

**City Council Rescheduled Regular Session
July 29, 2024**

The City Council of the City of Elizabeth City met in a Rescheduled Regular Session on Monday July 29, 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 Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Rose Whitehurst

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Electric Superintendent Donnell White
Interim Chief of Police James Avens
ECDI Director Debbie Malenfant
Fire Chief Chris Carver
Deputy Fire Chief Thomas Brooks
Community Development Director Reggie Goodson
Assistant Finance Director Brian Lewis
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 7:02 p.m. Pastor Wade Staten Jr. provided the 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 asked that the Council add a Discussion on the River City Skippers Lease to the Regular Agenda. Councilman Peel requested that item C – Declare Property as Surplus be moved from the Consent Agenda to the Regular Agenda for further discussion.

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

2. Mayoral Recognitions / Proclamations:

a. EC-PC 8u All Star Team;

Mayor Rivers shared that Elizabeth City - Pasquotank County Parks and Recreation are the district champions for 8u baseball. We are always excited to bring home trophies and he wanted to recognize this team and these kids for their accomplishments. Director Clark thanked Athletic Director Kenny White who traveled with the team as they played this season. He also thanked the parents and families who participated. The kids stood out because they played so well. He thanked their families for supporting them and the kids for the great job that they did. Mayor Rivers provided Mayoral Certificates of Recognition and City Challenge Coins for each member of the team as he called them forward to receive their awards: Cash Caldwell (unable to attend); Melvin Daniels; Eli Barlow; Barron Watts; Kohen Cullipher (unable to attend); Liam Crowley; Colton Melvin; Jax Leary; Aiden O'Flynn; Bryce Beech; Noah McComiskey (unable to attend). Mayor Rivers requested the coaches also come forward to receive a City Challenge Coin because they helped make this win possible. The coaches stated that early on they

realized they had a group of special young men with a lot of potential. The kids took charge and won everything early. The only two games they lost during the season were about one hit away and very close. They are a great group of young athletes and everyone is excited to see what their future holds. Mayor Rivers thanked everyone and hoped the energy and excitement continued.

3. Comments from the Public:

There were no public comments.

4. Public Hearings:

a. Hold a Public Hearing – Rezoning Case RZ 03-24;

Mayor Rivers declared the hearing open and inquired of the Clerk if there were any speakers. Upon the Clerk's reply that there were none, Mayor Rivers declared the public hearing closed.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Jarvis Gibbs to approve the ordinance and consistency statement for rezoning case RZ 03-24. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

**Ordinance # 2024-07-03
Rezoning Request RZ-03-24**

WHEREAS, on July 2, 2024, the Planning Commission reviewed Petition RZ-03-24 filed by EC Tangle Land Owner, LLC, a request to rezone a 13.31± acre site that includes two parcels located on the west side of Tanglewood Parkway between Commercial Boulevard and Waterside Drive from General Business (GB) to Apartment District (AD); and

WHEREAS, the City Council called for a public hearing on July 8, 2024, which was held on July 29, 2024, at which time they considered any public comments given during the meeting; and

WHEREAS, both the Planning Commission and the City Council have found the request to rezone to the parcels from General Business (GB) to Apartment District (AD) to be consistent with the area's zoning pattern and existing land uses of adjacent properties, as well as the Future Land Use Map; and

WHEREAS, the proposed zoning will be consistent with the area's zoning patterns; and

WHEREAS, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and,

WHEREAS, after consideration of the technical merits of the request, the Planning Commission recommended approval to the City Council, which was subsequently given.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approve the request to amend the Official Zoning Map to show that the 13.31± acre site that includes two parcels located on the west side of Tanglewood Parkway between Commercial Boulevard and Waterside Drive from General Business (GB) to Apartment District (AD).

ADOPTED, this the 29th day of July, 2024.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

b. Hold a Public Hearing – UDO Text Amendment TA 07-24;

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. Upon the Clerk's reply that there were one, Mayor Rivers declared the public hearing closed.

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to adopt the ordinance approving TA 07-24 to modify the UDO's regulations on the size of allowable signage for public schools within residential districts. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

ORDINANCE # 2024-07-04
Approving Text Amendment 07-24
To Amend the UDO
Specifically Article 11 Development Standards
Section 11-4.76

WHEREAS, interest has been expressed in amending the Unified Development Ordinance for the purpose of increasing the height and size of allowable signage at public schools within a residential district; and

WHEREAS, the current signs are already eight (8) feet tall at most school locations, presenting an existing non-conforming situation; and

WHEREAS, the newly designed signs are crafted to allow the latest technological advancements in electronic messaging to be utilized, presenting a benefit to the students, parents and the community; and

WHEREAS, the Planning Commission unanimously recommended the City Council approve the text amendment to the UDO during their July 2, 2024 discussion; and

WHEREAS, this text amendment explicitly increases the size and height of the signage at public schools in the residential districts, but keeps the illumination and right-of-way placement regulations the same; and

WHEREAS, the City Council called for a public hearing on TA 07-24 on July 8, 2024, which was subsequently held on July 29, 2024, after requisite advertisement and during which a quorum of the board was present; and

WHEREAS, the City Council of the City of Elizabeth City approved the action to record the following changes to the UDO:

TA 07-24

Text Amendment:

11-4.76 School, Elementary or Secondary

(A) Where Required

All districts.

(B) Access

Access to the use shall be from a collector or higher classified street that has the capacity to accommodate the additional traffic projected to be generated by the school.

(C) Use Separation

Outdoor recreational areas and all buildings shall be located a minimum of 50 feet from any adjacent residentially-zoned property.

(D) Signs

In residential zoning districts, there may be one freestanding sign erected per public street frontage. The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the right-of-way. When located more than ten feet from the right-of-way, the sign(s) shall not exceed eight feet in height and thirty-eight square feet in

sign area. All signs are subject to lighting, illumination and code standards in Section 11-1.2 - ~~The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the right-of-way. When located more than ten feet from the right-of-way, the sign(s) shall not exceed five feet in height and twenty-five square feet in sign area.~~ Facilities located in commercial zoning districts can erect signs that conform to Article XI et. seq. of this Ordinance.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby amend the above text of the Unified Development Ordinance.

ADOPTED, this the 29th day of July 2024 to become effective upon the signing of this ordinance.

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

c. Hold a Public Hearing – North Carolina Rural Water Recommendations;

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. Upon the Clerk's reply that there were none, Mayor Rivers declared the public hearing closed.

Councilman Peel asked Director Bell about the water the City purchases from the County. The included proposal is that we should sell it for what we pay for it. Director Bell confirmed that's the current suggestion until we have hard numbers. We can consider some other things as well. Councilman Peel asked if the people who use this water still pay the base rate. Director Bell replied that they do. He explained that we just want to make sure that we're charging at a minimum of what we're paying. The County Manager is supposed to meet with us in the future and we'll have some additional information to bring forward. Councilman Biggs asked where we're at with the water purchase agreement with the County. Manager Freeman said we're waiting on some final numbers to discuss what the new water agreement will be. The last time, the Council discussed waiting a bit until the final agreement was in place to adopt any changes. Councilman Biggs was in favor of charging at least what we're being charged by the County and he concurred with Councilman Peel that we should probably charge more than that because there were other costs tied into it that need to be considered. We're losing money on this water in additional ways outside of not charging enough. We need to consider what's going to happen with Halstead water and that district with the County. Are we allowed connections out there now that we have no agreement? Director Bell replied that the last he heard was they had stopped all connections until the new agreement was in place. The County will not approve connections until we enter the agreement for water purchase. I'm hopeful that we'll be able to enter that very soon. Right now, there's nothing binding the County to have to sell us water. Mayor Pro Tem Spence asked why we couldn't just enter into the agreement with what we have right now. Director Bell advised that they could. Manager Freeman pointed out that's not what they asked for. The original conversation was not to do it so close together. Councilman Biggs believed it's more of a state mandate than anything because it came down from DEQ who said don't connect anything until there's a contract in place. We probably need to have both managers, the Mayor, and Chairman Jordan sit down together or hold a joint meeting. This could have an impact on the residents out there as well as the businesses. We need to come to the table on this one fast, and get some idea of where we're headed. We just approved a rezoning request for multi-family on County water 10 minutes ago. It's not slowing down out there.

Councilwoman Felton questioned what the next step would be to make the conversation happen. Mayor Rivers asked if the County had reached out. Manager Freeman stated they've met with the County several times. Staff came back to talk to the Council about it, but the Council suggested waiting so they're only have to do a single increase. Mayor Rivers advised that he understood the conversation around the rate. He wanted to know about the contract. We cannot tap in. Director Bell explained that the County's utility director would not approve any new developments until we have a contract. There are going to be allocation fees and things like that coming with the restructure. Once we know those numbers, we can come back. As part of the Rural Water discussion, we could go ahead and move up to a new rate there, but if you want to wait until we know the final numbers, we can do that too. Councilman Biggs shared that they'd also discussed giving the County back that water district and not operating it under Elizabeth City any longer. This conversation has not been elevated to the level of importance that it needs to be. He didn't know if it was just at the manager, Mayor and Chairman level right now, but that dialogue needs to be opened. If there's an allocation fee, we could be talking about millions of dollars. If we turn it over to the County, the residents out there could see an increase.

Mayor Rivers asked what the recommendation was. Manager Freeman recommended waiting for the numbers from the County. Mayor Pro Ten Spence asked if the manager and staff could initiate a conversation with the County because we don't want to get caught slipping. Director Bell felt he'd be hearing from the County soon because they were expecting to have some information back in July, which he imagined would have to go back to their board. Mayor Rivers asked when the old contract expired. Director Bell explained several years back there was a lawsuit about the water, and they never entered the agreement. It's been years since an agreement was in place. Now just to do business, we have to get this in order. Mayor Rivers said he understood about the rates. The rates are secondary because the same sticking points exist that did before. He felt that the Council needed to get supporting documentation so they weren't questioning everything. They needed to be brought up to speed. Councilman Walton opined that they should have a joint meeting at some point. We want to have an inter-governmental relationship. We have two agencies working for the citizens and we need to be on board together. A couple of us are still around from when the water lawsuit happened, but many people may not know about that. We just want to do what's best for the citizens.

Councilman Peel pointed out that if the County gave a date around the end of July for having numbers ready, the manager may want to give them a call. Manager Freeman stated that he called the County Manager today and was waiting for a return call. Councilman Walton asked if anyone was opposed to setting up a joint meeting. Councilman Peel was not opposed but they would need to hammer out an agenda beforehand. Councilman Walton directed the manager to ask Sparty when his board might be available for a joint meeting.

Councilwoman Felton suggested the Council brainstorm some additional topics as she remembered a few other things they needed to discuss with the County they could cover at the same time. Mayor Rivers requested the manager update the Council on Sparty's response after they spoke.

Councilman Biggs asked if they were just going to raise the rate to \$7.77 at this time. You're not even covering your expenses if you do that. I don't know how much work it is, but why would we raise it now to come back and raise it again? I know we moved this meeting date ahead, but we know the County is increasing their water rate. Councilman Walton asked if the consultant provided a suggested rate range. Director Bell replied that they did not; they just urged us to stop losing money. Councilman Peel believed we would need to charge more than the \$7.77 rate. Director Bell reiterated that as soon as we know what their rate is, staff would have a recommendation. Mayor Rivers felt the rate needed to at move up at least enough to stop the bleeding right now. We understand the rates may possibly go up again, but right now every month we're continuing to charge less than what we're being charged. We can at least do the minimum and collect \$7.77. We're saying we're going to wait, but what if it's two months from now before we hear back? At least we need to pick some kind of number tonight. We've gone through the process of the public hearing and to not do anything tonight would be pointless. This is a major one of the three Rural Water recommendations because it's just bad business. He asked the Council to pick some kind of rate with the understanding that yes, we'll be back talking about it in another few months. We understand that it costs us \$7.77 to buy the product. What does it cost a City resident using the water? Director Bell replied that he didn't have the numbers in front of him, but he could get them. Mayor Rivers asked if he felt it was reasonable to estimate at least \$3 or \$4 to process. We just need something in place for now. Should we be at \$10? I don't want to pick a number out of the air. Councilman Peel asked what we charge for 1,000 gallons. Councilman Biggs didn't recall reading that the County increased their water rates during their budget. They may be coming back to us with a reserve cost for

staying on the water out there. Director Bell said that was correct, but they are also looking into an allocation fee now. Councilman Biggs urged staff to figure out what it costs us to administer this water. It's \$7.77 before we even turn the lights on in the building. That doesn't include paying employees, reading the meters or anything else. I would imagine you should build in at least a \$2 margin. Director Bell stated that he would rather wait until he saw what the County came back with. He knew they were discussing an additional fee because the County manager mentioned that to him.

Mayor Rivers asked how the Council felt about increasing the fee to \$10. He didn't want to pick an arbitrary number. He wasn't a water expert.

Motion was made by Mayor Pro Tem Kem Spence to adopt the recommendations from Rural Water, including an increase to the County water from \$7.42 to \$10.00. The motion was seconded by Councilwoman Katherine Felton.

Mayor Rivers noted that once they received the rates from the County, they would call for another public hearing to discuss those if necessary.

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

5. Approval of Minutes:

a. Consideration – Approve June 26, 2024 Reconvened Budget Work Session Minutes;

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

b. Consideration – Approve July 8, 2024 Regular Session Minutes;

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

6. Consent Agenda:

Mayor Rivers read the Consent Agenda item into the record, as follows:

a. Consideration – Accept Final Bid for Brown Street;

b. Consideration – Contract Approval, Pump Station Rehabilitations (SL2023-134 Appropriation);

**RESOLUTION #2024-07-03
ACCEPTANCE OF PUMP STATION REHABILITATIONS AWARD
(SRP-W-134-0089)**

WHEREAS, the City of Elizabeth City has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$2,430,000 to perform work detailed in the submitted application, and

WHEREAS, the City of Elizabeth City intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY:

- That City of Elizabeth City does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$2,430,000.
- That the City of Elizabeth City does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
- That E. Kirk Rivers, Mayor, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

ADOPTED this the 29th day of July in Council Chambers, 306 E. Colonial Ave., Elizabeth City, North Carolina.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

**ELIZABETH CITY ORDINANCE #2024-07-06
GRANT PROJECT ORDINANCE
PUMP STATION REHABILITATIONS PROJECT
(SRP-W-134-0089)**

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted.

Section 1: The Project authorized is the Pump Station Rehabilitations Project, which shall make repairs and improvements to the City’s sanitary sewer pump stations, to be financed by state grant revenues as provided herein.

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the board resolution, grant contractual documents, and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

[INSERT ACCT #] Engineering, Permitting, Surveying:	\$425,000
[INSERT ACCT #] Construction:	\$2,005,000
<u>Total:</u>	\$2,430,000

Section 4: The following revenues are anticipated to be available to complete this project:

[INSERT ACCT #] SRP Appropriation (SL2023-134):	\$2,430,000
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Section 5: The Finance Officer is hereby directed to maintain within the grant project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the project resolution also shall be met.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the City Council.

Section 9: Copies of this grant project ordinance shall be furnished to the clerk to the City Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Duly adopted this 29th day of July 2024.

E. Kirk Rivers,
Mayor

(Seal)

Attest: _____

April Onley, NCCMC
City Clerk

- c. **Consideration – Declare City Property as Surplus** *(Removed from Consent and Added to the Regular Agenda During Agenda Adjustments)*;
- d. **Consideration – Adopt Budget Amendment and Multi-Year Ordinance for Nexgrid Water Meters**;

AMENDMENT TO FISCAL YEAR 2024-2025 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 2024-2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
31-8280-9102	Transfer to Capital Project Funds		\$2,882,792.00
	Total		\$2,882,792.00
	Total change in Expenses		\$2,882,792.00

To amend Fiscal Year 2024-2025 Budget Ordinance, the estimated revenues are to

Section II.

Account #	Department/Account Title	Decrease	Increase
31-3990-0000	Retained Earnings Appropriated		\$2,882,792.00
	Total		\$2,882,792.00
	Total change to Revenues	\$	2,882,792.00

ADOPTED, this 29th day of July 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

**ORDINANCE # 2024-07-07
NEXGRID SMART WATER METER CAPITAL PROJECT
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION I. The City Council of the City of Elizabeth City does hereby approve the transfer from Water and Sewer Fund as the funding source for this capital project in the amount of \$2,882,792.00 for the Nexgrid Smart Water Meter Capital Project and does hereby authorize the Mayor to execute any necessary documents related to the project on the behalf of the City Council of the City of Elizabeth City.

SECTION II. This ordinance is to establish a budget for the Nexgrid Smart Water Meter Capital Project. The officers of this unit are hereby directed to proceed with the project within the terms of the project documents and the budget contained herein.

SECTION III. The following revenue is to be transferred from the Water and Sewer Fund to be available to complete this project:

(70-3970-0000) Transfer from Water and Sewer Fund \$2,882,792.00

SECTION IV. The following amount is appropriated for this project:

(70-8280-7300) Smart Meter Project \$2,882,792.00

SECTION V. Copies of this capital project ordinance shall be made available to the Budget Officer and Finance Director for direction in carrying out this project.

ADOPTED, this the 29th day of July, 2024.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

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

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

7. Regular Agenda:

a. Consideration – Declare City Property as Surplus *(Removed from the Consent Agenda During Agenda Adjustments);*

Councilman Peel asked Director Goodson if he knew what shape the property was in at 103 Harding Street. Director Goodson replied that he was not familiar with the property in question, and he did not see any open violations against it. Councilman Peel believed the opening bid should be higher. Mayor Pro Tem Spence knew the location and felt the house was probably going to have to be torn down unless someone was willing to invest a tremendous amount of work. The structure was not in good shape. Councilman Peel noted that he did not mind giving people a deal because he knew we wanted these properties back on the tax register, but he believed the Council should set the opening bid higher in this instance. Mayor Rivers pointed out that everything has to come back to the Council before final sale approval anyway. A property might open at a lower bid, but he'd seen them go back and forth numerous times, up to \$30,000. Once it's declared surplus, every additional bid has to raise it by so much. Once the final bid comes in, the Council still gets to decide if they want to accept the bid. He reminded the Council that they can always reject any bid or all bids for that matter. Councilman Peel opined that before we put a property out for sale, if there is a structure on the lot, we should have an idea of what kind of condition it's in. He would like our Building Inspections Department to inspect the house and provide a report. He would recommend that declaring the property surplus be tabled until our inspectors had checked it out.

Motion was made by Councilman Joseph Peel, seconded by Councilman Johnnie Walton to table the matter until the August 26th meeting, at which time they would receive an inspections report from staff. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Felton, Morris and Walton. Against: Spence. Motion carried.

b. Discussion – Purchase Cards / Gas Cards;

Manager Freeman advised that staff is still operating under the directive that only he and the directors are allowed the use p-cards. He recently supplied the Council with a listing of who has a purchase card and why.

Councilman Biggs asked if the Council would feel comfortable with giving the Deputy Director of Public Utilities and the Electric Superintendent usage of their p-cards because there are so many people that need to purchase things in that department. That would be Director Bell, Raymond Staten and Donnell White with purchase cards. It would just give you two extra cards in case Director Bell was out. Mayor Rivers felt the key was to make sure that whoever had the cards familiarized themselves with the policy. If you don't read it and then something goes wrong, you can only do the "I didn't know" so many times. The policy has already been set, everyone is supposed to sign off saying they have read it, and they understand. Councilman Biggs noted that we don't need to open up all the cards again, but we also don't need to impede the business of the City. He would not recommended going lower than deputy directors. Councilman Morris asked if Automotive had anyone with a p-card. Director Bell relayed that Jeff in Fleet did.

Councilman Biggs said he would be comfortable making a motion to open the p-cards up for deputy directors. Mayor Rivers asked if staff could come back at the August meeting with a listing of who should have a p-card. It could be helpful to get a list to see who has them and why. We have Councilman Morris talking to us from his personal experience but we don't know anything about other departments. We need to allow the manager to decide who gets them and open it up at the next meeting. Councilman Biggs stated that he was just trying to reduce unintended consequences.

Motion was made by Councilman Johnson Biggs to allow Department Heads and Deputy Directors (or the Department Head's designee) to have usage of purchase cards until the manager could return in August with a recommendation. The motion was seconded by Councilman Johnnie Walton.

Mayor Rivers asked that the manager ensure that everyone with a card had a copy of the policy. He also asked that he verified they'd signed the proper documentation.

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

c. Discussion / Consideration – Potential Redesign of Rivershore Bridge;

Manager Freeman reminded the Council that based on a recent discussion staff went back to the drawing board with NCDOT and AECOM engineers to work on a plan to allow us to come in at or under the project's originally allocated amount of \$1.9 million.

Grants Administrator Jon Hawley restated that the Rivershore Bridge Project came in extremely over budget, which led to the recent plan of using Flora Street and Powell Bill funds. They began taking steps in that direction and then received feedback from NCDOT Division I Engineer Randy Midgett who was confident we could take a different approach to design a more cost-effective bridge and avoid unintended consequences. Changing the bridge could affect easements, permitting, etc., which they talked through during a recent meeting. Mr. Midgette believes a different approach is possible, and will result in a cheaper product. The current bridge design is a cast-in-place bridge, but a more typical bridge is a slab that's just brought in and dropped in place.

Mayor Rivers asked what the redesign would cost the City. Councilman Peel replied it would be \$95,000. Mr. Hawley stated that we have the task order presented by AECOM and had a good discussion. Sometimes redesigns just happen. For AECOM to do the work, it will be \$95,000. It will require approximately three months for completion, and we will probably need an extension on our grant term to put the bridge in place.

Mayor Rivers asked what was needed from the Council at this time. Do they need to remove the contract from TA Loving? Mr. Hawley explained that there's a multi-part motion they'd need to adopt. TA Loving has been very flexible and forthright and shared some of NCDOT's

concerns. The motion being recommended is that the Council, subject to concurrence from the grant agency North Carolina Emergency Management, rescind the award to TA Loving, authorize a bridge redesign for a cost not to exceed \$100,000, and request a grant extension. Flora and Rivershore are separate projects; they were only intertwined due to Flora being the only funding source that was potentially available to us at that time.

Councilman Peel suggested instead of multi-part, they break it into two motions: one for the bridge and one for Flora Street.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel that subject to agency concurrence by NCEM, the award to TA Loving was rescinded, bridge redesign was authorized at a cost not to exceed \$100,000, and a grant extension was requested. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to accept the Flora Street Stormwater Project and authorize execution as originally proposed.

Councilman Walton asked if they had to use Powell Bill money now. Mr. Hawley replied that they did not. Mayor Rivers asked how we made sure we did not get in this situation again. We went off our engineer's expertise. Do we need to have a consultant on the side if someone gives us a plan that seems excessive so we don't overspend? If it hadn't been that Mr. Midgett happened to read about this in the paper, we would have spent \$1 million more than we had to spend. We need a checks and balance system. Director Bell stated that a consultant they worked with on the Providence Road Bridge was a big help and they would start including them moving forward.

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

Councilman Peel suggested the Council reach out to thank Mr. Midgett because he really came up with many creative ways to get around the moratoriums and easements. He built the Oregon Inlet Bridge, the Alligator River Bridge; and he just knows bridges. He just saw it in the paper and decided to help us out so we should consider ourselves lucky.

d. Consideration – Authorize Hiring for ECPD BLET and Public Utilities Department;

Manager Freeman told the Council that there several open positions in Water and Sewer due to the department not having the available labor to deal with the auto flushers amongst other things. Mayor Rivers asked what position he's requesting to open. Manager Freeman replied that the positions were classified as Water and Sewer Maintenance, and they were asking to unfreeze four of them. Additionally, there are two positions for Sanitation, one for Streets and one in the Wastewater Treatment Plant that will need to be opened.

For Police and Fire, the Interim Chief has seven candidates that he'd like to send to the BLET program. Fire has two positions that will require an increase due to promotions. Both were personnel who participated in assessment centers, with one moving to Captain and one to Engineer. They have served in those capacities since June. People retired from those positions, which left vacancies, so we moved current employees who were certified into the roles. They have already taken on the duties but before we give them the pay, it's coming back to the Council for approval.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve opening four Water and Sewer Maintenance positions, two Sanitation positions, one Streets position, one Wastewater Treatment Plant position, seven BLET positions, and authorizing the increase in pay for the new Captain and Engineer in the Fire Department.

Councilwoman Felton asked if BLET candidates still received sign-on bonuses. Interim Chief Avens confirmed that they did. Councilwoman Felton noted that we invest a lot of time and effort into putting candidates through BLET. Is there some kind of contract that requires they stay with us for a specific amount of time? Chief Avens replied that there was a contract, which bound them to us for three years or required repayment. Councilwoman Felton asked if we had any people leave and have to pay us money back. Chief Avens advised that we did. Councilwoman Felton questioned if they paid us back in full. Chief Avens confirmed that they did; it's paid by payroll deduction. We made a change to the contract because we felt the fee was too minimal. Mayor Rivers asked if the contract needed to come to the Council for approval. Attorney Morgan explained that it did not since authority was delegated to the ECPD. Chief Avens stated that they upped the fee to \$4,500 if the employee left in the first year. He noted that they did get Attorney Leidy's blessing before moving forward.

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

e. Consideration / Discussion – River City Skippers Lease Agreement (As Added During Agenda Adjustments);

Mayor Rivers stated that the Skippers want to have the grandstand built prior to the 2025 season. Staff has determined that they have no issue with that. Attorney Morgan has a copy of the original executed lease. Paragraph Four says the grandstand plans should be completed before the 2024 season, so if we amend the lease we should say the grandstand should be designed and completed prior to the 2025 season.

Motion was made by Councilman Johnson Biggs, seconded by Councilman Javis Gibbs to approve the amendment to the River City Skippers Lease Agreement. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

8. Closed Session – As Allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney and NCGS 143-318.11(a)(5) Contract Negotiation);

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to enter Closed Session as allowed by NCGS 143-318.11(a)(3) for Consultation with City Attorney and NCGS 143-318.11(a)(5) for Contract Negotiation at 8:31 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Mayor Rivers announced there would be a five-minute recess while the room was cleared.

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

Mayor Rivers asked the Council's pleasure on the appointment of a finance officer.

Motion was made by Mayor Pro Tem Spence, seconded by Councilman Johnson Biggs to authorize the appointment of Manager Montre' Freeman as the City's Finance Officer until a Finance Director could be hired. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

9. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 9:06 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

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