

**City Council Work Session
March 25, 2024**

The City Council of the City of Elizabeth City met in work session on Monday, March 25, 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
Councilman Johnson Biggs
Councilman Joseph Peel
Councilman Javis Gibbs
Councilwoman Rose Whitehurst
Mayor Pro Tem Kem Spence
Councilwoman Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Finance Director Alicia Steward
Chief of Police J. Phillip Webster
Deputy Chief of Police James Avens
Electric Superintendent Donnell White
Interim Human Resources Director Anna Spence
Public Utilities Director Dwan Bell
Public Utilities Deputy Director Raymond Staten
Parks and Recreation Director Sean Clark
Grants Administrator Jon Hawley
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. Councilman Gibbs provided the invocation, after which Councilwoman Whitehurst led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers asked the Council's pleasure on the prepared agenda.

Motion to approve the agenda as presented was made by Councilwoman Katherine Felton, seconded by Councilman Javis Gibbs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

2. Committee Reports / Updates:

a. Public Utilities Committee – (Walton, Biggs, Spence)

i. Consideration – Authorize Grant Application for Streetscaping Project;

Grants Administrator Jon Hawley explained that this application was being submitted in an attempt to provide additional funding for a project already underway. There is likely to be a construction cost gap and additional funding would be beneficial. The application requires a 5% match, but it's relatively minor. Mr. Hawley pointed out that the application is actually due next week, so this item would need to move forward to this evening's Regular Session for a full Council vote in order to meet the deadline.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to authorize the grant application. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote. Item will move forward to March 25, 2024 Regular Session for full Council consideration.

ii. Consideration – Budget Amendment – Trash Compactor;

Director Bell informed the Council that there are three budget amendments he's presenting from lines in the budget where funds are running thin. The first amendment for the trash compactor was due to the City receiving a check from the County, and they now needed to move that money to the proper line.

Mayor Rivers had a question on the budget amendment for overtime. He asked for further clarification on why we were seeing so much overtime. Did we forecast too low? Director Bell explained that when we had a storm event in September or October, we had to keep staff on around the clock, which had driven costs up. Councilman Biggs asked how many people we held over. Director Bell replied that the full water plant staff was on site during the period in question. In the past, there were concerns with some employees living in areas where they can't get out to come to work if there's a storm so they have to stay over. Mayor Rivers asked if every time we have a storm it's going to cost us \$17,000. Manager Freeman stated that it would not. This was a storm incident that was projected to be up to 60 mph with severe flooding. Director Bell said for as long as he's been with the City, the Public Utilities Department has always been mandated to stay over in bad weather events. Mayor Rivers said he was just trying to understand that if a storm was projected to hit the city, we were going to have to deal with \$17,000 in overtime. Was this just from one storm? Councilwoman Felton pointed out that because we've always done something one way does not mean that it's the best way or the way we should continue to do things. Director Bell noted that stay overs came as directives from the manager. Manager Freeman confirmed that was correct. He reiterated the storm was projected to be exceptionally bad and he wanted to make sure we were prepared. This would not be happening with every storm.

Councilman Biggs stated that overtime was over the line in nearly every department. The actual wage lines are low in some departments, they're at about 59%, but our overtime is way up. Director Bell explained that at the Water Plant in particular, they were short staffed, which created some overtime by default. Councilman Biggs suggested the Council flip through the Budget-to-Actual Report and view the overtime, which is nearly maxed out or above in most all departments. He asked if it was wise to pull it from capital outlay. Would it not be better to pull it from elsewhere? He didn't necessarily want to take it from capital outlay because we make that budget to improve our system and not to pay personnel.

Manager Freeman explained that the salary line in the budget is inconsistent. Some of that has been lack of updates, but it has impacted that bottom line amount and he didn't want to bring a budget amendment forward from a line item that was inconsistent. Councilman Biggs asked if that meant this number was not right. Manager Freeman said it was constantly changing, and it had changed just today, but the capital line item was consistent.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to approve the budget amendment for the trash compactor. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote. Item will move forward to April 8, 2024 Regular Session for full Council consideration.

iii. Consideration – Budget Amendment – Emergency Repairs for Pump Station;

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to approve the budget amendment for emergency repairs.

Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote. Item will move forward to April 8, 2024 Regular Session for full Council consideration.

iv. Consideration – Budget Amendment – Overtime;

Motion was made by Mayor Pro Tem Kem Spence to approve the budget amendment for overtime.

Councilman Peel stated that if one storm is going to cost us this much and we only had \$16,000 in that line item to start with, we really need to address that in the budget this year. Councilman Biggs felt they needed to take a hard look at overtime across the board in each department and see why that's spiking so much. It's a fair amount in most cases. We need to figure out what's driving it or if it's that we under-addressed it in the budget. Do we need to do budget amendments for other areas? Director Bell responded that they did not. Mayor Rivers asked if an overtime policy existed and if so, could it be sent out to the Council. Who signs off on overtime? Who is looking at these numbers? Councilwoman Felton stated that it would be a good idea when each department presented their budget to have the department heads discuss why and how they approve overtime.

Councilman Walton agreed that the Council needed a full and complete narrative. Councilman Biggs noted that a lot of what Director Bell managed were assets that were deteriorating by the hour. Director Bell believed some of the overtime could be tightened up on, but some of it couldn't be foreseen, such as medical emergencies or call outs. Councilman Biggs reiterated that the Council may have under-budgeted so they need to take a hard look at it.

The motion to approve the budget amendment for overtime was seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote. Item will move forward to April 8, 2024 Regular Session for full Council consideration.

b. Community Development Committee (*Whitehurst, Felton, Walton*)

i. Discussion – Homelessness in Elizabeth City;

Councilwoman Whitehurst said during the last meeting the Council had some questions about homelessness in our area. She thought of Michelle Moore with River City CDC and asked her to attend and share some things with the Council.

Michelle discussed the point-in-time (PIT) count, which last occurred on January 1st. The PIT count came back with a report of 22 homeless individuals. These aren't just the people you see on the streets every day; they are the hidden homeless. These numbers drive the grant funding for the state. River City CDC can help the homeless with security deposits, first month's rent and some continuing services in conjunction with the United Way. Last month, there was a count of 147 children in homeless situations. There are different types of homeless situations. HUD Homeless is considered living in an uninhabitable situation such as in tents or cars. They average about 25 HUD Homeless clients that they serve. When COVID happened, there was a great deal of funding and emergency shelters, but now there's a wait list that includes eight single parents, a couple without children and 12 single individuals without children. Homelessness comes in different waves. When it's colder, there are more people on the waitlist. One of the criteria for the waitlist is that they must check in weekly. Sometimes they get help from the Salvation Army. Overall, River City CDC does not have the capacity to fully support the homeless in general. They have been able to acquire a building, which is located at 318 South Road Street. With that building, they received a permit to use it as a temporary shelter, which is overnight stay and not technically a homeless shelter. The people who go in here have to be vetted – someone coming off the street can't just come in. The building is full before it's even open. Right now, they need a sprinkler system and are

working with the City's building inspector and Fire Department on that. If they have a sprinkler system, they can house more people. They do help people with housing through motel stays, which run about \$2,000 per month per person. They offer housing counseling and job placement. Many of these people have mental health issues and they do not have that kind of counseling capacity. They work with Trillium to try to help there. There's also a need for transitional housing that allows people to recover from certain life events.

Councilwoman Felton thanked Mrs. Moore for coming with this information. A lot of the issues the Council is hearing about are the mentally challenged and we just don't have anything to help there unfortunately. Mayor Rivers thanked Mrs. Moore for the work that she does. He said they were discussing the Council establishing some sort of committee because they see people doing all sorts of unsavory acts downtown. They need to partner with agencies and bring together the right people to start helping some of these people. He would be asking the Council to consider a homelessness committee, which would include a member of Planning, Police, River City CDC, Councilwoman Whitehurst, and there would also be a spot reserved for someone in the mental health field. We have a lot of loitering issues and while I feel sorry for the businesses, it's a touchy situation all around. He said he would announce those individuals at a coming meeting.

Councilman Peel said he didn't feel this was just a City problem, and it was more a County issue. The City, by law, cannot provide money for schools. The County funds social services, the schools and all the things that deal with people, yet they're nowhere to be seen when we have these kinds of conversations. We're taking on all these issues and we don't need to be taking on a black hole. We haven't given our employees a raise. We're carrying \$350,000 consultants and not addressing the issues we have. We have to get through those first.

Councilman Biggs thanked Mrs. Moore for her presence this evening. He said it was good to hear there were resources out there. He got a lot of calls about the City not having a homeless shelter. How much did River City spend annually on putting people up in a normal year? Mrs. Moore said not factoring the employee costs, it was about \$150,000. If they receive some extra private grants, it can be about \$175,000 or \$200,000. Councilman Biggs said the homeless that they see on the main drags of town are a different set than the ones that River City sees and are often the ones with mental issues. Many of them will not accept help when it's offered. A lot of the ones you see may have homes or other places to go and have chosen this life. As we talk about homelessness, we need to put a plan together to not just give them a meal and a place to stay but transition them off of assistance. Otherwise, you're just creating another program where someone is just relying on someone else.

Mrs. Moore said maybe four of the 20 Councilman Biggs is likely referencing are on their list. Some of them do not believe they're homeless. You can get to the point where you can ask questions and even get them even qualified for permanent housing, but you have to consider will they take care of the place? Will they pay their bills? There are a handful of people that the answer to those questions is no. Councilman Biggs stated the mental health conversation is going to be a big piece of this. Whatever we do, we have to aid the ones who want it, but also realize there are people who don't want it. And how do we address that on the backside?

Councilman Gibbs noted there was some discussion a while ago about securing a building and letting another entity run it. We discussed trying to start raising funds specifically for the homeless, maybe even just through rounding up your light bill. If you don't start somewhere, you'll never get anywhere. We do have our plate full, but if I can help someone I'm going to help them. I believe we have people in the city who would contribute \$1 a month to generate revenue, but we need to have that conversation. The City should not take it on itself. We are the only ones you hear and see on a regular basis getting bombarded about homelessness, even though it's in the County's purview. But if we can be helpful and be a blessing, we should.

Councilman Walton stated that people always use this conversation during election time, but they have to do better than that. He mentioned the man who lives in the doorway by

CVS. We have to take care of those who can't take care of themselves. There should be inter-governmental meetings. We can do better than letting people live outside in the winter. Every year we say the same thing and nothing happens.

Mayor Rivers said he didn't want to go out and throw money at anything. He wanted to bring people to the table and try to apply for grants. He asked the Council to send him any names of people who they thought would be good for this committee. He wanted a member of Police on the committee because we needed to look at our laws and policies. We need to decide if these people are loitering according to the law. We might have to change some things. We can present some ideas and suggestions to tackle this situation.

Councilwoman Whitehurst asked the Council to send over any names they had who might be interested in serving on such a committee.

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

i. Presentation – Results of 2nd Traffic Study – Harney Street;

Mayor Pro Tem Spence advised that this study was the 2nd traffic study that had been conducted on Harney Street, and the results would be presented by Chief Webster. Chief Webster explained that the original traffic study was conducted back in January, and really looked at the portion of Harney Street nearest to Glade Street. The 2nd study looked at the Glade to Bell Street portion of Harney. The study went from 10:00 a.m. on March 4th to 10:59 a.m. on March 11th. The counter was facing north to capture southbound traffic. The outgoing traffic was northbound. The speed limit in that area is 25 mph and the average speed captured was 23 mph. The 85th Percentile for Speed is 29 mph. Total vehicle count was 9,012. The average peak time was 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 3:00 p.m. After reviewing the data, staff observed a bit of a difference in volume between this portion of Harney Street and the portion from the 1st study. There is no recommendation for intrusive traffic calming measures, but staff does recommend restriping. A follow-up study will occur in six months.

Councilwoman Whitehurst asked if we needed to coordinate with NCDOT on the restriping. Manager Freeman pointed out that this was a city street so they didn't have to contact NCDOT for this one.

d. Parks and Recreation Committee (*Gibbs, Morris, Whitehurst*)

i. Consideration – Budget Amendment – Sentara Funds / Pickleball;

Councilman Gibbs stated that Parks and Recreation staff are working hard to get the pickleball courts ready, and it's been a hot topic. Everyone had been getting calls about it. He asked Director Clark if there was any ETA as far as getting started. Director Clark said they planned on getting started in April and had a goal to be completed by Memorial Day Weekend.

Motion was made by Councilwoman Rose Whitehurst, seconded by Councilman Ronnie Morris to approve the budget amendment. Those voting in favor of the motion were: Whitehurst, Gibbs and Morris. Against: None. Motion carried unanimously by committee vote. Item will move forward to April 8, 2024 Regular Session for full Council consideration.

e. Finance Committee (*All*)

Councilman Biggs advised that the Council had a copy of the most recent Budget-to-Actual report on the dais for their review. He reiterated his earlier comments about overtime exceeding the budgeted amounts, as was maintenance of vehicles, so he encouraged them to look into why that was happening. He noted there was also a utility aging report with only active accounts, but he would also be sending one via email for all accounts, not just the active ones. Our uncollected total sits at \$2.1 million for four months in utility billing, which is concerning. He noted that this was a best practice that was shared at a recent meeting he'd attended, so he will start including this.

Councilwoman Felton asked why these funds have not been collected. Councilman Biggs said these are likely bills that are on payment plans or have been run up and the account left and closed. Generally, if you're looking at collectables that are more than 90 days out, you're probably not ever going to get them. If this number starts to grow then that tells me we need to address a policy or find out whatever the root cause is. Director Steward added that some customers have extensions in place and another bill will come out on top of that, so that will create an aging report. She said she would be sending some reps to debt set-off training to begin working through this.

f. Planning Committee (*Peel, Walton, Biggs*)

i. Consideration – Call for a Public Hearing – TA 02-24 – Churches in Industrial I and II;

Councilman Peel stated that Mayor Pro Tem Spence brought this item forward during a previous meeting as he was interested in changing the zoning table to allow for churches in the two zones where they are not currently allowed: Industrial I and Industrial II. Director Goodson noted that in his research he discovered Rocky Mount and Greenville also did not allow churches in their industrial zonings, but our US Constitution language suggests that we should allow places of worship in any zoning, so staff did recommend modifying this text.

Motion was made by Councilman Johnson Biggs, seconded by Councilman Johnnie Walton to call for a Public Hearing on TA 02-24. Those voting in favor of the motion were: Peel, Walton and Biggs. Against: None. Motion carried unanimously by committee vote. Item will move forward to March 25, 2024 Regular Session for full Council consideration.

ii. Consideration – Call for a Public Hearing – TA 03-24 – Legal LSV;

Director Malenfant stated this was a request to allow language for sufficient standards for this type of business, which was new to the City of Elizabeth City. By statute, this type of vehicle is legally permitted to operate on roadways that are 35 mph or less. Staff is proposing to set parameters to use the vehicles for transport purposes. They are expecting to get more interest in using them for historic tours and entertainment experiences, and it does alleviate the parking issues that we see in the downtown business district. Based on our parking inventory, we have 1,800 free and accessible parking spaces between street parking and parking lots. All of our city and municipal open lots are in the outer boundaries of downtown and most are in the southern portion of the Central Business District. It seems we have plenty of parking spaces, they just aren't near the businesses. In January, there was a text amendment to allow for pedal vehicles in the R-8 Historic District. This will be a text amendment that allows for Legal LSVs to operate in the Business District. It was reviewed during the last Planning Commission meeting and they recommended approval.

Mayor Rivers asked if there would be a fee attached to the application. Director Malenfant said the fee would be \$250, which is the same as the fee for pedal vehicles. Mayor Rivers asked if there was a provision in the amendment that we don't charge non-profits or could we put one in. We do the Island Hopper at no charge. Director Malenfant explained that they are not operating the Island Hopper as a commercial business, just a service. Mayor Rivers said he didn't want to price the permit so high that it would make it out of reach, but also didn't want 100 of the same type of businesses to show up either.

Motion was made by Councilman Johnson Biggs, seconded by Councilman Johnnie Walton to call for a Public Hearing on TA 03-24. Those voting in favor of the motion were: Peel, Walton and Biggs. Against: None. Motion carried unanimously by committee vote. Item will move forward to March 25, 2024 Regular Session for full Council consideration.

g. Human Resources Committee (*Felton, Gibbs, Whitehurst*)

Mayor Rivers directed the Council to the manila envelopes that had been left for them on the dais. He asked that they review the instructions and call with any questions.

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

i. Consideration – Budget Amendment – Camera Replacement at Mariner’s Wharf Park;

Director Simpson explained this was an amendment to replace cameras that had been damaged at Mariners’ Wharf.

Motion was made by Councilman Joseph Peel, seconded by Councilman Jarvis Gibbs to approve the budget amendment for camera replacement. Those voting in favor of the motion were: Morris, Gibbs and Peel. Against: None. Motion carried unanimously by committee vote. Item will move forward to April 8, 2024 Regular Session for full Council consideration.

3. Adjournment:

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 6:52 p.m.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC