving the existing position's salary to be paid from the General Fund instead of the proposed Stormwater Fund. The total annual budget for this area of stormwater management would be \$200,000 down from \$350,000. The reduction in the program could include: longer customer service response time; longer review time for new development plans; limited time for managing capital funds; increased possible state stormwater compliance work and time by the Stormwater Manager; and pulling on the General Fund for payment of existing positions which would contribute to stormwater management instead of being paid by the proposed Stormwater Fund.
- Operation and Maintenance: 3 full-time employees instead of 5 and only leaving in materials for system repairs. The total annual budget for this area of stormwater management would be \$377,000 down from \$710,000. The reduction in the program would include: only focusing on right of ways and defined access points; longer response time; longer ramp up time to proactively repair aging infrastructure; paying the existing Public Works Street Sweeper position entirely from the General Fund. Mr. Murray then used an example based on mapping done so far on limitations to an East Main Street pipe system and what would need to be done to correct this.

- Reserves and Overhead Allocation: Instead of maintaining \$160,000 in reserves, the reduced plan would allow for \$80,000 to be kept in reserves. That would allow less funds available for emergency repairs following storm events.
- Contracted Services: Mr. Murray showed the Melchor Branch watershed mapping survey results so far, highlighting a series of waterway system bottlenecks in Albemarle and a few instances of pipes under structures which could cause problems in the future. He then noted that the mapping study is currently on hold, with completion estimated in 4-5 years. He recommended that the City pursue funding opportunities for early action projects and for design and permitting for those projects. The effect of reduced program in this area would mean completion of Citywide mapping in 7-9 years and pursuit of external funding for design and permitting and project costs for early action projects.
- Capital Improvements: Instead of \$540,000 budgeted for capital needs, only \$250,000 now is being proposed.

Overall, the consultants have taken the originally proposed total annual stormwater budget from \$2,160,000 down to \$1,157,000. From that reduced annual budget, the consultant team revised the proposed 5-year average stormwater fee to \$5.80 (with no funds for leaf collection), down from the originally proposed \$11.50 fee (which included the leaf collection fee). The consultants then showed what different types of consumers would pay monthly based on the square footage of impervious surface their lots could have.

The consultants took questions from Council.

Mr. Murray clarified for Council the proposed staff arrangement was only changing by removing the stormwater technician overall.

Council and Mr. Murray discussed the watershed mapping project at length, with Council asking about different options for mapping. The Melchor Branch watershed mapping project versus an overall mitigation study were debated between Council and the consultants.

Council raised concern over the reduced rate and possible impact on organizations with large impervious areas but not much revenue, such as religious organizations, nonprofits and small businesses. Mr. Reading reminded Council that although there may be a hardship for some organizations' ability to pay, that argument is not defensible under the law in terms of showing favor to some customers over others in determining payment exemptions.

The City's ability to manage local streams and creeks was discussed, specifically related to trimming back foliage which could fall and create bottlenecks, as well what could or could not be done to the waterways themselves per NC DENR and Army Corps of Engineers requirements. Mr. Holshouser noted to Council that upkeep work on creeks and streams throughout the City would be an expensive endeavor, and there is not currently enough staffing to accomplish any lasting effect on the local watershed system. Council and staff discussed the City's 2020 post-flooding efforts and what is being posed now in relation to what proactive and reactive efforts would entail.

Council and City Manager Michael J. Ferris discussed the possibility of using 2nd tranche ARPA funds for stormwater needs. This request would be taken to the City's ARPA Working Group to discuss and offer recommendations to Council. Council asked the consultants what types of uses could be paid for by ARPA funds. Mr. Murray noted that he thought capital projects and contracted services were allowable stormwater management expenses, and announced that the next round of funding for ARPA-related grants relating to stormwater is this fall with proposals due to the state by September 30th.

When could a new stormwater rate structure be implemented? It could be initiated at any time. The Mayor noted that although there was not a scheduled public comment period on the agenda, he asked if there was anyone attending who wished to come to speak to Council.

Ritchie Hearne, residing at 2213 Snuggs Park Road in Albemarle, came forward. He asked what inventory would be included for the City funds being spent for the watershed mapping. Mr. Murray replied that per contract the consultants are inventorying a certain amount of structures that could collect public water which could carry upstream capturing where public runoff would start. He gave an example of streets to backyards to streets – the water would be mapped from the beginning on a street, following through backyards and other streets all the way downstream. Mr. Hearne followed up with a question about whether the mapping would include piping underneath City and state-owned streets and sizes of those pipes. Mr. Murray replied that yes this would be mapped for City and state owned streets including the pipe sizes and delivered to the City in a database as an overlay for a GIS map.

Benny Bowers, residing at 817 Sylvania Avenue in Albemarle, came in front of Council. He commented that he hoped that the rate would be broken down to show any other fees involved such as the leaf collection fee in the originally proposed fee so that the public could compare like to like. He asked what phase of the contract the consultants were in and the contracted funds spent so far. Mr. Holshouser replied that the City is currently in the 2nd phase of the contract, which included the pilot study mapping and 1 on 1 sessions with Council about developing the stormwater program. Mr. Bowers then inquired whether the pilot mapping study was being used to establish the overall mapping system. Mr. Holshouser replied that the pilot study would provide a "snapshot" of part of the system in order to estimate how the larger system could look. However that pilot mapping study is paused now. What has been spent to date? City Manager Michael J. Ferris stated that the total authorized by Council is \$619,000.

The Mayor suggested as a next step that the ARPA Working Group meet and provide recommendations to Council first, followed by public hearings.

Council and City staff engaged in a brief discussion about whether to clear out parts of Melchor creek now. If Public Works Streets staff were pulled now to perform trimming/debris removal for a section of Melchor creek then other scheduled tasks such as mowing rights of ways and fixing potholes would cease.

Council discussed possible next steps, including whether ARPA funds could be used to hire contracted work versus having City personnel address certain parts of the plan and how that would impact Public Works efforts, and the timeline for moving the proposed plan forward with the consideration towards the timeline to get ARPA Working Group recommendations to Council. The City

Manager committed to bring ARPA Working Group recommendations to Council in September so Council has a little time to make a decision before public hearings are conducted.

Council and Mr. Holshouser discussed the new proposed stormwater rate, with Mr. Holshouser polling Council to see if the 5-year average rate of \$5.80 was something they thought was reasonable. Council consensus was that the rate sounded reasonable but that they did not want to take formal action on that tonight, preferring instead to see the concept and funding structure in a bit more detail.

Timing of Council's decision on the proposed program/fee in relation to the amount of time needed for information dissemination and public input sessions to occur prior to the end of the calendar year was another topic of discussion. Council agreed with Mr. Holshouser that a September-October timeline for formal Council approval of the proposed plan was reasonable. Mayor Pro Tem Hall commented that she supported the reduced program as presented tonight.

Council and the City Attorney discussed whether or not it was necessary to formally adopt the stormwater fee tonight. There is no requirement or need to have to adopt the fee now. Council did reach consensus to indicate to City staff is it their intent at this point in time to authorize them to use the "target" of \$5.80 for the proposed fee. The City Manager noted that Council's nod to that rate would help staff to begin information dissemination efforts now in order to show what that fee could and could not provide the public in terms of stormwater management efforts.

Council did agree to move a motion forward about applying for ARPA stormwater grant funding after confirming with the consultants that there was adequate program structure with the reduced plan to be able to submit for funding.

Upon a motion by Mayor Pro Tem Hall, seconded by Councilmember Dry and unanimously carried, Council authorized staff and the consultants to move forward with a submission for ARPA stormwater planning grant funding for fall 2022.

Technology Upgrade Discussion

Information Systems Director Owen Squires generally oriented Council to the multi factor authentication concept to help guard City devices from cyber attacks which will be activated later on. He noted that Council has been sent an email to activate the multi factor authentication process and provided them with basic instructions on how to download the app on their phones and complete the activation process. The process will not be activated yet for Council until after members follow through on this first step and any questions have been addressed.

Some Council members were concerned about use of their personal phones for this purpose. Mr. Squires assured them that use of this app does not directly create data for City business and therefore would not be subject to discovery for legal purposes.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsned and unanimously carried, the meeting was adjourned until Monday, August 1, 2022 at 6:30 p.m. in Council Chambers of City Hall.