

**City Council Work Session
February 27, 2023**

The City Council of the City of Elizabeth City met in work session on Monday, February 27, 2023 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
Councilman Johnson Biggs
Councilman Joseph Peel
Councilman Javis Gibbs
Mayor Pro Tem Kem Spence (*Arrived at 6:55 p.m.*)
Councilwoman Katherine Felton
Councilwoman Barbara Baxter (*Arrived at 5:50 p.m.*)
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Rose Whitehurst

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Interim Chief of Police J. Phillip Webster
Deputy Chief of Police James Avens
Interim Electric Superintendent Bob Vannoy
Human Resources Director Montique McClary
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
Grants Administrator Jon Hawley
Interim Community Development Director Reggie Goodson
Fire Chief Chris Carver
ECDI Director Debbie Malenfant
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

Mayor Rivers called the Work Session to order at 5:30 p.m. The invocation was delivered by Councilman Gibbs, after which everyone joined for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers requested the Council's pleasure on the prepared agenda. He did note that there would be two additions, one that would be for a change in the survey process for applications for rezoning and one for the sale of the generator. Councilman Biggs noted that we would also need to add a Budget to Actual report discussion under the Finance Committee

Motion to approve the agenda with the requested amendments was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Felton, and Walton. Against: None. Motion carried.

2. Committee Reports / Updates:

a. Community Development – (*Whitehurst, Felton, Walton*)

i. DMS Presentation

Manager Freeman noted that he did not see Ms. Cannon here yet, but if she came in later, we could return to this item at that time.

ii. Grant Activity Report for 2022

Grants Administrator Hawley advised that he would provide an overview for how the City fared in the 2022 grant system. We had a strong year in the competitive grant field, receiving funding for nine of 12 of the grants we sought out. The City also had big wins in other areas, including receiving funding for special projects. The biggest example being the Grace Drive pump station project. He advised that the Providence Road bridge project is essentially complete, which is great news for the community. There are a number of awards that we're tracking for 2023, though many are still in the brainstorming stage. It's important to find the best needs of the organization and match those with grants. Mr. Hawley said he is expecting four to six applications of varying sizes for the spring round of funding. He wanted to provide this prior to the nonprofit engagement update.

iii. Nonprofit Engagement

Mr. Hawley stated that he'd asked to speak during the next available nonprofit roundtable meeting during April to begin brainstorming with them on the best ways to help them move forward. Many of the well-established organizations are machines unto themselves and do not necessarily need the City's assistance. Councilman Peel asked if Mr. Hawley was aware of the money that was available through the Albemarle Commission for citizens for home repair? Mr. Hawley said he was not. Councilman Peel said it was not available for the City to apply or that we could help with, but we could let people know about it, and up to \$11,000 could be received. He felt that with the housing issues that we have, we should be putting that out there for people to know about. They also have a program called the Aging Program, where people in rentals can get up to \$2,500. He noted that the gentleman's name is Ryan Albertson who oversees the program. He reiterated that the City could not apply for these things, but we could at least let people know they were out there if people wanted to take the initiative. Some things were for single parents, some were for veterans. They serve the county region and it's a first come, first serve and we should help make people aware if we can. Mr. Hawley said he would make sure we promoted it on the website. Councilman Peel said the Mr. Albertson's number was 252-404-7096.

Councilman Walton asked how many specific grants did we have targeted toward infrastructure? We might need to intensify our efforts. Mr. Hawley said this is a great time to go after funding for infrastructure, which includes streetscaping. The Weeksville Road multi-use path is one, Rivershore Road bridge replacement design and construction is another. We also have the Water Street Transformation project that we will discuss tonight. The design of the Water-Church Street Pump Station. The vulnerability and risk assessment, which assesses our surface street infrastructure that leads towards specific constructible projects we can pursue funding for. He noted that the Providence-Charles Inflow and Infiltration plan compliments the Find and Fix It plan. There's also the Lead Detection and Removal Plan. The Dawson-Hunter Street Stormwater Study is funded by two studies, though only one was acquired in 2022. Two awards we sought that were denied were the Tiber Creek flooding reduction and sewer improvements for Pearl Street. Other grants such as George Wood Park reconstruction are arguably infrastructure. Councilman Walton said it seems like we're looking at a lot of studies and assessments. Mr. Hawley agreed that that's correct, but often that's a first step in scoring criteria because the first question is often, "How do you know this is a problem?" Councilwoman Felton said she was very passionate about the needs of the residents, particularly the low to moderate income bracket who needed their homes rehabbed. She asked if the office offering the services was in Hertford mentioned by Councilman Peel was located in Hertford. Councilman Peel said that it was, but they serviced several counties, including ours.

Mayor Rivers asked about the bridge installation and whether or not it would be feasible to make it a wooden bridge instead. Director Bell said he believed that wooden bridges were no longer allowed, but it was likely a wooden structure years ago. Mayor Rivers said he just wanted to make sure we were prepared for the coming years, thinking about the upcoming patterns. Councilman Biggs noted that we are funded 100% on that project and if we changed the purpose, such as making it a walking structure instead of a driving bridge, we could lose our funding. He asked if Mr. Hawley was going to attend any of the training sessions because he noticed there were some that were coming fairly close. Mr. Hawley said he would be attending a few and was already signed up.

Mayor Rivers asked if Mr. Hawley could look into the CDBG and maybe put together something for next year if possible. Mr. Hawley said he recalled that Councilwoman Felton had asked about neighborhood revitalization and he had looked into and there was not anything active right now, but he would keep an eye out. For some of the big transformation grants, if you're trying to "spin something out of nothing" you may be too far behind the curve when the grants are announced. There could be smaller avenues that could take meaningful bites out of the problems though and identifying things could be valuable discussions. Mayor Rivers said he recalled the last large CDBG was Hugh Cale where they rehabbed, rebuilt and had money to build the community center. That was the largest grant he'd seen in a while. If we could put something like that on our radar to identify areas for several years down the road, he felt it would be beneficial. He understood it would be a way out.

Councilman Peel said that before Kellen left, he'd had her research some of the property that we've acquired that is buildable. He thought there were maybe about 12. He felt that if we get serious about this, we've got some contractors and builders like James Flanagan who are experts in finding money and tax credits. If we had someone like that to discuss development on these properties, maybe we could get a HUD and find some financing for the process. We've also got property in locations that need to be revitalized. Mayor Rivers said last Thursday, he'd spoken with Wells Fargo about our large rental population and was told that they have programs available that will help our citizens be able to purchase. If we can build, we can get them purchased. Councilman Peel agreed that there's money out there, and it's doable. He said Mr. Flanagan spoke at the Committee of 100 about looking at the neighborhoods he wanted to start rebuilding. He's noted that Mr. Flanagan is here every day and he's easy to talk to. Mayor Rivers asked the manager to start working on that if he could. He said although Councilwoman Whitehurst was not here, he knew she wanted to find any pots of funding that might be available for homelessness. Mr. Hawley said a lot of the basic needs grants that help with food and the like are fairly flexible and could be used for things like that. Small grants, even though they may not be exactly what you're looking for, can still take some of the pressure off.

iv. Water Street Transformation Project

Mr. Hawley reminded the Council that this project was brought forward last summer by himself and Ms. Malenfant. It's a grant through NC Commerce. The broad purpose is to facilitate economic development and help revitalize the downtown through the proposed streetscaping. We had proposed to replace deteriorated sidewalk throughout the Water Street corridor. The sidewalk would include aesthetic elements such as those on Main Street. The original proposal included street lighting and benches and a new amphitheater at Mariners' Wharf park. All of the project elements took us to the maximum grant amount of \$950,000. Commerce chose to only award \$640,000, but we now need to change the scope to fit our available funds. This is 100% grant funded unless we decide otherwise. There is at this time no City funding in this project. Staff has come to the consensus to remove the amphitheater. We would still love to eventually build it, but in considering the original purpose of the grant, a lot of it is meant to compliment other streetscaping. NCDOT is still pursuing a road diet, which may improve accessibility and walkability, so we wanted to focus on the sidewalk and lighting elements so someone at the waterfront feels a stronger tug into the downtown area. We envision the sidewalks having daily benefits, whereas the amphitheater would mostly help with specialized events. If the direction is acceptable, staff will take the project to the next phase, which is to put out an RFQ with these perimeters. Mr. Hawley said a consensus would be fine to move it forward. He just wanted to be transparent with Council. Councilman Peel said he was fine with it. **Mayor Rivers verify that everyone present was okay with bringing the item to the Regular Session. The consensus was to move forward with it.** Mayor Rivers asked about the cost for the amphitheater. Mr. Hawley said it was approaching \$150,000 based on the cost of the structure and the raised stage.

v. City's Rezoning Application Section D

Director Goodson said since he's been back, he's had several rezonings to contend with and we require applicants to have a survey for rezoning. He has over 30 years of experience and no other place he's worked with has required the surveys on rezoning. He does not feel that the survey is necessary, and all he needs is a county property map where the applicant outlines the boundaries of the zoning request and the parcel

numbers. He does not need an official survey. He said he'd asked the Clerk if she needed anything from the survey itself for the public notice and she confirmed that she did not. He advised that the surveys could be very expensive for applicants, especially if the requests are denied. Taking that into consideration, he wanted to bring this forward for consideration to remove the requirement for a survey. He said they may be needed further down the process at the TRC, but not for a simple rezoning application.

Councilman Walton said the only thing a survey does is show ownership of the boundaries, correct? Mr. Goodson said that was correct, but he could see that on a boundary map. Councilwoman Felton said she couldn't see why we'd ask someone for an unnecessary expense. Mr. Goodson noted if it was needed at the development stage, that's one thing, but they aren't necessary at the rezoning stage. Councilman Peel asked if it doesn't follow property boundary lines, we'd need one, right? Mr. Goodson said he's seen very few like that, but those would need a survey because they're not following property boundaries. Councilman Biggs asked when a survey is required past the rezoning now? Director Goodson replied that you may need it when you're closing on property, if the applicant is buying existing property, but he's not seen it for our work. Councilman Biggs asked if we require it here in Elizabeth City? Director Goodson said we may need it for TRC, but he doesn't believe we do. This process may have been added and is not needed so it will be brought back if it's not. Mayor Rivers said he felt it was great if we could save someone some money. If someone spends \$1,000 and then we turn it down, they're out that money. Surveyors are backed up now too. He said he called for one to purchase a piece of property and they told him it's going to be four months from now. We just want to stay current and developer friendly and he felt it was a great recommendation. **He stated that if the Council is in agreement, the item can move forward for a vote during the regular session. The consensus was to move the item forward to the Regular Session.**

Councilman Peel asked what was going on with Wawa? Mr. Goodson said there's an access issue at Wawa. Initially, the site was only going to have a right turn in and right turn out onto Halstead. During later discussions, a left turn was added, but making that turn will cause you to travel across about five lanes of traffic. They are allowing it with the DOT engineer recommendation that a pork chop be placed to restrict the left turn going south onto Hughes. They can still turn left into the site, but can't turn left south onto Hughes. It is in Raleigh under review for the elongated pork chop at this time. He said he'd seen many pork chops and felt that some motorists might still try to make that turn though.

b. Finance Committee (All)

i. Consideration – Funding for New Signage for College Park

Director Clark advised that this item referenced the sign for the newly named College Park, which would be about \$1,500. They were also looking at putting in three informational signs for each of the universities. The signage they're looking at is similar to that of Veterans Park. They do not have an estimate for cost just yet, but hope to have them by the end of the week. They may try to get a grant. They hope it to be no more than \$6,000 total. Councilman Biggs suggested that we push this to the next work session with sketches of the signage. He said he was not in favor of spending that much not knowing where it's coming from, but did want to see what was going on. Councilman Walton said we could try to look at TDA because they funded signage before, so we may be able to get it from there again. Councilman Peel noted that if we're changing the sign, we need to use the same kind of sign so that it's matching because that was the original purpose. He felt we should contact someone at Tourism to find out where they got the signage from at least for the name of the park. Director Clark said they would use the same vendor for the wayfinding sign itself. The only ones that will be different are the informational signs, but the College Park sign will be the same as the other wayfinding signs throughout downtown. Mayor Rivers agreed that we should apply to TDA because it fits within the criteria of funding. He was hoping we could have at least a concept out there before colleges let out in May.

ii. Sale of Generator (Added During Agenda Adjustments)

Councilman Biggs advised the next item was the additional item for the consideration of the sale of the generator. Superintendent Vannoy explained there was a generator stored at the old Cotton Mill that was previously utilized at the jail for a number of years. The Cotton Mill is in the process of being sold, so we have to move the generator. We have an offer of \$135,000 for the generator. Superintendent Vannoy had nowhere to put the generator and no use for it as far as service. He recommended selling it and putting the funds toward fuel costs, which had been excessive this year. He had the same amount of funding in the budget last year to this year for fuel, but fuel had increased a large amount from one year to the next. Councilman Biggs asked where we'd get the revenue to pay for the fuel cost overages if unable to sell the generator? Superintendent Vannoy said he did not know. We had to have the fuel. Councilman Biggs said he was not against this item, but he didn't like using one-time money for a recurring expense. It was fortunate, but concerning. Councilman Biggs asked if we pre-booked fuel? Superintendent Vannoy replied that we did not, we were at their mercy. He said there is no place in the city where we could put this particular generator into service. Councilman Walton said he felt it was a no-brainer and we should not keep something that is of no use to us. Councilman Biggs asked if peak time shaving is still as efficient a use of savings as it once was? Superintendent Vannoy said it brings in a revenue and is money well-spent and carries over to our customers. Councilman Biggs noted that we'd have to move it over to the regular meeting and we'd also need a budget amendment at some point. Mayor Rivers said we could go ahead and authorize the sale and then bring an amendment back.

Motion was made by Councilman Johnnie Walton motion take the item to the Regular Session, seconded by Councilman Gibbs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

iii. Budget to Actuals

Councilman Biggs said he'd received the report last night and apologized he didn't get it over sooner. He said he missed highlighting a few things that he didn't notice until he sent it over to get printed. He highlighted items in yellow that were above where we would normally be based on the percentage of the budget year that we have passed. He allowed some leeway in some areas because payroll can unfairly trigger what the budget to actual looks like. When you get into the general fund, it all starts to run together, so he tried to break it down so you can see each individual department as they have a lot of the same expenses such as supplies, wages, overtime and so on. This is purely for review. If anyone say anything they'd like to discuss, he'd compile the questions and get them to the Finance Director to research and get back to them. The first page and a half is general fund revenue. He felt this was an eye-opening description of the budget and where money is going. Councilman Walton asked if the information came from Councilman Biggs or the Finance Department? Councilman Biggs said it came from the Finance Department, so if he had questions, he could send them to him to send to Alicia or he could ask Alicia directly. All he did was highlight specific areas. Fuel costs and contracted services are all high. Councilman Walton asked how far it went back. Councilman Biggs said it's just for this budget year, so it started July 1st through about this past Friday. Councilman Walton said legal fees were high. Councilman Biggs noted that a large portion of the legal fees were on account of the Greg Isley Firm from what he understood when he dug into it a bit. Councilman Peel thanked Councilman Biggs for doing this and it was good to get it.

Councilman Gibbs commended Councilman Biggs for the work he was doing with tackling the City's finances. He said he felt it was a tremendous load he was carrying and he was doing a great job.

c. Public Safety Committee (Spence, Peel, Felton)

d. Parks and Recreation Committee (Gibbs, Baxter, Whitehurst)

e. Public Utilities Committee (Walton, Biggs, Spence)

f. Planning Committee (Peel, Walton, Biggs)

g. Human Resources (Felton, Gibbs, Whitehurst)

h. Public Affairs / IT (Baxter, Peel, Gibbs)

DMS Presentation-

Mayor Rivers noted that Ms. Tina Cannon with DMS just arrived and he wanted to offer her the opportunity to begin her presentation, although it would likely have to go over into the Regular Session. Ms. Cannon said she had a few photos and would pass them around for the Council to see them. One of the apartments was the worst one she'd seen, they moved the tenant out, put new laminate in and moved someone else in; however, the meter still showed 100% moisture. She also has another tenant who is reporting that they continue to have to go to the hospital due to their oxygen dropping due to the situation. They are afraid of being evicted if they complain. She said they are continuously doing assessments and talking to the tenants, but they are only three people, but since they're a community that takes care of each other, it's important to help these people. It's not only with government housing, it's with many rentals in this area. She introduced her daughter, Taylor. Taylor said they are certified and these are real tenants, people and real issues that these people are facing and they are licensed to identify these problems. A few months ago, her mother had come in and showed photos, but it's much more than just those two areas. She had additional photos which was reflective of the entire area of Pasquotank County. The issues have been neglected and the issues are serious rather than someone who calls for an acute instance. Mold needs moisture to grow, and moisture issues are often present for quite some time by the time they get called in. Mold needs 24 to 48 hours before it really starts to grow. Mold spores floating in the room are invisible to the naked eye, and you'll begin to see mold grow on baseboard, drywall. The spores produce microtoxins that can be detrimental to people's health. They get calls from tenants when they've started to put two and two together, such as sickness that gets worse in the home that the mold is exacerbating. They work with people with acute water issues and those issues are generally taken care of pretty quickly. The second type of people are those who had ongoing issues and now have significant problems. The tenant side is usually the latter that have been going on for quite some time. Mold growth greater than 10 square feet requires professional remediation. Insurance is not really able to come in and cover these things because they often look at it as negligence so it can become really expensive. She's seen many landlords paint over mold or otherwise cover it up and not fix the problem. When remediating properly, you have to have the right equipment and biological cleaning products.

Mayor Rivers advised everyone that the Work Session would need to be adjourned and the presentation could be resumed during the Regular Session.

3. Adjournment:

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 7:01 p.m.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC