

**REGULAR MEETING CITY COUNCIL**

September 6, 2022

The City Council of the City of Albemarle met in a regular session on Tuesday, September 6, 2022 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 Martha E. Hughes, Chris Whitley, Benton Dry, Dexter Townsend, and Bill Aldridge. Absent, Councilmember Shirley D. 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 Aldridge, seconded by Councilmember Dry, unanimously carried, the minutes of the August 15, 2022 regular and closed meetings were approved as submitted.

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**ANNOUNCED DELEGATIONS**

Joan Eudy and Joyce Abernathy – Yadkin River Patriots for Constitution Week

Joan Eudy, chapter regent for Yadkin River Patriots made remarks about activities to mark Constitution Week this year and thanked Council for allowing them to speak tonight.

The Mayor read the proclamation aloud and handed it to Ms. Eudy and Ms. Abernathy.

[Proclamation – Constitution Week – September 17-23, 2022]

Theodore Williams – Use of Wiscassett Field for Open Air Market

Mr. Williams came in front of Council to request that Council consider the use of the former Wiscassett field on Salisbury Avenue for an open air market. Council asked Mr. Williams a series of questions related to access, level of business so far with the night market, traffic flow, potential conflicts with other scheduled downtown events near to that area, which Mr. Williams addressed. Multiple Council members stated that they have that property under consideration for other uses.

Planning and Development Services Director Kevin Robinson came forward to respond to Council’s discussion around the need to enter into an agreement with Mr. Williams about potential use of the field, stating that the agreement could be for short-term use while Council further considers long term plans for that property.

After further discussion, Council reached consensus that a draft agreement for use of that field should be submitted by Mr. Williams for review by the City Attorney prior to it coming back to Council for consideration.

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## **ADMINISTRATIVE REPORTS**

### Consider Public Housing Action Plan and Special Meeting

Council requested that Public Housing Director Dr. Kim Scott update them on the following in advance of holding a special meeting regarding issues Public Housing residents raised at the August 15th meeting:

- Report on what Capital Funds have been spent on for the last 3 years.
- Report on what is included in the new Annual Plan.
- Report on what is included in the new 5 Year Plan.
- Review Public Housing Plan of Action and how the department will address all of the issues residents raised at the August 15th meeting.

Dr. Scott provided information to Council in the agenda packet and came in front of Council to discuss the status of the Annual Plan, updates in the 5 Year Plan, and the plan of action moving forward to address Public Housing issues raised by residents. He stated that in a recent meeting with the design services contractor Stogner Architects, the primary focus for addressing residents' concerns around Public Housing unit issues would be to focus on sewer/plumbing issues and mold abatement. He also stated that a grant application has been submitted to HUD for unit door peephole installation, and award notification would occur in the next few weeks.

Council discussed with Dr. Scott status of appliance acquisition and replacement, bedbug extermination services, and the status and number of units deemed to have sewer/plumbing issues which should be fixed first as well as relocation of those households. Also discussed was the estimated costs per unit to address the sewer/plumbing issues per Stogner estimates and how Public Housing plans to try to reduce that cost per unit in order to have more units worked on by the end of this fiscal year.

For resident complaints about Public Housing operations and communication issues, Dr. Scott assured Council that residents have been made aware of ACOP changes, and staff have reactivated the Resident Council. He explained why there is a back log in maintenance issues and how the backlog has been cleared. Related to communicating to residents about the annual and updated 5 year plan, Dr. Scott reviewed the dates of public hearings on that this past spring and when flyers and door-to-door communication occurred. For safety issues, Dr. Scott stated that he and Police Chief Bollhorst met to discuss issues and what Police could do to show better presence there. Finally, per concerns about possible retaliation for speaking out, he assured Council that he has demonstrated an open door policy and had toured the community several times and arranged meetings with residents to let them know they are being heard without negative consequence to them or their households for expressing concerns.

Dr. Scott reviewed the Capital Funds expenditures, the unit work history of maintenance, and waiting list status with Council and took questions.

Dr. Scott noted that educational workshops for residents would begin starting October 1<sup>st</sup>.

Council also discussed a date and location for a meeting to be held partially to address ongoing Public Housing issues. Council via poll had determined that Monday, September 12<sup>th</sup> at 6:00 p.m. would work, and announced that the EE Waddell Center would be the location of that meeting. The Mayor stated that he would call a motion to recess tonight's meeting to that date, time, and location.

#### Consider Public Housing ACOP Waiting List Policy Change

Dr. Kim Scott discussed this item with Council. The Public Housing Department is in the process of updating its current housing waiting list. In order to effectively comply with HUD guidelines for implementing an effective process for housing residents, he is requesting the following procedure changes in the ACOP:

1. An applicant will be given 1 offer of a unit of appropriate size and type. If that offer is rejected, the applicant goes to the bottom of the waiting list.
2. Once that applicant comes back to the top of the waiting list again, they will receive 1 offer. If that offer is rejected they will again go to the bottom of the waiting list.

Dr. Scott reviewed with Council the rationale for this policy change using a memo in the agenda packet further explaining the policy change request.

Councilmember Townsend then asked what the period of time was that residents had to reply to a unit offer. Dr. Scott stated that per HUD the window would be 10-15 days. Council discussed this window and asked how notification of a unit offer was documented. Dr. Scott replied that certified letters are sent out, by phone, or by word of mouth.

A motion by Councilmember Aldridge was made to approve the ACOP waiting list policy change, and was seconded by Councilmember Dry. Mayor Pro Tem Hall wondered if a specific date of residents' response (.i.e., if going out on the 1<sup>st</sup> of the month they would need to reply by the 15<sup>th</sup> of the month) should be incorporated into the policy.

Councilmember Aldridge amended his motion to include that additional information about resident response time into the policy. Councilmember Dry seconded the amended motion, and upon a vote, the motion was passed unanimously.

#### Consider Public Housing Updated Maintenance Charges

Dr. Scott discussed this item with Council. A spreadsheet with updated maintenance charges and a memo explaining the rationale for the revision was contained in the agenda packet.

Expenses associated with routine maintenance of Public Housing units has increased due to the national influx of prices for building and household materials. In order to responsibly respond to the modernization of apartments in Amhurst Gardens and Elizabeth Heights, Public Housing staff is

requesting Council consider a revised list of maintenance charges. Budgeting for expected/unexpected capital expenditures must be taken into consideration in order to adequately address replacement, upgrading and improvement of pertinent household items.

This change in fees and charges is to address maintenance issues above wear and tear, and to balance rising costs with more resident accountability for the status of replaced or repaired items. Dr. Scott explained that HUD does allow for waiving fees in extenuating circumstances on a case by case basis. This would become effective October 1, 2022.

Dr. Scott addressed questions and comments from Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley, and carried with a vote of 5 Council members voting in favor and 1 against, Council approved the revised Public Housing maintenance charges as presented. Councilmember Townsend voted against the motion.

#### Consider ARPA Strategic Workgroup Recommendations for Tranche #2

City Manager Michael J. Ferris provided the update to Council. The ARPA Strategic Workgroup recently met to discuss the potential uses of Tranche #2 funding. The Workgroup is a combination of staff members and elected officials. The City Manager has developed the attached presentation and summary of the Workgroup's recommendations for the consideration of the Mayor and Council. The second tranche received is \$2.58 million, and the workgroup recommended those funds be spent as follows: security/safety improvements in City Hall; defraying the cost of City work to be done for the Alleyway Project; radio purchase for City safety employees (Fire, Police); and leftover funds split between streets maintenance and stormwater grant application or matching funds.

Council debated the plan and the use of the funds for current needs (e.g., radios purchase) versus one-time needs (e.g., water pipe replacement or Public Utilities projects which need funding).

City Manager Michael J. Ferris explained the Workgroup was asked by City Council to bring recommendations forward for the September 6 meeting. He noted that LKC Engineering will be coming back in front of Council by October to discuss funding and the grant environment for water/wastewater rehabilitation and development projects.

Councilmember Hughes requested that Council action be tabled on this plan for 2<sup>nd</sup> tranche ARPA funds until LKC Engineering provides an update to Council.

#### Update on Albemarle Business Center Construction

City Manager Michael J. Ferris provided the update to Council. The construction of the Albemarle Business Center remains in progress. The following is the activities update to report as of the August progress meeting:

- Sewer installation this month and has encountered trench rock.

- Blasting has occurred on most remaining sewer alignments
- Gravity sewer has been installed from existing manhole through manhole A-9
- RCP drainage pipe is beginning to arrive and will continue to arrive this month (RCP pipe availability continues to be a challenge due to supply chain issues).
- Coordination of the electric infrastructure - This work remains tentatively planned for the first of the year. Dates will be discussed at the September Progress meeting

Mayor Pro Tem Hall asked about the status of the contract lease farming agreement noting that part of the property along Highway 52 was looking overgrown. City Manager Michael J. Ferris replied it was likely that farming wasn't being done now due to the "farm at your own risk" nature of the agreement. Mayor Michael confirmed that it did not appear any farming was taking place on the property.

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**MUNICIPAL CALENDAR**

Mayor Michael and Council members 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**

Resolution 22-29 – To Approve a Stormwater Planning Grant Application

City Council authorized applying for Stormwater Planning Grant funds at the special July session regarding Stormwater. The ARPA Strategic Workgroup is recommending a portion of funds be utilized for such activities. WK Dickson is not recommending a specific amount be included in the attached Resolution; however, they do anticipate applying for up to \$400,000 in funding.

[Resolution 22-29 - To Approve a Stormwater Planning Grant Application]

Landfill Gas Delineation Engineering Contract Approval

The contract in the agenda packet is to hire Carlson Environmental Consultants to address the gas remediation plan as required by the NCDEQ and the City's Landfill permit.

Ordinance 22-56 – Amending the Landfill Compactor Project Budget (NOTE: misnumbered – correct Ordinance number is 22-57)

The attached Budget Ordinance is to amend the Landfill compactor project budget to include a fire suppression system. This was not included with the Sourcewell contract so Landfill Superintendent Darren Preslar has sourced quotes and the winning bid was included in the agenda packet.

[Ordinance 22-56 corrected to 22-57 - Amending the Landfill Compactor Project Budget]

Electric Service Territory Agreement Extension

Union Power Cooperative is interested in extending the Electric Service Territory Agreement with the City of Albemarle for another 10 years. Staff prepared a memo with additional information and attached the existing agreement as well as the proposed extension into the agenda. A large map of the service territories was displayed for Council.

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

- Application for stormwater planning grant;
- Landfill gas delineation engineering contract;
- Ordinance 22-56 corrected to 22-57 (see note above) amending the Landfill compactor project budget to include a fire suppression system; and
- Union Power Cooperative Electric Service Territory Agreement.

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Resolution 22-30 – Consider a Petition for Annexation of 12+ Acres on Forever Road

Staff has received and submitted a petition, metes, and bounds and survey map for the annexation and rezoning of 12.37 acres on Forever Rd. A public hearing can be set for October 3<sup>rd</sup>.

Councilmember Hughes requested that Planning consider a public hearing for October 17<sup>th</sup> if notice has not gone out already to which Planning and Development Services Director Kevin Robinson agreed.

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, unanimously carried, Council approved setting the public hearing for annexation of 12+ acres on Forever Road to Monday, October 17<sup>th</sup>.

[Resolution 22-30 - Consider a Petition for Annexation of 12+ Acres on Forever Road]

Ordinance 22-55 – Amending the Operating Budget (NOTE: misnumbered – correct Ordinance number is 22-56)

The Ordinance will amend the Landfill operating budget to fund the gas migration delineation project and the Public Housing operating budget to fund additional needs regarding vacancy turnaround. The line for PH vacancy turnaround expenditures was inadvertently omitted from the Annual Operating Budget.

There was a brief discussion and clarification of the Public Housing operating budget item.

Upon a motion by Councilmember Whitley, seconded by Councilmember Dry, and carried with 5 Council members for the motion and 1 against, Council approved Ordinance 22-55 corrected to 22-56 to amend the Landfill operating budget to fund the gas migration delineation project

and the Public Housing operating budget to fund additional needs regarding vacancy turnaround. Mayor Pro Tem Hall voted against the motion.

## **NEW BUSINESS**

### Consider Approval of Fox Run Multi-Family Project

Staff is requesting that Council conduct an administrative review and consider approval of Fox Run Multi-Family Project on a 5.69 acre parcel at the end of Fox Run and Magnolia St. Proposed is 24 net zero cottage style and 6 garage apartments on a new street.

Planning and Development Services Director Kevin Robinson reviewed the request and staff analysis with Council. He reviewed the following analysis of the subdivision request: access; setbacks and density; landscaping; traffic analysis; utilities and topography; and road design. Highlighted aspects of the subdivision are noted below. Mr. Robinson noted that due to the ordinance changes with zoning, because this is proposed as an R-8 zoning district, this needs to come in front of Council for approval.

**Access:** Primary accesses to this development are proposed through build out of the unopened right ("Magnolia St. Extension") right way that intersects Fox Run Dr. as well as a portion of unimproved right of way at the end of Magnolia St. This should be substantial access to the site from both sides. The developer has proposed a 50' right-of-way. While standard right of way-width on local streets is 60', staff is agreeable to this width as it is consistent with the rights of way on either end of the development and additional widths would provide no benefit. Sidewalks are included on this street as well Ridge and Fox Run.

The developer is proposing to complete a 26' wide Magnolia Street extension from the current end of its pavement through to the intersection with Fox Run Dr. and extend sidewalks and street trees. Staff believes this will provide for a consistent road width and a much improved street network for the development and its neighbors.

Should it be deemed necessary by the fire marshal the hammerheads at the ends of the private drives may be required to be extended to 60' on either side from their current 30'. Also, it would be staff's recommendation that the additional, unused 50' right-of-way between this property and the property to the south be abandoned with each property receiving 25' in width. Staff believes the proposal meets all ordinance requirements for multi-family development in the City with the following conditions:

- The fire marshal approve the hammerheads and other fire apparatus access issues and make changes and needed.
- Setbacks from right of way for units, 30, 4, 5, 14, 15 and 24 be increased to 10' to meet setback requirements of R-6.
- City Council consider abandonment of unopened right of way between properties that is not proposed to be paved. Should such abandonment not be approved by Council, Staff will ensure development is still adequately buffered on engineered plans.

Mr. Robinson noted that the developer has made changes to the second condition noted above. Planning and Zoning Board did recommend approval with the conditions noted.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the Fox Run Multi-Family Project with the conditions stipulated above.

### MJSR 22-08 - Consider Approval of 8 Lot Non-Residential Subdivision on Woodhurst Lane

Council conducted a hearing and considered preliminary subdivision approval of an 8 lot non-residential subdivision of a parcel located at 1705 Woodhurst Ln. submitted by Frank Shepherdson.

Planning and Development Services Director Kevin Robinson reviewed the request and staff analysis with Council. MJSR 22-08 is proposed 8 lot traditional non-residential subdivision located on Woodhurst Ln. near the intersection with Byrd St. The 8.69 acre property is currently zoned LID and is planned to remain under the current zoning district. The Light Industrial District allows for multiple industrial, manufacturing, service and office uses by-right with no minimum or maximum lot or building sizes. He reviewed the following analysis of the subdivision request: access; open space; utilities and topography; road design; sidewalks; setbacks; and lot sizes. Highlighted aspects of the subdivision are noted below.

**Access:** There will be two primary accesses to the development. A private drive to the west of the property on Woodhurst Ln. will provide access to Lot #3. A new, 26', unnamed City street to the right of the property on Woodhurst Ln. will provide access all other lots. Per subdivision ordinance and in order to break this large block down, provide alternatives to reduce future traffic and to open up additional commercial land for development this proposed street should be required to stub out to the adjacent property to the north. It currently does not.

**Road Design:** A new 26' wide paved street is proposed. With this being inside the watershed no curb and gutter will be required. As mentioned, Staff recommends this street be stubbed out to the north for future development. Right of way width is shown as 55'. It should be 60'. A street profile including road with, drainage, planting strips and material depths is also needed.

**Sidewalks:** No sidewalks are proposed. If these lots are maintained as uses permitted in LID no sidewalks will be required to be installed. Should they be developed or used for commercial uses they will need to be rezoned with 5' sidewalks installed along all public street frontages.

Staff believes MJSR 22-08 major subdivision for Woodhurst Ln. will be in compliance with the changes identified. In addition there are some items related to development and construction on this property which can be approved separately from approval of this subdivision. In order to avoid confusion staff will identify those separately. Conditions for approval of preliminary subdivision:

- Subdivision shall show proposed street name, lot lengths and size table, correct building envelopes for LID development and street profile.
- Right of way for unnamed street shall be increased to 60'.



- New, unnamed street shall be stubbed out to the northeast of the property and shown on all plats.

Street may be phased in, but must be constructed, at a minimum, to the end of the frontage of each lot being proposed for platting and development.

- Any required covenants and deed restrictions for any open or common areas shared between lots, developments shall be shown.

Planning and Zoning Board recommended approval with the above conditions specified.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved MJSR 22-08 8 Lot Non-Residential Subdivision on Woodhurst Lane with the conditions stipulated above.

#### MJSR 22-09 - Consider Approval of 6 Lot Residential Subdivision

Mayor Michael noted a conflict with this agenda item. Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, Mayor Michael was excused.

The Mayor left Council Chambers and Mayor Pro Tem Hall presided.

Council conducted a hearing and considered approval of a 6 lot major residential subdivision of 2.29 acres on Anderson Grove Rd. by applicant Garry West.

Planning and Development Services Director Kevin Robinson reviewed the request and staff analysis with Council. MJSR 22-09 is proposed 6 lot traditional residential subdivision located on Anderson Grove Church Rd. near the intersection with Stafford Dr. The 2.29 acre property is currently zoned R-10 and is planned to remain under the current zoning district. The existing home will remain with adjacent outbuildings removed and 5 new lots available for new single family homes. This is in the watershed and will require 1/3 acre lots. He reviewed the following analysis of the subdivision request: access; open space; utilities and topography; road design; sidewalks; setbacks; and lot sizes. Highlighted aspects of the subdivision are noted below.

**Sidewalks:** Sidewalks or fee-in-lieu for each lot will be required at time of new home construction.

There is no additional infrastructure required for this subdivision. Staff believes MJSR 22-09 major subdivision for 400 Anderson Grove Church Rd. meets all requirements for approval.

Planning and Zoning Board recommended approval with no conditions.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved MJSR 22-09, a 6 lot traditional residential subdivision located on Anderson Grove Church Road.

### Consider Road Closure for Badin Brews Fall Market

Montana Noel, residing at 6751 Old Monroe Road in Indian Trail and representative for Sunny Days Markets came in front of Council to request an additional street closure for their scheduled Badin Brews Fall Street Festival to be held on Saturday, October 8th from 11:00 am - 8:00 pm. They would like to extend the festival area out to 1<sup>st</sup> Street from North Street to South Street and have gotten an ok from NCDOT should Council approve this additional street closure tonight.

The group originally submitted a special event permit for the festival. The road closure in the original application is for closure of First St. from North St. to South St.

Background: On Saturday, October 8th there are two approved road closures in downtown Albemarle: 1. Tiffany's at the Boardroom has been approved to close W. Main St. from First St. to Second St.; 2. Albemarle Night Market has been approved to close Depot St. from North St. to South St. while leaving W. Main St. open. There is a concern about this third possible event on the same day and vehicular access from west to east through the downtown. Harris Street is a possible solution, but it is not ideal for a large volume of traffic or large vehicles.

The Main Street Office has also been made aware a business on King Avenue is concerned about the impact on their business. They support downtown events, but occasionally have vehicular traffic impeded from accessing their business during events. There are options to consider, such as keeping South First Street open below King Avenue until 2:00. This could include the possibility of closing South Street between First and Second Streets for additional area for the Badin Brews event. We will ask this business and the representatives of Badin Brews if they can discuss and have a mutually agreeable solution that could be reported at the meeting on September 6. This would be ideal for all involved, including the City.

Discussion centered around the interplay of impact of potential traffic reduction for the Sweet Shop while it operates that Saturday and the other two events and potential traffic flow issues in downtown that day.

Ms. Noel noted that Plan A was to request both sides of 1<sup>st</sup> Street for their event, but Plan B was to have 1<sup>st</sup> Street closed only to King Street and the alleyway. The Mayor noted that a deal was worked out where traffic for Albemarle Sweet Shop would still be able to access the business via the alleyway and then back over King Street to Second Street.

Council agreed that Sunny Days Markets' request to close First Street from North Street to South Street would stand, with street closed signage and barriers placed on either side of the closure area to notify local traffic of the street closure that day.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the additional street closure of First Street from North Street to South Street on Saturday, October 8th from 11:00 am - 8:00 pm.

### Resolution 22-32 – Consider Albemarle ABC Board Request for Increase in Monthly

Stipend

The members of the Albemarle ABC Board sent Council a letter (in agenda packet) for the rationale for their request for an increase in their monthly stipends. The Chairman is requesting an increase to \$225 per diem, and for Board members an increase to \$200 per diem.

Upon a motion by Councilmember Hughes, seconded by Councilmember Dry, unanimously carried, Council approved the Albemarle ABC Board's request for per diem pay increase as requested.

#### Discussion of Student Resource Officer (SRO) Program

City Manager Michael J. Ferris debriefed Council about this item. The City received a series of resolutions Stanly County Schools on August 23rd related to supporting school resource officers. The request is the City add a dedicated SRO for the elementary school level instead of the current arrangement where the SRO shares time between the two elementary schools in Albemarle. The request is to also fund 100% of the expense of the SRO program for the Stanly County Schools located within our corporate limits. The City of Albemarle currently pays 50% of the full program cost along with Stanly County Schools and provides officers at Albemarle High School, Albemarle Middle School and a shared officer between East and Central Elementary Schools.

Mr. Ferris recently met with the School Superintendent who verified this is the request. The City of course has recently adopted its annual budget without these additional service levels incorporated into the budget. Dr. Dennis did note the system is seeking a grant to help offset the cost of an additional dedicated SRO, but was uncertain of when a decision would be made regarding award or denial of the grant application. Mr. Ferris also discussed the matter at length with Police Chief Bollhorst. The City has a long history of partnering with the School System and wishes to continue to do so. We do not operate schools and have many municipal service needs we cannot fund as quickly as we like; however, we do believe school safety should be a shared responsibility.

Given the system is applying for the grant and the fact we have several new officer recruits in school, the following timeline is something we believe the City can commit to. We can continue with the 50% share of the current 3 SROs and continue service as it has been provided. We can commit to a fourth SRO in January so that each elementary school has a dedicated SRO and we should seek that if a grant is received by the School System, that the funds be provided to supplement the City's cost. This will confirm the arrangement for the school year just begun and allow time for discussions of how the program and costs will be structured for future school years.

Jennifer Flowe from Stanly County Schools came in front of Council to let them know the school district has submitted a grant for \$33,000 which if awarded will be paid out to the City of Albemarle to help defray the City's share of the additional SRO position.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hall, unanimously carried, Council approved the SRO program funding plan as recommended by the City Manager.

#### Discussion of E-Scooters

Background: Shared public use scooters have appeared in Albemarle recently. Regulations/rules for a handful of jurisdictions regarding these devices were provided in the agenda packet. Any rules adopted locally would need to be drafted in Ordinance format and adopted by the City Council. The City currently has a prohibition in our Ordinances regarding the operation of scooters and other wheeled transportation on the sidewalk in the Central Business District. This is something that some of the jurisdictions with regulations that were placed in the agenda packet have chosen to have in place.

Alex Zimmermann, a representative from Peel Scooters, came before Council to answer questions. The Mayor asked Mr. Zimmermann to first explain the program to Council and the process a person would encounter to rent a scooter. Mr. Zimmermann then addressed the following questions from Council:

- Is there a way to control the age of a scooter rider? The company could implement driver ID verification if the City wanted it.
- Does a potential rider have to accept terms and conditions before they are able to ride? Yes – twice.
- Are helmets available to riders? No – riders would have to bring their own.
- How did the company decide to come to Albemarle? They saw an ad for the night market managed by Mr. Williams.
- Is there a training mode? Yes.
- Is there speed limit control? Yes. Considering Albemarle has hills the company can also modulate speed on hills.
- Is there insurance in place? Yes – it was sent to Joy Almond and ADDC.

Council expressed some concern over safety issues with the scooters and having no agreement in place with the scooter company. City Manager Michael J. Ferris noted that he has been in contact with another company representative and that a contract came over today. City Attorney Britt Burch added that she has already reviewed the preliminary contract and sent a series of revisions adding in insurance, waivers, liability, indemnification, etc. Council asked her if the contract could be open for further restrictions – it still is being negotiated so if Council wished it additional provisions could be added. Council then asked the City Attorney's recommendation about how to proceed with the scooter program until the agreement is finalized.

There was a separate discussion about the City's motorized vehicle ban on downtown sidewalks and how the company would address that restriction.

After further discussion with Mr. Zimmermann on how quickly additional rider restrictions and controls could be placed on scooters already in the City, and gauging the timeframe the agreement could be finalized, Council decided that since the scooters already were in operation, they should continue to operate with the understanding that Council requests made tonight should be expeditiously added to the scooters in Albemarle and into the contract.

Council requested a social media post be created by PIO David Fath about the scooter program and the City's release from liability for this program.

Council requested that the City Attorney continue to work on the contract and speak with Chief Bollhorst about any areas of concern which need to be addressed.

Resolution 22-31 – To Adopt a Public Commenting Policy

Per recent interest by Council, the public commenting policy again has been provided for review and discussion. The policy for consideration, as well as a resolution for Council to adopt the policy should they decide to approve it and the matrix of several municipalities' approaches to public commenting completed in 2020 were provided in the agenda packet.

The Clerk presented to Council and took questions. Council response was positive about the policy, but they did not want to keep the 3 minute rule item. Council agreed that the City Attorney could revise the 3 minute rule item with language that specified Council reserves the right at a meeting where there is a volume of public commenters to impose a time restriction.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, Council approved the public commenting policy with the revision as stated above.

Consider Adoption of the Budget Planning Calendar

Council reviewed and discussed the draft Budget & Planning Calendar which was in the agenda packet. Mayor Pro Tem Hall raised a point about having a budget planning session where both outgoing Council members and incoming Council members could be in attendance. Council discussed the issue and entertained the idea of replacing the October 18<sup>th</sup> date on the calendar they received with a later date after the election but before new members are sworn in provided First Tryon is available.

Council agreed with all other submitted dates on the planning calendar and asked that Mr. Ferris speak with First Tryon to reschedule the October 18<sup>th</sup> date with one where incoming and outgoing Council members could attend.

Information – Parks and Recreation has Received a Juvenile Crime Prevention Council Grant

Parks and Recreation Director Lisa Kiser came in front of Council to announce the grant award. Albemarle Parks and Recreation has received a grant from the Department of Public Safety Juvenile Crime Prevention Council in the amount of \$38,834. The grant will be used for an after-school program called Building Blocks. The Building Blocks program will provide tutoring and academic enrichment for juvenile justice involved youth and youth at-risk of becoming juvenile justice involved. It is a community based program that will build on the strengths of each youth and help create the building blocks for a positive academic experience. The program will also integrate social emotional learning, STEAM (Science, Technology, Engineering, Arts, and Mathematics) based learning, and problem solving group projects.

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**CLOSED SESSION**

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

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**RETURN TO OPEN SESSION**

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes 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 the City Attorney, N.C.G.S. 143-318.11(a)(4) Economic Development and N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

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The Mayor called for a motion to recess the meeting until Monday, September 12, 2022 at 6:00 pm at EE Waddell Center.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend and unanimously carried, the motion was passed.