

**SPECIAL MEETING CITY COUNCIL - CORRECTED**

January 3, 2023

The City Council of the City of Albemarle met in a special session to conduct a public hearing about a proposed stormwater plan on Tuesday, January 3, 2023 at 6:00 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following members were present, to-wit: Mayor Pro Tempore Martha Sue Hall and Councilmembers Chris Bramlett, Chris Whitley, Dexter Townsend, Bill Aldridge, and David Hunt. Absent: Councilmember Benton Dry.

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Mayor Michael called the meeting to order.

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The Mayor announced that Public Works Director Ross Holshouser would provide a presentation about the proposed stormwater program remotely via phone.

Mr. Holshouser reviewed the following:

1. The reasoning behind why the City is proposing a stormwater program;
2. Recent events and decisions leading to the proposed stormwater program being presented tonight;
3. The 5 components of the proposed stormwater program, how they would operate, and funding levels for each;
4. A comparison of the original proposal and the currently proposed plan, including the differences in proposed fees and costs for both;
5. A cost-of-service summary of the current proposed plan;
6. An explanation of what an Equivalent Residential Unit (ERU) is and how it is calculated across different types of properties (residential, small business, large business, government, medical facility, multifamily); and
7. An overall summary of highlighted points about the program.

Councilmember Aldridge entered the meeting during the presentation.

The Mayor noted that Council would conduct a public hearing tonight with the intention of considering the proposed program over the next few Council meetings. He opened the hearing and noted that multiple people signed up to speak. He called Carl Lowder forward.

Mr. Lowder with a business location of 435 Willow Street made the following comments:

- The presentation was important to hear and hated that the public didn't get to see it until tonight;
- He is not happy with the proposed program;
- When his property flooded he did his own clean up work with no help from the City;
- He doesn't know how the public would believe this.

The Mayor called forward Ronnie Stiller. Mr. Stiller, residing at 308 Ellenwood Drive, made the following comments:

- He lives on a dead-end street with no curb and gutter which floods out;
- He doesn't feel like he should be responsible for other people's flooding issues;
- He tried to get his street fixed and has asked Public Works and Councilmember Dry about it, where they promised to do something but nothing has happened;
- He noted that nearby streets are unpaved (Canterbury Road) and that's terrible for them;
- He made the claim that for his neighborhood (Ross Drive and Ellenwood Drive) there really is no City presence;
- He feels like folks like him shouldn't be punished for new development which would make the flooding problem worse;
- He noted that he used to work for the City and Stanly County and is familiar with the stormwater business.

The Mayor called forward George Carpenter. Mr. Carpenter, residing at 2317 Badin Road, made the following comments:

- He believes this is the wrong time to bring up a stormwater plan and fee due to inflation;
- Large businesses like Walmart would have more to pay with the stormwater fee which he believes would be passed onto the customers with higher prices;
- His neighborhood gets flooded but because the roads are state owned nothing is being done at that level.

The Mayor called forward Donald Lowman. Mr. Lowman, residing at 2202 Edgewood Drive, made the following comments:

- He stated that he opposes the proposed stormwater fee. He has lived in Albemarle for 30 years, with no creek, ditch, or road issues related to flooding.
- He is hoping that the program and fee are denied because he doesn't want to pay it and doesn't have this problem.

The Mayor called forward Duke Furr. Mr. Furr, residing at 1007 Northbrook Drive, made the following comments:

- He reminded Council and the public of the history of earlier development of the City and the timeframe when pipes were placed in the ground;
- He also recounted that at that time (1940s-1960s) creeks were piped off;
- He asked if the proposed stormwater plan would take into account the piping placed in the ground in that time period, or whether only more recent developments and pipe placement would be the focus of the stormwater management plan;
- He asked if the City would be able to pull information from the vault. The Mayor replied that the City could pull records as a public records request.
- He stated that he thought the City created the problem with the pipe infrastructure installed in the 1940s, 1950s, and 1960s.

The Mayor called forward Mitchell Cook. Mr. Cook, residing at 29155 Nelson Mountain Road, made the following comments:

- Please consider the seniors who wouldn't be able to pay the stormwater fee on top of paying utilities;
- With big housing developments coming in the water comes from somewhere;
- The City should place taxes and fees on the new developments instead;
- The City should let everyone pay their fair share.

The Mayor replied that developers are required to install infrastructure for the development and pay fees.

The Mayor called forward Paul McKay. Mr. McKay, residing at 1522 Elmwood Avenue, made the following comments:

- His driveway gets runoff from Elmwood Avenue, Parker Street and other places and contributes to the problem;
- He distributed a photo to Council;
- The pipe near his property is insufficient to handle the runoff, and the catch basin isn't big enough, causing the water to wash onto his driveway and seep into his house;
- He has put money into excavating, landscaping, and grading his property to try to reduce the problem;
- The culvert on his street he said was not on the stormwater map per what City personnel told him;
- The proposed stormwater fee he would have to pay would go to other properties but won't help him;
- He asked how will stormwater projects be determined and would his area/property be a priority?
- He and the Mayor had a clarifying discussion about who pays for developments, where the developer would have to pay fees to manage stormwater and runoff.

The Mayor called forward Ritchie Hearne. Mr. Hearne, residing at 2213 Snuggs Park Road, made the following comments:

- He disclosed that he is a NC licensed engineer;
- He stated he wanted to make 4 points:
  1. People don't understand how an ERU is computed or applied, and large property owners will get hammered with the total annual fee cost. It will be sticker shock for commercial owners and places like churches.
  2. He is concerned about the cost of the consultant hired for stormwater management – has the City gotten a return on its investment? Is Melchor Branch the best place for the mapping study rather than Long Creek or Little Long Creek?
  3. He thanked City staff for sending out the proposed budget in the utility bill stuffer. He noted in his understanding of the stormwater budget, 20% will go towards capital projects which are the most likely to put a dent in the issue.
  4. Look at Long Creek and Little Long Creek instead of Melchor Branch.

The Mayor called forward Billy Mills. Mr. Mills, residing at 401 Brenda Drive, made the following comments:

- He first thanked Council for allowing the public to speak tonight.
- He asked if his photo was sent to Council. Council confirmed it was and that they have a hard copy of it at their places also.
- He asked Council a series of questions, with the response following the questions:
  - For the \$600,000 paid to WK Dickson (the consultant), did those funds come out of the General Fund? Yes funds were drawn from the General Fund. Were those funds for the Melchor Branch study? Yes, and other activities to develop a proposed program to this point. The Mayor added that Council approved of the funds paid to the consultant, and those funds were taken out of the General Fund because there is no stormwater fee to pay for that cost.
  - Will state and federal government entities which have buildings here pay the stormwater fee? The Mayor could not answer that, but stated that he looked at other municipalities' stormwater management programs and how they obtained their fees and he could only find 1 or 2 towns which assessed the fee from state and federal government entities.
  - Will the proposed stormwater administrative and crew positions be reassigned to non-stormwater projects? The Mayor replied that there likely would be overlap, and the City Manager added that typically City personnel work on projects where there is a need.
- He commented that the timeline on the mapping study seems long (9 years) – is the contractor milking the City of funding? Would it be a conflict of interest for them to continue the mapping project?
- He recounted the story behind the photo he sent Council when his daughter's car got stuck in flood waters on Highway 73 near City Lake Park with his 2 very young grandchildren in the car some years back. He thanked whomever helped save his grandkids that night. For that reason he is interested in this issue.

Councilmember Whitley left the meeting.

The Mayor called forward Carla Weyrick. Ms. Weyrick, residing at 435 Willow Street, made the following comments and posed the following questions:

- It's been 1 year now since she has been trying to understand this program;
- The County has approved developments around City Lake Drive where her father Jim Lowder, Jim Anderson and she have been getting flooding for years;
- She doesn't want new development without the pipes being mapped;
- Is the City going to collaborate with the County on stormwater management?
- Does the City plan to develop wisely?
- Will the City keep developers away from the creek areas?
- Can the pipes be mapped quicker?
- Would the stormwater fee allow for broken pipes to be fixed?
- Her father paid to have his property cleaned up not the City;
- How often will stormwater fees be increased? Will there be a cap on fees?
- Give attention to Long Creek and Little Long Creek mapping.

The Mayor called forward Richard Almond. Mr. Almond was present representing the Crook Motor Company. He made the following comments:

- With the proposed fee his company would pay between \$4,000 and \$5,000 a year.
- He doesn't see a clear path for the money to be spent or used.

The Mayor asked if anyone else wanted to come forward to speak. Mr. Burl Maynor, residing at 207 Russell Road, came up to speak and made the following remarks:

- He owns 30 acres and what the City is adding on is a lot;
- What the City is proposing is necessary;
- He lost a property on 2<sup>nd</sup> Street but is not getting reimbursed by the City for that;
- The creeks need to be cleaned up but what the City is proposing doesn't need to be done all at one time;
- Most folks won't be able to afford the fee.

The Mayor noted that there is a grant available to fund a study of Long Creek should Council approve of the receipt of the grant.

Mr. Sean Hubbard, residing at 593 Washington Lane, came forward to make remarks.

- He has lived here a year, and has a situation where a pipe needs to be cleaned out over at the back of his property;
- He wondered about the need for disease control for the flooding issue.
- It is important to protect houses from water issues;
- Homes are sitting on a 100 year old pipe system;
- Could the community get involved in stormwater management by providing them skills and training to do some of the work?

The Mayor replied to the piping question Mr. Hubbard asked about related to his property by wondering if it is a sewer pipe there. If it is and it is located on the City's right of way the City can help him with that issue. If it is on private property though the property owner would be responsible.

Mr. Cliff Robinson, who owns multiple properties in Albemarle, made the following comments:

- He has a concern about the proposed funding for 2 and a half full-time employees versus the originally proposed 3 and a half employees. Why would the City reduce the number of staff – can the City get by on just 2 and a half employees? This was the recommendation made by the consultant and City staff. Mr. Robinson replied by recounting a road patch up job he witnessed City personnel do in the past. He stated he saw 6 City staffers out on the job, and some of them just sat there after concrete was poured. He had asked these staffers what they were doing and he said they told them they were told to make sure the cement dried properly. So if it takes 6 people to do a job like that, how would the City handle stormwater management with less? He opined that the proposal was smoke and mirrors.

Council thanked everyone for coming out tonight.

The Mayor called for a motion to adjourn to Monday, January 9, 2023 at 6:30 pm for the regularly scheduled Council meeting in Council Chambers of City Hall.

Councilmember Aldridge made the motion, which was seconded by Councilmember Hunt, and unanimously approved.