

**City Council Regular Session
February 26, 2024**

The City Council of the City of Elizabeth City met in regular session on Monday, February 26, 2024 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Kirk Rivers
Mayor Pro Tem Kem Spence
Councilman Johnson Biggs
Councilman Joseph Peel
Councilman Javis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Chief of Staff Monica Cole
City Attorney Bill Morgan
Electric Superintendent Donnell White
Chief of Police J. Phillip Webster
Deputy Chief of Police James Avens
Interim Human Resources Director Anna Spence
Fire Chief Chris Carver
Deputy Fire Chief Thomas Brooks
Community Development Director Reggie Goodson
ECDI Director Debbie Malenfant
Finance Director Alicia Steward
Assistant Finance Director Brian Lewis
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

The City Council regular session was called to order by Mayor Rivers at 7:03 p.m. Minister Glendora Brothers of Faith and Victory Christian Church was recognized to provide invocation, after which Councilman Biggs led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers directed the Council's attention to the prepared agenda. He reminded them that several items carried forward from the Work Session and would need to be added to the Consent Agenda, including the FY 2023-2024 Street Resurfacing Bid Award and Budget Amendment; the ECFD Off-Duty Personnel Pay Policy; and the River City Skippers Lease Agreement. As the Work Session was not completed, those remaining items would be brought forward to the Regular Agenda, including the Consideration of a TDA Application for the Coast Guard Marathon and Consideration of a TDA Application for the Mind, Body and Spirit Expo, which will be preceded by Councilman Walton's Discussion of TDA Funding. They will also need to carry forward the Closed Session for Property Acquisition.

Councilman Biggs stated that he did have a Budget to Actual Report he had intended to share during the Finance Committee, and requested a moment to address that on the Regular Agenda. Mayor Pro Tem Spence requested to a discussion on the UDO regarding places of worship.

Mayor Rivers advised that they would need to remove the proclamation for American Heart Month, as Dr. White was unable to attend the meeting due to an emergency. Additionally, the Consideration of Golf Tournament Fees was another leftover from the Work Session, but staff has requested that the item should not come forward at this time.

Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to approve the agenda as amended. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

2. Proclamations / Presentations:

a. Proclamation – American Heart Month – Dr. Lindsey L. White (*Removed During Agenda Adjustments*);

3. Comments from the Public:

Mayor Rivers inquired if there were any persons present who wished to speak before the Council. Upon the Clerk's reply that there was one, the Mayor asked that they be called to the podium.

Keith Rivers – 104 Grandview Drive – Elizabeth City, NC – Mr. Rivers said he wanted to speak this evening to commend City staff. The NAACP organizes the MLK March each year, and this year, their route began at Roebuck Stadium and ended with a gathering in front of City Hall. They have received many comments from participants declaring this year's march as the best one yet. Mr. Rivers stated that this event could not have taken place without the help of City staff, and the Pasquotank Branch of the NAACP wanted to thank them publicly for helping make the march a success.

4. Approval of Minutes:

a. Consideration – Approve February 12, 2024 Regular Session Minutes;

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Javis Gibbs to approve the minutes with any necessary corrections. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

5. Consent Agenda:

Mayor Rivers noted that Item C – Authorize Lease Extension for Armory Facility would need to be pulled and moved to the Regular Agenda for discussion. He read the remaining Consent Agenda items into the record, as follows:

a. Consideration – Adopt Street Closing Ordinance for Coast Guard Marathon;

ORDINANCE #2024-02-03

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL COAST GUARD MARATHON, HALF MARATHON & 5K RUN

WHEREAS, the City Council of Elizabeth City acknowledges a long tradition of providing an annual springtime festival for the pleasure of its citizens; and

WHEREAS, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding the annual Coast Guard Marathon, Half Marathon & 5K Run race event; and

WHEREAS, the City Council of Elizabeth City acknowledges the race event requires approximately four days to install signing and traffic control, finish line truss structures and equipment, food and other retail vendors, and also requires approximately six (6) hours for removing same, and litter;

NOW THEREFORE BE IT ORDAINED, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s) and Times: 6:00 p.m. Thursday, April 4, 2024, until no later than 6:00 a.m. Monday, April 8, 2024.

Route Description(s): S Water Street / Southern Avenue (SR 34/1164) between E Ehringhaus Street (US Business Highway 17) and Shepard Street

Date(s) and Times: 7:00 a.m. to no later than 3:30 p.m. Saturday, April 7, 2024.

Route Description(s): South and North Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17) to E Elizabeth Street; E Ehringhaus Street (US Business Highway 17) eastbound and westbound lanes from McMorrine Street to S Water Street; S Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17)

Date(s) and Times: 7:00 a.m. to no later than 3:30 p.m. Saturday, April 7, 2024

Route Description(s): Rolling street and partial lane closures along the race routes per attached route map and listings.

Date(s) and Times: no later than 6:00 a.m. on Monday, April 8, 2024.

Route Description(s): Water Street from Ehringhaus to Shepard will reopen. Roads and parks will be cleaned of race weekend litter and reopened by 6:00 a.m. on Monday, April 8, 2024.

This ordinance to become effective when signs are erected giving notice of the limits and times of the race, and implementation of adequate traffic control to guide through vehicles around the race route.

SECTION I. EFFECTIVE DATE: This Ordinance, as revised herein shall take effect immediately upon adoption.

SECTION II. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 26th day of February 2024.

E. Kirk Rivers
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

b. Consideration – Adopt Street Closing Ordinance for 2024 NC Potato Festival;

**ORDINANCE #2024-02-04
AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL NORTH
CAROLINA POTATO FESTIVAL**

WHEREAS, the City Council of Elizabeth City acknowledges a long tradition of providing an annual springtime festival for the pleasure of its citizens; and

WHEREAS, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding the annual North Carolina Potato Festival event; and

WHEREAS, the City Council of Elizabeth City acknowledges the festival event requires approximately six days to install signing and traffic control, amusement and entertainment structures and equipment, food and other vendors, and other attractions, and also requires approximately ten (10) hours for removing same, and litter;

NOW THEREFORE BE IT ORDAINED, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a **State Highway System route**:

Date(s) and Times: 10:00 a.m. Tuesday, May 14, 2024 until 6:00 a.m. Monday, May 20, 2024.

Route Description(s): S Water/Southern Avenue Street (SR 34/1164) between E Ehringhaus Street (US Business Highway 17) and Shepard Street; E Ehringhaus Street, eastbound lanes from S McMorrine Street to S Water Street (SR 34/1164)

Date(s) and Times: 10:00 a.m. Thursday, May 16, 2024 until 6:00 a.m. Monday, May 20, 2024.

Route Description(s): E Ehringhaus Street (US Business Highway 17), all lanes from McMorrine Street to S Water Street; S Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17) to E Church Street

Date(s) and Times: 10:00 a.m. Friday, May 17, 2024 until 6:00 a.m. Monday, May 20, 2024

Route Description(s): North and South Water Street (SR 34/1164) from E Church Street to E Colonial Avenue; Water Street southbound lane from Elizabeth Street to Colonial Avenue.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the event parameters.

SECTION I. EFFECTIVE DATE: This Ordinance, as revised herein shall take effect immediately upon adoption.

SECTION II. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 26th day of February 2024.

E. Kirk Rivers
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

- c. **Consideration – Authorize Lease Extension for Armory Facility** *(Removed from Consent Agenda and Added to Regular Agenda)*;
- d. **Consideration – Adopt Budget Amendment for Fire Department Insurance Proceeds**;

AMENDMENT TO FISCAL YEAR 2023-2024 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2023-2024, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
10-5300-1700	Fire Dept Vehicle Maintenance		\$27,412.25
Total		\$0	\$ 27,412.25
Total change in Expenses		\$	27,412.25

Section II. To amend Fiscal Year 2023-2024 Budget Ordinance, the estimated revenues are to

Account #	Department/Account Title	Decrease	Increase
10-3350-8300	Insurance Revenue Account	\$ 27,412.25	
	Payment Received for ECFD 2017 F-150		
	Moving to Vehicle Maint Acct		
Total		\$ 27,412.25	\$ -
Total change to Revenues		\$	(27,412.25)

ADOPTED, this 26th day of February 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

- e. Consideration – Authorize Submission of Grant Application for Senior Center Improvements;**
- f. Consideration – FY 2023-2024 Street Resurfacing Bid Award and Budget Amendment (Added During Agenda Adjustments);**

AMENDMENT TO FISCAL YEAR 2023-2024 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2023-2024, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
10-3990-0000	Fund Balance Appropriated	\$23,400	
	Total	\$23,400	\$ -
Total change in Expenses		\$	(23,400.19)

Section II. To amend Fiscal Year 2023-2024 Budget Ordinance, the estimated revenues are to

Account #	Department/Account Title	Decrease	Increase
10-5700-7300	Powell Bill - Cap. Outlay Improvements		\$23,400
	FY 2023-2024 Street Resurfacing		
	Covers Difference Between Allocation		
	And Total Cost		
	Total	\$ -	\$ 23,400.19
Total change to Revenues		\$	23,400.19

ADOPTED, this 26th day of February 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

- g. Consideration – ECFD Off-Duty Personnel Pay for Special Events** *(Added During Agenda Adjustments);*
- h. Consideration – River City Skippers Lease** *(Added During Agenda Adjustments);*

Mayor Rivers requested the Council’s pleasure on the Consent Agenda.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve the Consent Agenda with the exception of Item C – Consideration – Authorize Lease Extension for Armory Facility. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

6. Regular Agenda:

a. Consideration – Authorize Lease Extension for Armory Facility *(Removed from Consent Agenda for Discussion)*;

Mayor Rivers asked if the City has extended an offer to purchase the facility yet. Attorney Morgan was uncertain; he had been directed to prepare the extension agreement for the agenda, but that was the extent of the recent communication. Councilman Biggs wondered what the City's plans are for the property. He knew the manager mentioned plans for improving it, but there was nothing budgeted for those improvements, and nothing had been discussed as a whole body. He did not remember discussing the purchase itself either. He stated that he was sure the facility served a purpose but he would like clarity on where we are heading with it and why. Mayor Rivers said PAL had been using the facility recently, but he wasn't certain what was going on with it right now. He felt they should probably wait on the manager's return to have a formal discussion. He believed there had been talks about the City taking it over from the County for \$1 or something to that effect. Councilman Biggs pointed out that the City is also taking on the new middle school gym right now and it may not be feasible to take on another property requiring that much work. He would like to see a feasibility study and some suggested capital improvements. What's the true cost of ownership? Would the operation be part of the interlocal agreement? There are considerable unknowns that come with this property and there has not been real direction or planning. Mayor Rivers suggested the Council table this discussion until the March Work Session.

Motion was made by Councilman Joseph Peel to table consideration of the lease extension for the armory until the March 25, 2024 Work Session.

Mayor Pro Tem Spence believed they should speak with the County. He recalled there being a feasibility study at some point. The Clerk advised she had some information compiled on that and would email it out to the Council. Mayor Rivers stated the Council was originally interested in the property for the youth, but they would need to decide if they wanted to move on it or walk away. The armory is a vital structure if you take its central location and proximity to the ballfields into consideration. Right now, it is being utilized by the youth and that's invaluable because everyone knows what can happen when a community does not have proper outlets for the youth.

Councilman Biggs urged that they must carefully consider what they were biting off because the City has facilities and inventory it cannot maintain right now. He would rather have less and it be well kept than have many things that are reduced to junk because we don't have the funding or staffing to keep it all up to par. Councilwoman Felton asked if the City owned the land surrounding the armory. Director Clark replied that he wasn't certain. Our staff is responsible for maintaining the land at the armory, but he believed that was because of the lease agreement. Mayor Rivers felt we likely own everything around it but not the armory itself. Councilwoman Felton agreed that we should try to get the building for the youth, and attempt to get grant money to refurbish it. She concurred that they should pause the discussion until a later date. Councilman Walton opined that there are many kids slipping through the cracks, whether because of uninvolved parents or lack of outside programs and outlets to redirect their attention. He felt if we had more offerings available to them, it could steer them away from taking a bad path. The armory is within walking distance for many of these kids. He agreed with Councilwoman Felton's assessment that there may be grants out there to help with repairs. He did not want the Council to pass up the chance to get a building in a prime spot for such a minimal fee. Something needs to be done for the kids. We need to do our part to keep them alive and healthy. We have to look out for the next generation and that building can be a big part of that.

Councilwoman Katherine Felton seconded the motion to table until the March 25, 2024 Work Session.

Councilman Peel requested that when it came back for discussion, the Council have an idea of how much it would cost to renovate and operate, as well as a general idea of what they might like to do with the facility in the end.

Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

b. Discussion – Hughes Boulevard Project;

Mayor Rivers stated that he'd asked for this item to appear on the agenda to see if the Council had any suggestions or input about the NCDOT proposal they'd recently presented at the Knobbs Creek Recreation Center. During that presentation, NCDOT went over their project, which included several roundabouts and some changes to the Hughes Boulevard corridor. Does the Council have concerns? What are the thoughts as a body?

Mayor Pro Tem Spence shared that he has yet to have a single person speak in favor of the roundabouts in spite of the influx of calls he has been getting. He would personally like a letter sent to NCDOT expressing their feelings and disagreement with the plan. There is a lot of worry that these roundabouts might end up shutting some businesses down. They just do not seem conducive to Elizabeth City.

Councilman Walton asked if anyone had an idea of where the roundabout plan came from. Why does NCDOT want to do this in the first place? Mayor Rivers explained that the proposal they were shown had five roundabouts and a median in the middle of the road. The median is raised, but it is supposed to be okay for emergency vehicles to cross it if they have to. He noted that Chief Carver advised he would rather not take a fire truck across a median for fear of tearing up the equipment. This is a more than \$40 million project and NCDOT will be acquiring land on both sides of Hughes Boulevard. With the way the street will be reconfigured, if you want to go to a business on that road, you'll have to pass it, turn, hit the roundabout and come back to get to it. There are four spots for roundabouts that are confirmed, and there's one that they're still trying to decide whether it should go on Bell Street or Broad Street.

Councilman Biggs said he was in favor of the project but he told NCDOT he felt they'd done a fairly poor job at rolling out the traffic configuration. They could have put one roundabout somewhere to let people get their feet wet, but instead they're putting five in all at once. After speaking with NCDOT, he was still not excited about the idea. Unfortunately, the Council will be the ones being called when people are unhappy with the streets, even if we have no say in the matter. He would like NCDOT to present to the Council during the next meeting on any alternatives before drafting a letter. There may be a way to modify the plan so we are happier, but if we shut the door, that \$40 million is walking away from Elizabeth City. He reiterated that NCDOT should attend the next Council meeting and if they could not come to an agreement, then they could adopt a letter right then.

Mayor Pro Tem Spence asked if NCDOT planned to make final decisions by March 6th. Councilman Biggs replied that it's just the period for comments that closes on March 6th. Councilman Peel stated that the road in question is very dangerous and part of the issue is that the lanes need to be wider. Roundabouts are something you have to learn how to drive on; it's not simple or second nature to navigate them if you are not used to them. He agreed with Councilman Biggs that if NCDOT had begun with rolling out just one, that would have been okay, but five was not. We do need to encourage them to widen the road though, as there's so little leeway now with it being so narrow. He said he asked one of NCDOT's staff members what was up with all the roundabouts and was told that the planning group is just really into roundabouts right now.

Councilman Gibbs could not recall seeing this many roundabouts pop up and certainly not on major roadways. He opined that sometimes people want to alter the dynamic of Elizabeth City, but they don't know Elizabeth City well enough to do that. He did not see how NCDOT's plan would help logistically, and believed it would likely cause more problems. There is only a short time left for comments, but if they can come and speak at a meeting, that would be fine. He believed that if NCDOT was concerned about Council's opinion, they would have come to get their input and buy-in a long time ago. The way this is coming down, it looks like NCDOT has effectively said they really don't care what the Council thinks. He noted that all money is not

necessarily good money. If they want to spend \$40 million here but it's going to do nothing but cause us more problems, that's not good money. If there is a way to just widen the road that would be great; however, they want to make one of our busiest roads into something that's one way in and one way out. This area as a whole does not have much experience with roundabouts.

Councilwoman Whitehurst liked the idea of communicating with NCDOT but wondered how they would go about getting in touch with them. Can someone make a phone call and try to have that conversation? She would like to consider communicating the Council's thoughts with them prior to the public comment period closing.

Mayor Rivers said he was hearing that the Council wanted to formally oppose the roundabouts and consider just widening the road. There are many accidents on these corridors and there are drainage problems there too, so maybe they could look at that. Due to time constraints, he felt the Council needed to move forward with drafting a letter opposing the roundabouts, but offering the opportunity to keep some other expansions, such as road widening and maintaining the middle lane. Once the hospital moves to their new location, traffic is going to drop dramatically in that area.

Councilwoman Felton advised that she'd seen a piece on the project on Channel 3 News and several residents were upset because some homeowners were losing parts of their property without their say-so because of eminent domain rules. NCDOT personnel involved in this don't live in Elizabeth City so they don't know what it's like.

Councilman Biggs stated that in spite of the public comment period closing soon, the project isn't something that's happening tomorrow. The 6th may just be the closing for regular public comments issued by average citizens and the City was not an average citizen. He wondered if the City should draft a letter now, which would be contingent on whether the Council could get a meeting with NCDOT and issue formal comment.

Councilman Morris noted that he had never seen this many roundabouts in an area of this size. We have everything from emergency vehicles to dump trucks to 18-wheelers to elderly drivers who will be pushed into using them. Roundabouts are not easy to navigate and for people who have never traveled them, it was going to be hard. He concurred that five is excessive. He wondered if they were experimenting with Elizabeth city because he could not think of another reason to stick so many roundabouts in a place like this otherwise.

Councilman Peel pointed out that none of the Council appeared to be in favor of roundabouts. There were letters written by the Chief of Police and Fire Chief that expressed concern with them as well. Was everyone in agreement that the Council should write a letter in favor of the project, but without the roundabouts? He noted that Mayor Rivers could call NCDOT and see if they'd be willing to come meet with us or count our vote after the March 6th deadline.

Mayor Pro Tem Spence felt the Council needed to go ahead and draft a letter. He didn't want to call a special meeting because NCDOT might not show up. If we call and they say no, at least we have a letter in before their comment period closes. Councilman Peel suggested that we also ask if they would accept comments from the Council after the March 6th deadline. Mayor Pro Tem Spence worried that might be asking too much. Councilman Peel offered that the worst they could say is no.

Councilman Biggs opined that if the Council sent a letter and then NCDOT came for a discussion and they found some common ground, they could always rescind the letter at that time. We can always back down our position on the project. The engineer on the project agreed they should have come before the governing body ahead of time. They had the same thing happen in Ahoskie. The Council over there sent a letter opposing it. NCDOT went in, explained everything and found some common ground. He added that he was not expecting a lot of common ground because he had a feeling it was all or nothing on this one. We would always have the option after they meet to come back and say we were wrong for opposing or having concerns and we agree now. At least you have your voice heard and you can rescind if you have to.

Mayor Rivers stated that everyone he'd spoken with started off against the roundabouts, and they didn't change their position on that after they attended the meeting at Knobbs Creek. He

went in with an open mind, but came out with some concerns. If NCDOT were to come in and tell us the same thing they said at Knobbs Creek, that wouldn't alleviate anything. For a major project like this, meetings are nothing. What could they say differently that could change our minds? He stated he was of the opinion the Council should write a letter to let them know they have concerns and are focused on other issues, and we're looking for those issues to be solved, but we're just not in favor of the roundabouts. It shouldn't be a harsh letter, and if it's written like that, that's not a harsh letter. We need to be reasonable. If they make concessions, that is great. Ultimately, they control this, but we need to go on record opposing this and encouraging them to solve the lack of road width, the accidents at both ends of Hughes Boulevard and the drainage. If they decide to scrap this and come up with another plan, we still keep communication open.

Mayor Pro Tem Spence said one of the engineers mentioned they'd never widen a turning lane again because they're too dangerous. They refer to them as "suicide lanes". The problem with the other area is the railroad tracks. They can't touch the railroad's property, so they can't widen it there. We can try to talk to them, but it's clear that their minds are made up. If they wanted Council involved, they would have come long before now instead of just telling us what they're going to do. He agreed that the letter should not be nasty, but it needed to express the concerns of the Council and the citizens. If they want to meet with us, that's fine, but we need to let them know we have a problem with the roundabouts. We're representatives of the citizens, and we have to speak for them. We need to tell them we want them to reconsider the roundabouts because of so many concerns.

Councilman Walton asked if these are new people in NCDOT. Shouldn't they know someone in Elizabeth City? He suggested having someone who already had an established relationship reach out. Councilman Peel explained that the local people are doing the work but the people from Raleigh are the ones who designed it. Unfortunately, he did not believe that the people here locally would have much influence as far as getting them to pull back. Mayor Pro Tem Spence noted that some of the local representatives aren't even in agreement with the plans themselves.

Motion was made by Mayor Pro Tem Kem Spence to send a letter to NCDOT in Raleigh explaining the concerns with the roundabouts.

Councilman Joseph Peel asked for a friendly amendment to the motion, to make sure the positions of the City's Fire Chief and Police Chief were included in the letter. Mayor Pro Tem Kem Spence accepted the friendly amendment.

The motion was seconded by Councilman Jarvis Gibbs.

Mayor Rivers offered that he and the City Clerk would create a base draft and send it out by the end of the week. That would still allow enough time and opportunity for the Council to issue their comments and anything else they would like to include.

Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

c. Update – CGI – Formal Introduction of New HR Manager / Interim HR Director;

Chief of Staff Cole introduced Anna Spence, who had recently moved into the role of HR Manager and would also serve as Interim Human Resources Director until a permanent director could be hired. Anna began in the Customer Service office before moving to HR under the directorship of Mrs. Felton. Anna said she appreciated the opportunity and was very excited.

d. Discussion - TDA Funding (*Added During Agenda Adjustments*);

Councilman Walton explained that the Tourism Development Authority was a board that consisted of a member of the Council, a member of the County Commissioners and various members of the hotel / motel industry. Occupancy taxes fund the TDA and that money is used to support projects that will put "heads in beds." Sometimes there are events that come to town that request funding. Those applications go to the City and the County for approval, and if they

agree, they can ask request the TDA use their respective pots of money for those events. Things were not going smoothly with the last few applications because there was no executive director. Now things are at a point where the events need to be approved. There were four events in the queue and there are two on the docket for Council approval tonight. Last week, the TDA met with the City and County managers to discuss how to streamline the process. We want to fund people because we want more events. There are two other applications still out there. The managers were given the requests so they will probably come forward at some point in the near future. The other two that are not on the agenda tonight are not as time sensitive.

Mayor Rivers noted that he intended to invite the TDA's new executive director to attend one of the upcoming Council meetings for a formal introduction.

e. Consideration – TDA Application for Coast Guard Marathon *(Added During Agenda Adjustments);*

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve the application requesting \$5,000 of the City's TDA funds. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

f. Consideration – TDA Application for Mind, Body and Spirit Expo *(Added During Agenda Adjustments);*

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to approve the application requesting \$1,250 of the City's TDA funds. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Councilman Walton advised that during the meeting he referenced earlier, they'd discussed having applications approved by the TDA and then sent to the City and County managers. He asked if anyone felt there was a better process. Mayor Rivers stated the key was making sure that it was always discussed with the Council. If someone wants funds from the City, they have to deal with the City Council. He pointed out that with the request for the Coast Guard Marathon, everyone is already familiar with that one. The money is technically the City's money, but the TDA has to vote to release it because there are rules.

Councilman Walton noted the TDA audits that money and they have never missed an audit. They're not spending money they shouldn't be spending. He recalled that there had been times where the Council approved applications for funding but the TDA denied them because they didn't feel they were within the appropriate guidelines. It can be political, just like anything else. The City doesn't actually keep up with that money as far as accounting; that falls under the County's purview.

Councilman Biggs stated that in the future, if there's an application coming forward, he'd like to see a councilor sponsoring the application to carry it forward. Regardless of whether that happens, he asked that anytime there's an application coming before the Council, it needs to be able to go to Work Session and then go to the following meeting for a vote. These applications should follow the Work Session process. He did not want events coming through that the Council didn't have time to properly research or request the applicant to come in so they could ask questions. It was important to allow enough time for due diligence.

Mayor Rivers concurred with Councilman Biggs, and said they would discuss a process during the next Work Session so they can have a standard across the board. Councilman Walton said that would be fine as long as the Council followed the standards they set. He opined that if they followed standards, they would not have to send letters to Raleigh. If we make standards, we have to follow them.

g. Discussion – UDO Text Regarding Places of Worship *(Added During Agenda Adjustments);*

Mayor Pro Tem Spence said it came to his attention that there are two zoned areas in Elizabeth City, Industrial 1 and Industrial 2, where you cannot worship. He did not feel there should be anywhere in a city that you are prohibited from worshipping freely. He believed it was against

the law to have such a requirement in place. He wanted to bring it to the Council's attention and ask Director Goodson to have this restriction removed. There should be no area in the city where you cannot worship.

Mayor Rivers clarified that the text did not specifically say someone could not "worship" there, just could not build a place of worship. Councilwoman Felton asked why churches weren't allowed in Industrial 1 and 2. Director Goodson explained that the Industrial zoning areas were generally just for manufacturing and warehouses.

Mayor Pro Tem Spence issued a directive to move forward with the text amendment process, as Director Goodson indicated it would have to go to the Planning Commission first to have the changes heard before coming back to the Council.

Councilman Walton interjected that before they continued with the next item, he wanted to mention that there is a person who lives in the doorway of CVS and we need to do better for our homeless population. Is there not a way the City can get ownership of the building over there? Mayor Pro Tem Spence stated that the house he is referencing has been condemned. There are many rules for a shelter. You have to have sprinkler systems in place and everything else. Councilman Walton asked if they could add a discussion about the homeless during the next Work Session. Mayor Rivers confirmed he would have it added under the Community Development Committee.

h. Update – Budget to Actual Report *(Added During Agenda Adjustments);*

Councilman Biggs said he had just distributed a Budget to Actual report that included numbers through the end of last week. We are roughly eight months through the fiscal year now. He said he'd gone through and highlighted income areas that are greater than 100%. It can be hard to track revenue coming in due to the different frequencies that it comes in. However, the expenses normally go out on a regular basis each month. He said he tried to break the report out to be more reader-friendly. He also highlighted areas that likely needed to be monitored as it they were ahead of the prorated amount (64%). He wanted everyone to have a hard copy because it's a bit easier to understand. There are some bright spots in there, but also areas of concern. He encouraged anyone who wanted more information to let him know. Mayor Rivers said he would like to see where we were at this time last year compared to now. How many more checks are we expecting to come in from the County for property tax? Director Steward replied that there should be a few more coming in. Mayor Rivers stated that in order to have a balanced budget, we need to have projections on the revenue, so he would like to know if we over-projected and will not meet the level of income. Director Steward advised that the Finance Department would review more in depth, as there are likely some things that may not have been entered or recorded yet. She would provide the Council an update soon.

Councilman Biggs pointed out that the revenue for Solid Waste was not tracking with the expenditures for Solid Waste. Is there a lag time there? Director Steward confirmed that there was as we bill about a month behind and offer extensions as well.

7. Closed Session- As Allowed by NCGS 143-318.11(a)(5) Acquisition of Property
(Added During Agenda Adjustments);

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to enter Closed Session as allowed by NCGS 143-318.11(a)(5) for Acquisition of Property at 8:32 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Gibbs and Walton. Against: None. Motion carried.

Mayor Rivers announced there would be a five-minute recess to clear the room prior to Closed Session.

The Council returned to open session at 9:05 p.m.

8. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 9:05 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

