

**RECESSED MEETING CITY COUNCIL –
CORRECTED**

June 26, 2023

The City Council of the City of Albemarle met in a recessed session on Monday, June 26, 2023 at 6:00 p.m. in Council Chambers of City Hall to discuss the City's flotation device policy and the Yadkin Pee Dee Water Management Group's request for the City of Albemarle to incorporate as a member into a new nonprofit. Mayor Ronnie Michael and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall and Councilmembers Dexter Townsend, Christopher Whitley, Christopher Bramlett, and David Hunt, Bill Aldridge and Benton Dry.

The Mayor called the meeting to order.

The Mayor noted that a special events permit application was forwarded by Parks and Recreation today, of which a packet of information was placed before Council.

The request is for Union Chapel AME's vacation bible school, on Saturday, July 8th. Union Chapel is requesting road closures from 1:00 pm – 3:00 pm.

Requested Roads to be closed:

- Martin Luther King Jr. Dr. from Lincoln St. To Wall St.

The Mayor called for a motion for the road closure for the Union Chapel AME's vacation bible school, on Saturday, July 8th as specified in the special event permit application.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Townsend and unanimously carried, Council approved the above stated road closure for Union Chapel AME's vacation bible school on Saturday, July 8th.

Flotation Device Policy for City Pools

This item was held over from the June 19th meeting per Council action.

Parks and Recreation Director Lisa Kiser and Aquatics Director Payne Caulder came in front of Council to discuss their research on the issue and their modified flotation device policy. A comparison matrix showing how other entities in the region with water attractions handle personal flotation devices (private entities as well as other towns/cities/counties) and the modified policy were distributed to Council in session.

Ms. Kiser first clarified some comments made at the June 19th Council meeting.

- Lifeguards are always watching.
- Lifeguards are trained and have a 100% pool safety rating.
- Mr. Caulder, a 15-year employee with the City, has maintained his lifeguard certification for 25 years, is a Certified Pool Operator, an Aquatics Facility Operator, has water safety instructor certification (WSI), and lifeguard instructor certification (LGI).

Mr. Caulder made some remarks to Council. There are two accreditation agencies which confer training and certifications for lifeguards: the American Red Cross and Ellis and Associates. Both have different standards they promote for drowning: the Red Cross has a 30 second recognize and respond standard, while Ellis and Associates's is 10 seconds. Red Cross training is geared towards traditional pool facilities while Ellis and Associates is geared more towards water parks. Employers accept 1 or the other training sources.

Councilmember Dry entered the meeting.

Mr. Caulder continued his remarks by stating that a comment about the competency of the lifeguards made at the June 19th meeting was unfair considering their 29 lifeguards have American Red Cross training certifications completed so far this season. Prior to the season beginning City lifeguards were required to complete 10-15 training hours which included in-pool trainings. He completed his remarks by challenging Council to go out to the 2 City pools in person to see how the City pool staff operate.

Ms. Kiser added that it is unfair to compare City pool operations to private neighborhood pools or larger facilities like Carowinds or Great Wolf Lodge.

Councilmember Hunt entered the meeting.

Ms. Kiser stated that Parks and Recreation has modified the flotation device policy to now allow personal flotation devices in City pools under the following conditions: the City provides the flotation device; users of flotation devices must remain in the shallow end of the pool (1'-3' area) accompanied by an adult within arm's reach. Availability of flotation devices on a given day will be on a first come, first serve basis.

Ms. Kiser also noted to Council that a swim test policy has been in effect in the City for years also, but she included that in the handout Council received so that they can be refreshed in the policy as it stands. The swim test rule is in effect related to clearance to use City diving boards. Ms. Kiser read off the policy to Council in session.

Parks and Recreation staff walked through the comparison matrix they developed for Council, noting that yellow highlighted entities have restrictions similar to the City's proposed flotation device policy in terms of what devices are allowed and where in the pool the flotation device user can be in the pool.

Mr. Caulder told Council that he had received an email from a representative from Duffield Aquatics, a pool chemical distributor with whom the City has received their pool chemicals for years, and read it aloud. The email gave a reason for not allowing flotation devices in pools due to the possibility of introducing algae into a pool if the flotation devices are not thoroughly cleaned after using them in lakes. Since Albemarle is a lake community, this is a real issue about which the City needs to be on alert.

The Mayor announced that typically Council does not decide on City policies related to operations, but advised Council they could recommend that Parks and Recreation adopt the new policy with an effective date of

July 1st due to the pool season already in swing.

Staff was on hand to answer questions from Council. If the City goes live with the modified policy will there be enough flotation devices on hand? So far, there are 6 flotation devices available at each of the 2 pools. Staff directed Council to page 2 of the policy document for a calculation of implications of the new policy on the need for additional flotation devices. What are the different sizes available? Currently there are XS, S, and M sizes for youth 30-90 lbs available at both pools. Are there adult ones available? No – adult flotation devices and additional youth-sized ones will be ordered.

Council and staff discussed the cost and material of the flotation devices, with staff advising Council that flotation devices made of vinyl may cost a little more but they withstand more abuse and they are easier to clean.

Based on this issue coming up this season, how many patrons could ask for flotation devices. It is unknown since the City has never allowed them until now for the general public. Three disabled individuals have requested flotation devices so far this season.

A Councilmember pointed out a grammatical error in the policy which could be confusing, to which staff replied that they will correct.

What would be the availability of additional flotation devices if needed? They could be ordered and delivered very quickly if needed.

Councilmember Bramlett commended Parks and Recreation staff and wished them well. Councilmember Townsend commended the public for speaking up about this issue.

Council reached consensus that they would support the Parks and recreation Department to adopt the modified flotation device policy for City pools with a recommended effective date of July 1st.

Cohen Whitley, representing City lifeguards including those present at the meeting (Maci Holshouser, Suzanne Holshouser, Lucas Lefler, Riley Scott, Mia Jamar, and Taryan Troutman), came in front of Council to provide remarks from the City lifeguard's point of view. Highlights of his remarks included:

- His history as a City employee for 4 years, first as a lifeguard and currently as the assistant pool manager for Rock Creek Park pool;
- The Rock Creek Park pool's 30-year 100% safety record;
- Issues with flotation devices from a lifeguard's perspective when managing a City pool environment:
 - Inflated confidence of the flotation device wearer;
 - Improper fit causing the wearer to have the flotation device removed;
 - The flotation device could get caught on a rope;
 - Wearing a flotation device prevents a wearer from learning how to swim;
 - It can become an excuse of a caregiver to not watch their kids;
 - Decreases visibility in the water especially of multiple flotation device wearers cluster together.
- Red Cross's position on the issue which he read from a Red Cross source, which maintains that providing

swimming lessons is the best policy for competency in the water. It's a long term solution for inexperienced swimmers and a low-cost opportunity to learn how to swim and be safe in the water. He gave an example that swim instructors would give feedback to the swimmer as to their level of competency as the lesson occurs.

- Lifeguards working for the City are being harassed now instead of celebrated.

Councilmember Aldridge thanked staff and the public for speaking up about the issue and commended City pool staff for all of their hard work. He commented that if City employees are feeling harassed, they should feel comfortable calling the Police Department.

Ms. Kiser asked the lifeguards to stand up and be recognized.

Council thanked the staff and public again for raising the issue.

Resolution 23-12 – To Join and Incorporate the Yadkin Pee Dee Water Management Group

This item was held over from the June 19th meeting per Council action.

Mayor Pro Tem Hall stated that she appreciated her colleagues holding this over to give her time to receive feedback from her source. She has since received the feedback supporting the approval of incorporating with the Yadkin Pee Dee Water Management Group as a member of a new nonprofit.

Mayor Pro Tem Hall made a motion to adopt Resolution 23-12 approving incorporation as a member of the Yadkin Pee Dee Water Management Group's nonprofit structure per the recommendation of the Director of Public Utilities, which was seconded by Councilmember Dry.

After the motion was made Councilmember Bramlett and Mayor Pro Tem Hall voiced their viewpoints on the decision to incorporate into the nonprofit. Councilmember Bramlett went on record stating that he was not clear on how the new nonprofit will operate even after reading through the bylaws provided by staff. He still strongly held the opinion that City of Charlotte wants membership to gain access to the Yadkin Pee Dee River chain, and implored his colleagues on Council to approve the City staying independent of this group. He warned that the City will live to regret this.

Mayor Pro Tem Hall gave remarks explaining her position of supporting the incorporation as a member of the nonprofit. She first stated that she respected Councilmember Bramlett's remarks. She further commented that the flip side of the issue is that the City already has been part of the group under the Memorandum of Understanding (MOU) since 2016. She said that Winston-Salem under the MOU took the position of overseeing finances for the group, but under the nonprofit no city/town will have access to the group's finances. Councilmember Bramlett countered that with the ALCOA water agreement in the City's recent past he felt that the City lost in that deal. Mayor Pro Tem Hall replied that her source who has some knowledge about the topic supported the City's move to incorporate into this nonprofit structure.

Councilmember Dry commented that inclusion in this nonprofit gives the City a voice in water management of this water chain. The Mayor clarified that in the ALCOA decision although individuals lost out the City of Albemarle still supported it.

The Mayor called for a vote on Mayor Pro Tem Hall's motion to adopt Resolution 23-12 and approve the City's incorporation into the nonprofit of the Yadkin Pee Dee Water management Group which was seconded by Councilmember Dry.

Upon a vote, with 6 Council members for the motion and 1 against, the motion passed. Councilmember Bramlett voted against the motion.

[Resolution 23-12 - To Join and Incorporate the Yadkin Pee Dee Water Management Group]

The Mayor brought up the June 19th meeting agenda item of Council appointments to boards and commissions to let Council know that the move to appoint Ms. Amy Burrell to the ADDC Board of Directors did not align with the Board's recommendations and some on the board felt disrespected.

When there was a question from the clerk as to whether Ms. Burrell was appointed to the ADDC on June 19th although Council confirmed that she was appointed.

The Mayor called for a motion to adjourn until Monday, July 10, 2023 at 6:30 pm in City Hall Council Chambers for the next regularly scheduled meeting.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, the motion was unanimously carried. The meeting was adjourned.