

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

The City Council of the City of Elizabeth City met in Work Session on Monday, November 25th, 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 (*Arrived at 5:44 p.m.*)
Councilwoman Rose Whitehurst (*Arrived at 5:35 p.m.*)
Councilwoman Katherine Felton (*Arrived at 6:07 p.m.*)
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Reggie Goodson
City Attorney Bill Morgan
Chief of Staff Monica Cole
Deputy Finance Director Brian Lewis
Police Captain Darrell Felton
Assistant Public Utilities Director Raymond Staten
Electric Superintendent Donnell White
Interim Human Resources Director Anna Spence
Parks and Recreation Director Sean Clark
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. Mayor Pro Tem Spence 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 requested the removal of the first two items under the Public Utilities Committee: Discussion – Halstead Extended Electric and Update / Discussion – Electric Rate Study. Under the Human Resources Committee, Consideration / Discussion – Revised Education & Training Policy should be removed and in its place, a discussion on the City Manager Application Process would be added.

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

2. Committee Reports / Updates:

a. Community Development Committee (*Whitehurst, Felton, Walton*);

i. Discussion – Hometown Heroes Banners;

Interim Manager Goodson advised that Mrs. Naomi Gordon approached the City about hanging banners several months ago. She began with the former city manager who then referred her to Interim Manager Goodson. The UDO does allow the manager to authorize banners to hang on public streets, and we do have an application in place. What was not understood from the original discussion is that this is a banner program. There is a cost

of roughly \$210 for any citizen who purchases one of these banners. As there was a recent and somewhat similar request for banners that required purchase, it was determined that the Council would need to review and provide approval first. Mrs. Gordon is present if there are any questions for her directly. One of the issues that has been brought to our attention is that these particular banners are 30 x 60, so they will not fit the brackets that we use. Manager Goodson noted that Mrs. Gordon stated the company would supply the necessary brackets for the banners, but the Electric Department would need to install them.

Councilman Biggs asked if the City was involved in collecting any of the money for this program. Interim Manager Goodson confirmed that we were not. Councilman Biggs asked if our Electric crews charge anything for putting banners up. Superintendent White replied that we have not charged in the past; however, he did have some concerns with these banners. These proposed banners are much larger than the generally approved size and we could have problems depending on the clearance between the neutral and the primary. If they do not fit within NCDOT standards, there will be places that we cannot place them. We will have money involved as far as staff time for the installs and pull downs.

Councilman Walton inquired who would approve what goes on the banners. You do not want just anything printed on a banner. Manager Goodson explained that these are for military officers, so it would be their likeness or a photo and some sort of inscription from what he understands. Mrs. Gordon stated that the banners would display the individual's name, rank, any wars they were in, and any medals they received while serving if they would like that on there. The most basic ones will just have the picture, the name, the branch and years of service. Councilman Peel asked if the banners were intended to be displayed permanently. Mrs. Gordon replied that she had not hammered out all the details yet, but she was thinking they should be up from Armed Forces Day to Veterans Day. Councilman Peel asked if they would be placed on Main Street. Mrs. Gordon said she was not certain; it depended on how many they got. It is a new program. We want to put them on the telephone poles, not the decorative poles.

Councilman Biggs pointed out that his opinions were not a reflection of what was on the banners because he appreciated everything our veterans have done and the sacrifices they and their families have made. We currently have an existing policy and application. Not too long ago we approved banners for Ehringhaus and we have the ones in downtown that we rotate out for ECSU, ECDI, and others. At some point, we need to make sure that our policy reflects what we want and we're not just waiting until we have a request. Is the City being compensated for the time we're putting into hanging these banners? Our linemen do have other important duties. I would assume that Superintendent White would prefer his staff dealing with something like this as opposed to allowing an outside third party on our poles. Since this is now becoming more popular, we really need to look into the policy around this.

Mayor Pro Tem Spence suggested with that being a concern, maybe this required more research. At the very least, we might check into updating some of our policies. To Councilman Walton's point, we may need to stipulate exactly what we will allow to go on banners. Councilman Biggs noted that the renderings of these particular banners look extremely nice and the program is something he would support. He did not know that we needed to have a ton of banners for everything on every pole because then we have to monitor them for every weather instance and everything else. Mayor Pro Tem Spence agreed. There are labor costs associated with looking after them like that as well. We need to ask questions about that. I am not saying we absolutely have to charge everyone, but we need to know how much of the process cuts into staff's time. You also have those questions of clearance, and places where banners can be hung or cannot be hung. We have to take all of this into consideration. I'm all for supporting veterans, but these are questions that should be answered before moving forward.

Councilwoman Whitehurst recalled an earlier conversation and presentation about flags for the City. She asked if these were in addition to those. Mayor Rivers explained that was a separate discussion. Those banners are already up, and this is a separate request. He said he felt that a policy should be constructed to answer some of the questions that have arisen. If you have a fully fleshed out policy, you can give it to people so they know everything they need to know to move forward. He asked if the Hometown Heroes

company intended to install the banners or was that something they wanted from the City, Mrs. Gordon replied that she was under the impression that the City would install the banners. Manager Goodson clarified that according to the UDO and current policy, the Electric Department may install banners approved by the manager. Mayor Rivers pointed out that would then go back to what Superintendent White mentioned because they need to be the right size. We need to make sure all these things are in order. Donnell will need to let us know about what size we should accept and we can let people know we can put up that specific size if that is the desire of the Council.

Superintendent White suggested installing the banners along Main Street, provided they are the proper size. You could alternate them with the ones already in place on Main Street so you are not out much of anything.

Mayor Rivers noted that installation on Main Street might need approval by ECDI or some of the downtown business partners because they have a lot of banners that go into rotation already. If these do not coordinate with what they have, we don't want to override what they have already approved. We need to have regulations. We don't want to have a fight over which ones go up.

Councilman Biggs said it appeared this request would like banners in place from May to Veterans Day in November, which was a significant amount of time. Could we just request that staff go back and work on this a bit more? Maybe get Superintendent White and Director Malenfant together for their thoughts and come back so we can address some of these concerns?

Mayor Rivers asked Councilwoman Whitehurst as the chairperson if that would be agreeable for her committee. Councilwoman Whitehurst advised that the consensus of the committee was that the item should return after additional staff discussion and input.

b. Public Safety Committee (Spence, Peel, Felton);

The Public Safety Committee had nothing to report.

c. Public Utilities Committee (Walton, Biggs, Spence);

- i. Discussion – Halstead Extended Electric** *(Removed During Agenda Adjustments);*
- ii. Update / Discussion – Electric Rate Study** *(Removed During Agenda Adjustments);*
- iii. Consideration – Budget Amendment for Insurance Reimbursement Related to Retention Pond Damages;**

Assistant Public Utilities Director Staten advised that there were four budget amendments included on the agenda for consideration. The first was for a damaged fence around a stormwater pond. The City had the fence repaired internally due extended amount of time it took for the insurance to come through. We have now received the insurance reimbursement and it needs to be transferred.

iv. Consideration – Budget Amendment for Funding Transfer for Break Room Rehab;

The break room shared by the Sanitation and Street Departments is in poor shape. Funding to rehab the room is available between the Capital line and Maintenance and Repair of Vehicles that could be moved to Contracted Services to cover the repairs.

v. Consideration – Budget Amendment for Lead Service Line Inventory Transfer;

Assistant Director Staten reported that this budget amendment was due to completion of Phase 1 of the Lead Service Line Inventory.

vi. Consideration – Budget Amendment for WithersRavenel;

This budget amendment is \$300,000 for Find and Fix it. The City selected WithersRavenel for the project and they submitted a quote of less than expected. Councilman Biggs pointed out that they may need to increase the revenue side on this one since it was a grant.

Councilman Walton asked who makes up the agenda. Manager Goodson explained that there is a staff meeting a week before each meeting and every department brings forward any items they need considered by the Council. Councilman Walton said he felt they needed to discuss the water agreements. Manager Goodson advised that he would be meeting with the County Manager in the coming days and bringing that back.

Councilman Walton stated that each of the budget amendments would need to be forwarded to the Regular Session. Mayor Rivers agreed that they could be added to the Consent Agenda.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to forward the four budget amendments to the Consent Agenda of the Regular Session. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote. The item was carried forward to the November 25, 2024 Regular Session for action by the full Council.

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

i. Consideration / Discussion – Amendment to River City Skippers Lease;

Director Clark advised that the Skippers have requested to start over with the terms of their original lease. The only changes between this lease and the original are the dates in the term. Councilman Walton asked what type of attendance the Skippers had this past season. Director Clark reported that the most recent season was not as well received as the first season, which was probably one of the issues. They did not have enough revenue to show they were profitable the way they did the first time around. Mayor Pro Tem Spence asked if the team was already sold. Director Clark replied that the original owners bought the team back.

Mayor Rivers asked if the committee would like to forward the item to the Consent Agenda of the Regular Session. The lease will need to go to Attorney Morgan for final approval. He asked Attorney Morgan if they added it to the Consent Agenda and made a notation that approval was contingent on his approval, would that be sufficient. Attorney Morgan felt that it would be.

Motion was made by Councilwoman Rose Whitehurst, seconded by Councilman Ronnie Morris to forward the lease agreement to the Consent Agenda of the Regular Session with a caveat that any approval was contingent on Attorney Morgan's review. Those voting in favor of the motion were: Gibbs, Whitehurst and Morris. Against: None. Motion carried unanimously by committee vote. The item was carried forward to the November 25, 2024 Regular Session for action by the full Council.

e. Finance (*All*);

i. Consideration / Discussion – Renewal of Lobbyist Contract;

Councilman Biggs stated that he did not have the financials and had not remembered to ask for them. The only item for the Finance Committee is the renewal of another term with our lobbyist, WolfeStein. A copy of the past agreement, which will be the same as the one going forward was included with the agenda packet. He shared that he could answer any questions if anyone had any, and he knew that Mayor Rivers had spoken with Mr. Steinburg as well. Our current contract runs through the end of December.

Councilman Walton noted that they do not always get the headlines about what goes on in Raleigh. He asked Councilman Biggs if there were specific matters on which Mr. Steinburg assisted the City. Councilman Biggs pointed out that last year the General Assembly did not do a revision to the state budget, so no one was able to get funds. We did work with him on a request. There is not a lot of movement on many things,

unfortunately due to the General Assembly. The main thing we have him there for is to advocate for any item that we give direction on, but he is also able to help us get money out of the General Assembly budget. The first go around, he helped in getting that \$9 million. We would have liked to have some money this year, but with the stalemate in the state budget, no one got anything. It is very unfortunate that the state chose to play the game that way this year, but there was nothing that could be done.

Mayor Rivers shared that in the last four or five months after the Council found out about the water situation with the USCG, Mr. Steinburg was able to convene a meeting with some of the senators so we could get that on their radar. He is helping us get some things through the state and federal government to help the Coast Guard Base.

Councilman Walton felt that as a part of this Council, it would have been interesting to know that. There are things that need to be brought back and shared because we do not know if we aren't directly involved. It should be public record but if we know nothing about it, why not? I know you went on a trip to Texas at one time. When Peel was mayor, he would bring back the information he received on his trips and share it with the group. He would let us know what was going on so we would know where we stood. He asked Mayor Rivers if he would provide an update on his recent Texas trip. Mayor Rivers replied that he would directly following the discussion on the floor.

Councilman Biggs asked the Council's pleasure on the contract renewal. Mayor Pro Tem Spence asked if the terms of the contract would remain the same. Is the City still able to terminate if we want to? Attorney Morgan advised that either party could terminate with a 30-day notice, just like last time. Councilman Biggs said if everyone is in favor of approving, it could be placed on the Consent Agenda for the December meeting along with a budget amendment. Do we have a motion to move to approve in December?

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Rose Whitehurst to carry the contract renewal for WolfeStein to the December 9th Consent Agenda, along with a budget amendment. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Mayor Rivers shared that the recent trip he took to San Antonio was to receive the Great American Defense Award. He had also received a request to sit on one of the panels for the event, which he also did. Elizabeth City was the first Coast Guard City ever to win the award. There are now plans to meet with the base commander on how to work as a team to solve problems within the community in ways that will move both the City and Coast Guard forward. There were many generals present from the North Carolina delegation and there were discussions on ways they could collaborate with the City. Councilman Walton asked if the award had a monetary component. Mayor Rivers replied that it did not. Councilman Walton reminded the Council that former Councilman Tony Stimatz used to think we should be putting in more federal requests because federal dollars are a lot bigger than state dollars. Let's find out if they are givers.

Mayor Rivers mentioned one of the sessions that they had was concerning money. The obstacle the Coast Guard has is they are not Department of Defense. The Coast Guard falls under Homeland Security. Department of Defense is probably the largest federal budget. What they are trying to do is open up and start allocating funds from the Department of Defense to help Coast Guard Cities. They gave away about \$9 billion in infrastructure, but the problem was they had \$27 billion in asks. Homeland Security just does not have as much money allocated as Department of Defense. Councilman Walton opined that they should still be asked. We need to give them a chance to say no. Mayor Rivers noted that they did ask them for help with funding for the water issue and they are working on it. The group just brings people together. We are asking for some funds to be distributed from the federal government to assist us.

f. Planning Committee (Peel, Biggs);

The Planning Committee had nothing to report.

g. Human Resources (Felton, Gibbs, Whitehurst);

- i. **Consideration / Discussion – Revised Education & Training Policy** (*Removed During Agenda Adjustments*);
- ii. **Discussion – City Manager Application Process** (*Added During Agenda Adjustments*);

Councilwoman Felton said that everyone should have received an email she'd sent with the information for the advertisement. She did receive a few comments and had incorporated those into the posting. The next step will be to print all of that out and have everyone review it. Once it's reviewed, it will be finalized. She hoped that they could do that by the December meeting.

Mayor Pro Tem Spence challenged each member of the Council to offer some insight or feedback on the advertisement. Don't just not respond at all. Please give Councilwoman Felton your thoughts before the next meeting so we can move forward with posting it right after. We do not want to be delayed even longer. Just review what she sends out. She already made changes where we voiced concerns. He did not want to keep dragging the process out.

Councilman Biggs agreed with Mayor Pro Tem Spence. We need to move as swiftly as possible. Do we need to establish a date that we want the final draft so we can get it posted the next day? Mayor Pro Tem Spence felt that they should set a date to be fair to Councilwoman Felton.

Councilman Gibbs noted that the advertisement was distributed to each of them probably two weeks ago. It is a very detailed posting. I don't know who else responded, but I did make a comment. I think we should have already done that by now. It's a very, very detailed job posting.

Councilman Biggs pointed out that they don't have anything else on the agenda for this Work Session meeting. Instead of dragging it out for two more weeks, can we discuss the posting now? He asked Councilwoman Felton if she had a copy of the advertisement. Councilwoman Felton replied that she did not have it with her. Councilman Biggs asked if they could briefly recess to grab the advertisement and then come back. He did not foresee that there would need to be many additional changes.

Councilman Walton said he only saw two comments from councilors requesting modifications. Were there any others? Councilwoman Felton replied that there were just the two. She asked if Councilman Biggs was suggesting using the advertisement as it appeared now. Councilman Biggs suggested that she could print out the most recent version and the Council could go ahead and decide now. Mayor Pro Tem Spence opined that it was sent weeks prior and he didn't know of anything else that could possibly be added to it. Councilwoman Felton said she could send the document to the Clerk and have it printed. Mayor Pro Tem Spence said he did not want to be caught with the new budget coming and everything else. We need to work quickly. Councilman Biggs agreed that they needed to consider timelines. We should decide when we want to review applications and all of that. Mayor Pro Tem Spence thought they had suggested 30 days until the first review, but they would leave the posting in "open until filled" status. Councilman Biggs pointed out that 30 days would be the week of Christmas, so they would need to back that up. If it is posted by this week, do you want to go until January 3rd? Mayor Pro Tem Spence felt that would be good because the holidays will take up a portion of those days. Councilman Biggs suggested they give until the end of the day on Friday, January 3rd for the first review. We will still leave the advertisement open.

Mayor Rivers opined that they should conduct the first review around the first meeting in January. What is the date of that meeting? The Clerk advised that the first meeting would be held on January 13th. Mayor Rivers asked Councilwoman Felton what their first steps should be. Councilwoman Felton replied that first, they will need to narrow the responses down to determine which ones, if any actually meet the criteria that we have asked requested. Attorney Morgan noted that if the Council would like, once a certain number of applications have been submitted, they could be distributed.

Mayor Rivers suggested that one week before the first meeting we can take however many applications we have and send them to all the Council for review. Going a week prior, that date would be January 6th. Either we can meet before right the January 13th meeting to discuss or we can individually rank them and go from there. Everyone can decide who his or her top choices are.

Councilman Biggs asked if Mayor Rivers was saying the applications would be distributed via email. Councilwoman Felton pointed out that everyone would need to be extremely careful if they were emailing applications because there will be confidential information included. She encouraged everyone to remember to treat each document with proper confidentiality. Councilman Biggs thought that last time each councilor was offered the opportunity to come in and review the applications on site for a certain number of days. Councilman Peel agreed that they should do things the same way they did them the previous time.

Mayor Pro Tem Spence asked the Clerk if she recalled what their process had been for this part last time. The Clerk replied that Monica had compiled the responses into binders and made them available in HR in order to preserve confidentiality. The Council had been given a week to come in and review them any time they wanted within that week-long period, but they had not been able to remove the binders from the property.

Mayor Rivers suggested they meet maybe an hour before their Regular Session on January 13th to determine which candidates they wanted to move forward. Attorney Morgan concurred that having hard copies available so nothing went out via email was preferable. Councilman Biggs agreed that they should continue the practice of having hard copies on site only. When we have them for the meeting, we can look at them and hand them right back. Councilman Peel felt that depending on the number of applications they receive, they should be able to narrow that first field down to three or five or whatever they decide, and then they can talk about who might be good to interview. Mayor Pro Tem Spence encouraged the Council to stick with the same process they used the last time. We can duplicate exactly what we did back then. It kept everything confidential and we still had access to any information we needed. Councilman Peel agreed that they should stick with the process they know works well. We'll have them available made available January 6th, which is a week before in HR and any member of the Council who wants to come in and review them can do that.

Councilman Biggs asked if there was a consensus to meet an hour before the Regular Session on January 13th. He added that he did not mind coming in at 5:30 p.m. if they felt it was necessary. Mayor Rivers suggested that they hold a Special Work Session on January 13th to enter Closed Session. The binders with the applications and information will be available in HR a week prior if anyone wants to come in and review beforehand. Councilman Biggs asked when they plan to narrow down the field. Councilwoman Felton advised that once they review the first batch they would know where they stood. We have to see what we get in the first batch.

Mayor Rivers reiterated that the January 13th Regular Session will be preceded by a 5:30 p.m. Work Session for the purpose of entering Closed Session. On Monday, January 6th, the books will be compiled and available for review in HR for the entire week.

Mayor Pro Tem Spence asked about the salary. Councilwoman Felton stated that the salary would coincide with experience. We may want to say something like, "We don't want to go over X" but that is something we can talk about later.

3. Adjournment:

There being no further business to be discussed, Mayor Rivers declared the meeting adjourned at 6:34 p.m.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

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