

SPECIAL CITY COUNCIL MEETING

January 30, 2023

The City Council of the City of Albemarle met in a special session on Monday, January 30, 2023 at 5:00 p.m. in the Council Chambers of City Hall to go into closed session pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of confidential or privileged information, followed by a discussion in open session of options for a stormwater management program. 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, David Hunt, and Benton Dry.

Mayor Michael called the meeting to order.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hall and unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of confidential or privileged information.

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)(1) to prevent the disclosure of confidential or privileged information.

There was nothing to report.

DISCUSSION – OPTIONS FOR STORMWATER MANAGEMENT PROGRAM

The Mayor handed out a hard copy packet to Council which included some questions and answers about stormwater that Council and staff have fielded recently, a presentation about state Municipal Separate Storm Sewer System (MS4) designation and what that means, and a cost comparison of the features of the original stormwater management plan to the reduced plan Council received last summer. Per the MS4 handout, the City meets most of the criteria to be designated as MS4.

The Mayor opened discussion with Council. Mayor Pro Tem Hall first posed a question: does Council want a stormwater plan? They need to be on the same page moving forward.

Per a comment by Councilmember Bramlett about his belief that the proposed program would be top heavy administratively, the Mayor noted to Council that a “maintenance only” program

could be considered. However, if staff are needed at all who would be dedicated to the program, administrative staff would be necessary in order to administer a fee to be collected.

Mayor Pro Tem Hall commented that when Council first started considering stormwater management after flooding occurred in 2020, staff relayed to Council that there are restrictions on the work on the local tributaries. Councilmember Aldridge followed up by asking staff if NC Department of Environmental Quality (DEQ) would or would not allow municipalities to work on creeks and streams. Public Works Director Ross Holshouser responded by stating that per DEQ, a municipality is not allowed to disturb banks or dredge up creek or stream beds. City Manager Michael J. Ferris added that he and Mr. Holshouser met with regional DEQ officials at the Mooresville office back in 2020 and were told that the state managed waterways. However, the City can cut back overgrowth along the banks and take out fallen limbs and trees. If the City submitted a plan to the Army Corps of Engineers then more could be done. Mr. Holshouser added that it is hard to get access to private back yards and that the City would have to enter into easements with property owners to do creek/stream clean up on private land. The City Manager has had Public Utility Water and Sewer crews clean up along sewer rights of ways along the various tributaries in the City. Mr. Ferris noted that following the flow of water can be complicated, with water running off of state-owned creeks and streams, going through piping underground across private properties, before coming to a City-owned culvert or drainage ditch maintained by Public Works.

Council and Mr. Holshouser discussed other contributing factors to stormwater issues, such as looseleaf collection and development-related run off. Managing these things can help City stormwater control efforts.

Council also discussed applying for state-related stormwater grants as part of ARPA-funded efforts. Mr. Holshouser assured them that the City is applying for planning related funding in order to finance mapping studies.

Mr. Holshouser displayed a slide of costs for stormwater program development to date. Phase 1 included public input efforts, utility rate assessment, and program design creation. Phase 2 included the pilot Melchor Branch mapping study which was begun but not finished. Mr. Ferris noted that staff had multiple check-in points with Council during both phases, and if Council was not really interested in developing a stormwater program those funds expended could have gone to other General Fund needs. Council and staff debated when Council specifically was made aware of funds being spent and what it was funding, with staff pointing to the January 2022 special meeting on stormwater when program costs and a proposed budget was discussed and considered by Council.

Council and staff further discussed Council consideration and actions on stormwater to date, funds spent, and the various perspectives for moving forward from this point.

Mayor Pro Tem Hall pivoted the discussion to ask about the MS4 designation and how that would tie into whether Council was required to take action on approving a stormwater program. Planning and Development Services Director Kevin Robinson came in front of Council to walk Council through what the state would expect if Albemarle was designated as MS4. There are from 12-15 criteria which a municipality would need to build a program managing stormwater in order to educate the public, perform educational outreach, and create reports to the state, among other requirements.

Mayor Pro Tem Hall made a motion to support the currently proposed stormwater plan as presented to Council last July. Several Council members voiced their opposition to the motion. The Mayor asked if there was a second for the motion. There being no Council member seconding the motion, the motion died.

Council and staff debated the rationale for the need for contracted, specialized engineers to guide the City through stormwater management plan development versus a general engineer on staff.

The Mayor asked if there was enough support from Council to agree to a maintenance only stormwater plan with 3 dedicated staff plus 1 administrative staff. There was not support for that idea.

Councilmember Hunt raised the idea of supporting a program like the City of Salisbury's with a rate of \$4.41. Both the Mayor and Mr. Holshouser provided responses detailing how Salisbury's plan is not comparable to Albemarle's issues and situation.

The discussion moved to what the Golden Leaf Foundation was requiring from the City funds-wise as part of a grant awarded to map the Little Long Creek area.

Council again discussed with staff the likelihood of being designated MS4, with staff noting that it is more a matter of when the state will designate Albemarle rather than a question of if it will happen. Staff and a few Council members spoke in favor of Council and the City taking a proactive role with stormwater management rather than a reactive one. One comment highlighted how the City provides other services such as electric, water, and sewer services and for those functions asks the public to pay a fee – stormwater management would be no different. Another comment reminded Council that they cannot underfund stormwater management and still expect results. The City Manager noted a stormwater program would be an enhanced service over what is provided now and that funds would be needed to increase service levels.

The Mayor called for Council to give some direction at this point as to next steps. He suggested to Council for the Little Long Creek mapping Golden Leaf Foundation grant, if Council at least tonight would consider using City ARPA funds of \$250,000 as a matching grant. A question was raised about how the City would find funds later on to implement results from that mapping study. Mr. Holshouser clarified the Foundation's conditions with respect to that grant for Council.

Councilmember Bramlett made a motion to approve the use of City ARPA funds in the amount of \$250,000 as match for the Golden Leaf Foundation Little Long Creek mapping grant, which would encompass the creek from Salisbury Avenue south to the City limits. Councilmember Dry seconded the motion and upon a unanimous vote, the motion passed. Council indicated they would discuss how to fund improvements once the results of the Long Creek study were received.

Mr. Holshouser noted that he would reach back out to the Foundation to see if the funds approved by Council tonight would be enough to satisfy grant conditions.

After the vote, discussion centered on how to obtain funds for any Foundation mapping study results for capital projects – should any state/ARPA stormwater funding be used? Staff recommended not, as the Melchor Branch study was left unfinished, but that funds would need to be found in order to implement any Foundation mapping study results.

The Mayor called for a motion to adjourn until Monday, February 6, 2023 at 6:30 pm in City Hall.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge and unanimously carried, the meeting was adjourned.