

REGULAR MEETING CITY COUNCIL - CORRECTED

January 9, 2023

The City Council of the City of Albemarle met in a regular session on Monday, January 9, 2023 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 Chris Bramlett, Chris Whitley, Dexter Townsend, Bill Aldridge, Benton Dry, and David Hunt.

The Mayor called the meeting to order.

The Mayor gave the invocation.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, unanimously carried, the minutes of the December 19, 2022 regular and closed meetings were approved as submitted.

UNANNOUNCED DELEGATIONS

Billy Mills – To Speak About Solid Waste

Mr. Mills, residing at 401 Brenda Drive, came in front of Council to speak about solid waste. He stated that services are not being rendered by WM. His leaves haven't been collected for a month, and his trash wasn't picked up today. There is no room to roll the carts out because his leaf pile has taken up a lot of curb space due to lack of pick up. He wondered why residents are paying for services not being rendered. He suggested to Council that the City provide a credit to solid waste fee payers for the lack of services from WM this month. He added that the lack of leaf collection creates other issues by washing into storm drains and culverts.

The Mayor replied that Council is aware of the issues with WM. There are 17 months of service left on the contract with WM but the City is gearing up to look at proposals by the end of this year.

ADMINISTRATIVE REPORTS

Albemarle Police Department Traffic Safety Report

Chief Bollhorst, Assistant Chief Cranford, and Sergeant Myers came in front of Council to review their presentation and take questions from Council.

Chief Bollhorst reviewed: current APD staffing levels and traffic safety program goals which are aligned with national safety organizations. He commented that APD will be maximizing their efforts this year on traffic issues like speeding. APD's goal is to educate the public and provide education and awareness rather than write tickets and try to impose fines.

Assistant Chief Cranford reviewed APD traffic activities for the last half of 2022, and various traffic complaints and enforcement actions in 4 high traffic areas: the Woodhurst area, Smokehouse Lane area, Parkridge/Hawthorn area, and Summit/Wall area. He also reviewed speed data taken from speed trailers placed in these complaint areas. No areas studied showed an average speed above the posted speed limit, but did show times and instances of speeding. Data showed a worsening of traffic issues over the last 2 years.

There was a discussion between Council and Assistant Chief Cranford about the timeframe APD obtained the data presented.

Sergeant Myers commented on how APD handles traffic stops on patrol, noting that for speeding complaints, officers usually cannot arrive in time to address the speeding vehicles and stop them to ticket them. He then explained how traffic checkpoints were deployed around the City on New Year's Eve to illustrate how APD is increasing traffic enforcement with current staffing levels.

The APD members took questions from Council. Why the change in traffic issues for the Woodhurst Lane area? Is it because of the development of the cut through to Highway 24/27? Yes, that does seem to contribute to the problem and has been confirmed by community members there in interviews with officers. Could the "cut through" issue also be related to the companies out that way? APD will look into that angle. With the speed trailer plan, is there a subsequent plan to enforce afterwards? Yes. The APD will realign staffing to form flex teams for special projects, among them traffic safety.

The APD will move speed trailers around, but folks know where the "hot spots" are, so APD needs to reach out and educate the communities surrounding these "hot spots." Although APD will continue to run radar in traffic problem areas and enforcement activities, APD will engage the public more in education.

Chief Bollhorst sent an open invitation to the public to reach out to the APD and officers to come into their communities to have discussions about safety. He indicated that residents would have the best information regarding specific neighborhood speeding. This information and working in tandem with the community will aid in targeting and resolving specific issues.

Council thanked the Police Department for the report and update.

MUNICIPAL CALENDAR

The Mayor and Council members received the municipal calendar prior to the meeting. The Mayor asked if Council had any questions or comments about the calendar.

Mayor Pro Tem Hall noted two events coming up in February for Council to consider:

- February 2nd – the Stanly County Chamber of Commerce Annual Meeting
- February 22nd – Town and State Dinner in Raleigh

Council should decide on attendance for these soon.

UNFINISHED BUSINESS

Consideration of Stormwater Utility Program

The Mayor summarized that there have been 4 public input/hearing sessions on stormwater, most recently last Tuesday, staff have put together a presentation of the program being considered tonight, and Council has received tonight a timeline of activities to date on the City's efforts thus far on the stormwater issue for consideration. He asked how Council wanted to proceed.

Mayor Pro Tem Hall referred to the timeline document provided, walked through each meeting detailing which Council members made and seconded each motion related to stormwater. Each motion passed unanimously. She then noted that all of Council except Councilmember Hunt has either made a motion and/or seconded a motion about the stormwater program proposal since June 2020. She commented that Council has been kicking this issue around for 30 months.

She then read from a prepared statement which included the following points:

- After the public hearing held last Tuesday, she is more than ever convinced that the City needs a stormwater plan. There were 14 local, county, or regional citizens who spoke about the current situation around stormwater issues, and whether they supported the proposed program or not, presented evidence that the City has had an issue for years.
- This flooding issue will only get worse year to year and will not go away without an implemented plan.

- The first proposal allowed for more “boots on the ground” implementation, but also allowed for a shorter timeframe to get the city’s creek system mapped out and cost twice as much.
- With the current proposal the cost has now been cut in half, the time to see results has doubled, the execution of the plan will be ongoing.
- The proposed plan is not perfect as there are still questions out there regarding non-residential and commercial properties and how they will be assessed.
- Council is aware that it is only time until the State of NC mandates we have a plan and a program, as there are approximately 100 municipalities who already have a program. It will be much better for us to be proactive vs. reactive (when the state mandates it).
- We have spent more than \$600,000 dollars (most to an engineering firm) to get this plan, and our Public Works staff and Public Utilities Customer Service staff have taken on additional responsibility during this process.
- The liability is great for the City. Council knows there is a problem. The City and Council knows that we have culverts with aged pipes and streams/creeks/ditches that will not allow for water to flow, although many of these have been cleaned out since June 2020.
- She commented that not implementing a plan and taking corrective action is not the responsible thing to do. Council cannot turn our backs on this issue just because no one wants to pay for it.
- Although the complaint about the proposed fee being another tax has been voiced and heard, she sees this as another utility fee much like water and sewer, electric, or solid waste. The funds for the program could be taken out of the General Fund, but that would mean less funding for other City services/operations or an increased tax rate for Albemarle.

After her remarks, Mayor Pro Tem Hall made a motion to approve the proposed stormwater management plan and fee as presented. The Mayor called for a second on her motion. Councilmember Dry seconded the motion.

The Mayor asked if there was further discussion. The rest of Council made remarks either in support of or opposing the motion, which are summarized as follows:

- Councilmember Bramlett:
 - Back 2-3 years ago it sounded like a good idea, and then he followed it over the last 2 years. He came to the hearings where he felt like the engineers didn’t know what they were bringing forth and couldn’t answer questions about the proposal.
 - He was shocked to hear in the January 3rd special stormwater meeting that the City has spent over \$600,000 on a study (from his understanding).

(NOTE – The Mayor, the City Manager, and the Public Works Director all clarified that the \$600,000 paid to date on stormwater was for a variety of items including the cost of the contractor as well as some efforts for mapping of the Melchor Branch which were halted once Council voted to not consider the original proposed program in spring 2022).

- Since the City doesn't have a civil engineer how does the City know it's getting a program that will work?
- Why doesn't the City hire a civil engineer and hire 3 other personnel to carry out the program for a fraction of the cost? The City doesn't need an extra department for stormwater.
- There is no way he could vote for this as proposed.
- Councilmember Townsend:
 - He first noted that for the reduction in stormwater program revenue proposed from \$11.50 down to \$5.80 there was a reversal of the loose-leaf collection back to its placement as the normal fee collected by Public Utilities. What portion of the reduction in cost to residents/customers under the originally proposed \$11.50 would have been generated? He doesn't recall ever seeing that figure. What has moved out of the loose-leaf collection fee now? City Manager Michael J. Ferris replied that there was no movement of the loose-leaf collection fee from the utility bill because Council never adopted the program as originally proposed last May. Since that part of the proposed plan died with Council's rejection of the entire stormwater plan last spring, staff have not calculated that cost and therefore do not have it available since it doesn't exist any longer and wasn't in the currently proposed plan.
 - Regardless of the outcome of the decision on the program, he wanted to thank the staff and the consultant for the time and effort they took in crafting the plan. Staff took the direction of Council in terms of what to do and not do to, and he noted again regardless of the decision Council makes, staff did what they were directed to do. He added that Council's decision tonight does not reflect on staff.
 - He thanked citizens for their input via emails, phone calls, surveys, or coming out to voice their opinions in various public hearings on the matter. Their thoughts and opinions are valuable.
 - After consideration of the proposed plan, including citizens' input from their experience with flooding a few years back, this makes it a difficult decision for Council to make.
 - As he makes his decision tonight there have been numerous factors in play he has thought about, such as small commercial owners with large stormwater footprint struggling to make it with a proposed stormwater fee; the faith-based community which generates a lot of impervious surface with their parking lots and are struggling to bring back their congregations post-COVID; to the 200

Public Housing residents who already receive a public utility allowance and the \$5.80 fee could be a major blow to them; to the citizens of Albemarle who have to deal with \$5.00 for a dozen eggs, over \$2 for a loaf of bread and gas prices which are inflated; to the school system which has large impervious surface area and is continually crunching numbers with their tight budget; to the hotels and event venues who will end up passing on the fee in higher rental prices, and just the timing of implementing a new program during high inflation, these are a few reasons why he has to cast a no vote against implementation of the stormwater plan.

- However, he knows that the City has to do something, and he hears staff concerns about the possibility of such a program being mandated by the state dictating to the City on what we can and cannot do, and so he proposed that the City reach out to the NC Department of Natural Resources (DNR) or other state officials to see exactly what we can do.
- Councilmember Dry:
 - We have never faced these issues before, but is it going to stop natural disasters like flooding from happening? No. Is it going to stop insurance companies from collecting flood insurance? No.
 - It costs the City a lot of money to manage water runoff and flooding. If you look at staffing, they work pretty hard. Council can't ask these individuals to do more than they already do and be able to handle multiple programs.
 - Is there ever a good time for something like this? No, but we won't see any good things happening unless we invest in them. He's a business owner and knows he doesn't want to pay the fee, but that's his investment back into the community. He lives and works here, and he doesn't think lightly about the citizens or other entities and their response – you will get a mix of yes/no/maybe out in the larger community.
 - This problem is not going to go away anytime soon unless Council makes a decision. There is never going to be an easy path for Council on this; folks are telling him they admire Council for taking the heat on this issue. Are people going to like it? No because it hits people in the pocketbook, but it's not going to go away. We can't just sit back and let it go away on its own, especially with a minimal number of employees. Just because another municipality is doing it a certain way doesn't mean the City Albemarle has to do it the same way.
 - He respects the various opinions of the Councilmembers.
 - It's time Council takes a stand to show the community yes we listened, but it's a hard decision to make, but it's the right decision to make long-term.
- Councilmember Bramlett rebuttal:
 - He thought that Council should do something, but he doesn't like the program proposed.

- He doesn't see a clear understanding of how to go about this at all.
- He is not impressed with the engineers on contract.
- He proposed the City hire a civil engineer, add a few more employees and place them under an existing department in order to do this with a whole lot less money.
- Councilmember Townsend rebuttal:
 - He broached the conundrum of what Council would tell the people who came to testify in front of them about flooding back in 2020. What would Council tell them if they had to wait 7-8 years for something to be done?
- Councilmember Aldridge:
 - There are too many unanswered questions from his perspective. For example, has the City done everything it can to clean out the creek beds? Does the City have enough staff to do this? He noted that along Melchor Branch the trees are not as dense as they used to be. He's not sure if that's due to them having fallen or City efforts but it doesn't look as thick as it used to be.
- Councilmember Dry rebuttal:
 - Regarding the cost of the program, he requested that Public Works Director Ross Holshouser come forward to speak on how the decisions were made thus far about the program from the staff perspective since they are more familiar with it than Council.

Mr. Holshouser clarified the role of the contractor. Considering this is being approached as a new utility much like water and sewer, he reminded Council that Public Utilities has professional, contracted engineers for water, sewer and electric projects, and Public Works has one for Landfill and solid waste. So, bringing in a specialized contracted consultant as the engineer is typical for City of Albemarle. The Mayor added that the consultant approved by Council for stormwater program development is highly rated across the state and was the selection after an RFP was put out for stormwater program development.

Mr. Ferris added that in terms of project expenditures the original cost was less than what has been spent so far, but Council redirection added to the cost to the current total spent to date.

Mr. Holshouser summarized where the \$600,000 had been spent thus far, clarifying that a number of activities as well as the hiring of the consultant were allocated for those funds, not just the Melchor Branch mapping study alone.

Councilmember Townsend asked Mr. Holshouser to clarify if the stormwater fee would be an ongoing fee, and whether there was a sunset date for the fee. The stormwater fee would be like other utility fees, but it would be Council's decision on the fee and how it was

structured. Mr. Ferris added that it would stay as a fee unless Council decides to remove it later on.

The Mayor asked if Council had any other comments. Mayor Pro Tem Hall noted that she wanted to read the rest of her statement. She felt sorry for staff because Council gave them direction on this issue, but there have been many turns on Council's requests over the last 2 and a half years due to this being a hard decision for Council to make. She felt that anything is better than what the City has in the way of stormwater management. Councilmember Bramlett did not agree with her last statement. Mayor Pro Tem Hall went on to say that it's Council's responsibility to listen to people, and she has been appreciative of the public's input on this issue via the 4 public hearings and sending in written comments and calling Council. However, if Council does not make a decision, in her opinion Council then is part of the problem. Whatever Council does, they have to do something to be part of the solution.

The Mayor commented that like the concept that Councilmember Aldridge raised earlier, Council has the option to reduce the stormwater management program to maintenance only with no capital projects. Council should do something though, suggesting that mapping Little Long Creek would be beneficial considering that is a source of many flooding problems in the City. He reminded Council that the City has been awarded a grant to assist in the Little Long Creek mapping study but a condition of acceptance of the grant is that there be a Council-approved stormwater management program. If Council does not approve one, that grant money will go away. He also announced that the City has applied for another stormwater related grant and will hear in about a month or so on that. He noted to Council that they could decide to reduce the program, but some of the program should be targeted to capital projects in order to receive grant funding in the future.

Councilmember Aldridge requested clarification on the grant funding point the Mayor made. He asked if Council voted down this plan tonight if the City would be able to receive that grant. The Mayor clarified a stormwater management program would need to be adopted by Council, but not necessarily this one being considered by Council tonight. He further specified that having a Stormwater Fund with residents paying a fee was a condition of receiving the grant.

Councilmember Aldridge, the Mayor, Mr. Ferris, and Mr. Holshouser further discussed the potential option of a scaled back stormwater plan focused on just maintenance and the staffing and equipment needs for that concept. Mr. Ferris clarified for Council in terms of City staffing and effort that it is not lack of desire of staff to provide manpower for stormwater management, but funding and where that would be sourced to provide for the wages for those dedicated personnel. He summarized for Council that since 2020, Public Utilities staff have cut back foliage and overgrowth along rights of ways and cleaned out culverts and drains within the current Council approved budget allocations. If there were additional needs placed on staff specific to stormwater such as cleaning out creeks, current budget funds would be drawn away from other City operations or programs to fund this effort.

Mr. Holshouser further clarified that for grant funding now and into the future, the City will need to grow reserves and/or a capital fund (a revenue stream) in order to put in matching funds for grants received for stormwater. Having no method of developing these funds would then nix the possibility of putting money aside to take advantage of grant funding for stormwater which is essential for funding capital projects. If the City does not have a revenue stream for projects to address the problem, then it would come from the General Fund. So, for the grant being discussed, the funder Golden Leaf Foundation would expect that the City implement some of the suggestions coming out of the Little Long Creek mapping study in the future.

Councilmember Aldridge in response stated that although he agrees that something needs to be done about stormwater management, and he is grateful for the Golden Leaf Foundation grant opportunity, he can't support the plan being presented tonight.

Mr. Holshouser reminded Council that the reduced stormwater fee of \$5.80 being currently proposed, if everyone looks at what's being proposed for funding levels across the 5 program components, that's only putting \$250,000 in the capital projects fund annually, and only \$80,000 annually just for reserves. The \$5.80 fee proposed would create a lean stormwater management program – if Council considered a fee lower than \$5.80 then there would be no funds for capital projects or reserves.

Mayor Pro Tem Hall and Mr. Holshouser discussed the Golden Leaf Foundation grant. Mr. Holshouser reiterated what the City Manager has stated previously that Council potentially could use ARPA funds for matching funds for the Little Long Creek study being funded by the Foundation, but he is concerned that the City would not be able to implement any mitigation activities found as result of the mapping study. He reminded Council that is what the public asked for – to find out where the problems are in the system and to fix them.

The Mayor instructed Council that there was a motion on the floor and asked for a vote count based on raised hands for Council to approve the currently proposed stormwater management plan and fee. Those voting for the motion included Mayor Pro Tem Hall, and Councilmembers Dry and Whitley. Those voting against the motion were Councilmembers Aldridge, Bramlett, Townsend, and Hunt. The motion was defeated.

After the vote Mayor Pro Tem Hall commented that she expected that this proposed plan would be defeated, but that Council needed to find a way to solve the problem quickly.

Council then discussed next steps and whether all were in agreement to move forward with discussing other options for stormwater management. Mr. Ferris, when asked about timing of the next Council meetings, noted that if Council expects to have some kind of plan activated later on this year, then it would need to be developed and approved by February

at latest. He also added that everything asked of staff in terms of developing and proposing a program has been provided and questions answered. He said without specific direction from City Council, there was nothing more staff would have to provide for a special meeting on stormwater.

Around the question of what it would take to support a stormwater plan, Councilmember Townsend, supported by Councilmember Bramlett, recommended having another Council planning session dedicated to considering other options. Upon Council discussion it was agreed that a special discussion on stormwater plan options should happen later this month or in February.

There was further clarifying discussion between Council and Mr. Holshouser on a variety of aspects of the design, scope, needs, and fees related to the stormwater plan.

The Mayor noted that Council consensus was to consider other options for a stormwater plan in a special session which Council needed to decide upon later on in the meeting.

NEW BUSINESS

Write Off of 2011 Property Taxes and Motor Vehicle Taxes

City Tax Collector Richard Lanzillotti III, provided figures for the annual write off of property taxes past their 10-year collection rate per NCGS 105-378(a) in the memorandum included in the agenda packet. Additionally, the memo contains figures for the annual write off of Motor Vehicle tags and fees each year. As stated in the memo, the State is now responsible for collecting these taxes and when a payment is made for a prior levy a new levy is assessed and the payment is made towards it in the current tax year.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, unanimously carried, Council approved the write off of 2011 property taxes and motor vehicle taxes for 2021.

Discussion of NCLM Advocacy Goals

City Council has designated Mayor Pro Tem Hall as the City's voting delegate for this process. It has been suggested that this item be discussed at the January 9 meeting so that the goals can be ranked in order to aid Mayor Pro Tem Hall in casting votes on behalf of the City. The Mayor noted to Council that he received everyone's list and was only going to go over the top few. He also reminded Council that these rankings will be placed alongside the other municipalities' ranked goals throughout the state, and the goals will be further refined before being sent to the NC legislature.

The top ranked advocacy goals as per a poll of Council members are the following:

1. Provide local revenue options beyond property tax;
2. Expand incentives and funding for local economic development;
3. Create an adequate and permanent funding stream for local infrastructure; and
4. Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.

Mayor Pro Tem Hall commented that she also highly ranked the expansion of incentives to encourage regionalization of water and sewer. She thought that was big for the City based on how the City maintains and sells water. NCLM will take the top 10 goals from every municipality in the state and proceed from there.

Reminder - City Holiday on January 16th Honoring Dr. Martin Luther King, Jr.

Staff want to remind Council and the public that City offices will be closed on Monday, January 16th to honor and remember Dr. Martin Luther King, Jr.

COMMENTS

City Manager Michael J. Ferris:

- He hoped everyone had a great holiday season and thanked all of the City staff working in the field and in the offices (Public Utilities, Police, Fire, Public Works and others) during the weather-related water main breaks and power outage during the Christmas weekend, noting that with the aging infrastructure these things are bound to happen but doing so during a holiday period caused City staff to be away from their families. He added that the City never closes, and that City personnel are glad to do their work and signed up for it but having to be away from their families, particularly during the holidays, shows their dedication for which he is thankful.

Councilmember Townsend:

- He reminded Council about the Dr. Martin Luther King Jr. Prayer Breakfast this coming Saturday at 9:00 am at EE Waddell Community Center. He gave tickets to the Clerk to distribute to Council.

Councilmember Bramlett:

- He was disappointed to see that none of the NCLM advocacy goals were about education. Although Stanly County and Stanly County Schools funds and manages education for kids in Albemarle, the City of Albemarle contains schools and Council should be involved.
- He noted that the arts and culture community should be supported in the upcoming budget with funding.
- He wanted to know if Council would consider again the renaming of the portion of Highway 52 North that is in Albemarle as Pfeiffer Parkway. This could be looked at again if Council wishes to do so.

Mayor Pro Tem Hall:

- She asked when the Winter Wine Festival would be. It's scheduled for February 25th this year.
- She noted to Council that before COVID hit City Council engaged in a roundtable with Homes of Hope about homelessness in the City. Since she received a call recently asking for help with housing, she wanted Council to consider getting back involved with Homes of Hope again and requested that someone reach out to Homes of Hope.
- She inquired as to whether anyone on City staff has used the County events portal for listings of events in Albemarle per the work of Stanly County Convention and Visitors Bureau and Chris Lambert to make it available. Public Information Officer David Fath came in front of Council to confirm that he has already posted to that event portal already.
- She gave a "shout out" to the Police Department since today is National Law Enforcement Appreciation Day.

Councilmember Dry:

- He commented that City staff are great and go above and beyond what people think they do, especially time away from families during holidays.

Mayor Pro Tem Hall noted that the Special Events Committee met 3 weeks ago and generated a list of possible sponsors for Food Truck Fridays this year to be contacted. Parks and Recreation Director Lisa Kiser told Council she would send them an email about this with the list.

CLOSED SESSION

Upon a motion by Councilmember Bramlett, seconded by Councilmember Dry, 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.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hunt 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.

The Mayor called for a motion to set a public hearing for Monday, February 6th to consider an incentive package for Project Finishing.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, Council approved the motion.

The Mayor asked Council if they wanted to schedule another meeting to discuss stormwater program options. After discussion Council reached consensus on holding it after their closed session on Monday, January 30th in City Hall.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hunt, and unanimously carried, the meeting was adjourned to Monday, January 23, 2023 at 6:30 pm in Council Chambers of City Hall.