

**TOWN OF PLYMOUTH MEETING MINUTES  
JULY 11, 2022 – VIA COUNCIL CHAMBERS AND ZOOM  
7:00 p.m.**

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**I. CALL TO ORDER – Mayor Brian Roth**

The Mayor opened the meeting and welcomed all attendees. Councilman Boston led with prayer and Mayor Roth led the Pledge of Allegiance.

**II. APPROVAL OF THE AGENDA**

Mayor Roth asked if there were any additions or deletions to the Agenda. Mayor Roth asked that Allison Platt be added as Item F under Old Business. Mayor Pro-Tempore Brooks asked to add the Statute 143-318-11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. A motion was made to approve the agenda by Councilwoman Byers with a second by Councilman Boston. The Town Clerk asked that a roll call be made for purposes of attendance first.

PRESENT	ABSENT	COUNCILMEMBER
X		Mayor Pro-Tempore Brooks
X		Councilman Boston
X		Councilwoman Byers
	X	Councilwoman Tharps
X		Councilwoman Williams
X		Councilman Wobbleton
X		Mayor Roth

A roll call vote was then taken in regard to approval of the agenda. The motion passed 5-0.

**III. PUBLIC HEARINGS - None**

**IV. PRESENTATIONS TO THE COUNCIL - None**

**V. PUBLIC COMMENT - Mr. Robert Holley**

Mr. Holley stated that he will be working on the home located at 308 E. Fourth Street and asked the Council for more time in order to do so. Mayor Roth instructed Mr. Holley to work with the Interim Town Manager and Code Enforcement Officer on this matter.

**FOR THE RECORD: COUNCILMAN THARPS arrived at 7:07 p.m.**

**VI. PUBLIC HEARINGS – None**

**VII. PRESENTATIONS TO COUNCIL – None**

**VIII. DEPARTMENT REPORTS**

1. Financial – The Finance Officer presented the report for the period ending June 30, 2022:

	<b>Budgeted</b>	<b>Expenses</b>	<b>Variance</b>
General Fund (10)	\$3,182,081.00	\$2,768,884.67	\$413,196.48
Water Fund (61)	\$1,422,228.00	\$1,376,812.96	\$45,414.56
Sewer Fund (62)	\$1,009,103.00	\$966,241.57	\$42,861.83
Solid Waste Fund (66)	\$582,500.00	\$556,090.04	\$26,409.96
Stormwater Fund (67)	\$110,000.00	\$101,949.54	\$8,050.46

Mayor Pro-Tempore Brooks asked that moving forward the Finance Officer present a more detailed report that would include line items. Mayor Roth asked about projected revenue shortfall and told the Finance Officer that she did not need to answer immediately. The Finance Officer stated that she would check and report back.

2. Tax/Utility Collections. Ms. Nadine Moore gave the following report: 1402 utility bills were mailed on June 29, 2022 with a due date of July 15, 2022. The amount billed was \$215,922.86. 1377 payments were received for a total of \$244,138.83. 70% of customers paid on time and 30% did not. 51 payments were received for property and vehicle taxes in the amount of \$34,492.33. Delinquent tax payments covering the period of 2015 – 2021 were in the amount of \$431,646.62. The Finance Officer added that there are numerous delinquent accounts that have been on our rolls for 10 years or more due to various circumstances such as homeowners that have passed. She reported that some of these taxes need to be written off. Extensive discussion took place, and a legal opinion regarding this matter would be discussed in closed session. Councilwoman Byers stated that she would not be comfortable to discuss this issue in closed session. Attorney Isenberg explained why the matter could be discussed in closed session under attorney client privilege, and it was reiterated that once discussed, the matter can be shared with the public.
3. Public Works Director Mike Wright reported:

- On-going projects: WWTP Plant Rehabilitation: The project close out is in process. CDBG Construction: The project is in close out is in process. AIA Water Line: The report is complete, and a presentation will be scheduled for the Council's August meeting so that VUR grants can be submitted in September. Domtar Restrooms: The Town is still waiting for approval from Domtar Trustees. Wilson Street Park Renovation: The erosion control permit and bid documents have been received by the Town but will not be bid until money is secured to continue with the project. Public Works Director Wright reported that the Town has been experiencing a lot of issues with the bathrooms in the park regarding mischief and vandalism. He further reported that they will now only be unlocked from 7:00 a.m. to 5:00 p.m., unless there is a scheduled, permitted event. HMGP (FEMA) – Generators: Close out is still in process. Convenience site: Staff is still researching costs, locations, and possible grants.
- Streets:
  - Asphalt patching/potholes
  - Striped downtown parking spaces
- Building & Grounds:
  - Replaced locks on park restroom doors
- Water: Repaired leaks at:
  - 120 Country Club
  - 412 3<sup>rd</sup> ½ Street
  - 111 Quail Drive
  - 107 Cedar Court
  - 114 West Main Street
  - Wilson Street

Public Works Director Wright also reported that a collapsed pipe will need to be replaced on East Main Street which means that one lane of East Main Street will need to be dug up.

- Sewer: Cleared out blockages:
  - 204 Madison Avenue
  - 507 Wilson Street (x 2)
  - 333 West Avenue
  - 902 East Main Street
- Pump Stations:
  - Both pumps on Jefferson Street are out for repair and are running on a by-pass pump
- Sanitation
  - Picking up trash piles around Town

- Picking up litter around Town
4. Code Enforcement Officer Dennis Brown reported that he asked Mr. Holley to speak with the Council because action must be taken at this time. After extensive discussion, the Council directed staff to assess the situation and bring it back to Council.
- Move Outs – Three move outs and the landlords cleaned them up.
  - Dilapidated Houses – There are three dilapidated properties that are to be demolished (pending asbestos reports):
    - 509 Third Street
    - 410 Winesett Circle
    - 116 Brinkley Place
  - Abandoned Vehicles – Three notices were sent out and all vehicles were removed.
  - Grass and Weed Nuisance – Seven complaints were received with five positive responses. Two others are under investigation.
  - House Nuisance – Three complaints were received. All complaints were taken care of by the managers and homeowners.
  - Ordinance Complaints – Six complaints were received. Two are still under investigation with the main focus being directed towards the dilapidated and nuisance properties.

Code Enforcement Officer Brown presented Council with a list of Concentrated Areas for Demolition of Properties by Ward Report. The list contained 10 properties.

Councilman Wobbleton asked about the property located on US Hwy 64 next to the Ram and if there is any way that that property can be torn down. Code Enforcement Officer Brown stated that he had contacted the owners several times and was told that EPA gave a grant to remove the tanks, the contractors cracked the building, and now lawyers are involved. Code Enforcement Officer Brown reported that the owners are keeping the grass cut at this time.

Councilman Boston asked who was responsible for cutting the ditch bank located at the ballpark on Wilson Street. Code Enforcement Officer Brown stated that the County contracted it out to be cut, and he will speak with Mr. Randy Fulford.

5. Police Department – Chief Williams updated the Council in regard to new hires for the department. Mayor Roth asked for an update regarding radar guns. Chief Williams reported that the radar guns were recently calibrated. He further reported that the Department has one officer that is radar certified, and once the new officers are hired, a priority will be to have them certified as

well. Councilman Tharps asked about the shots fired on the previous night. Chief Williams gave an update about what is an ongoing investigation.

6. Fire Department – In Chief Tim Miller's absence, Mr. Clifton Everett reported that the Department had its ISO inspection, and it went well. He reported that the Fire Department will be meeting with a final fire truck manufacturer. Mayor Roth asked that Mr. Everett stay for the ARP discussion that will take place later in the Agenda.
7. Museums - Mr. Tad Howington reported that the Maritime Museum and Lighthouse had several initiatives and collaborations in place as well as:
  - 24 visitors Washington County June Free Admission
  - 146 – Bear Festival
  - 41 – Other
  - 8 Boats visited the Marina
  - 4 events with an estimated 290 attendees
  - Donations of 4 books; 2 photographs; 1 poster; 1 artifact
  - First "Roanoke River Speakers Series" event was attended by 33 people
  - Ongoing collaborations with Port o' Plymouth Museum, the Washington County African American Museum, and Somerset Place State Historic Site
  - 521 Facebook followers with over 9,000 views

Mr. Howington gave the floor to Mr. Willie Drye, the Chairman of the Washington County Waterways Commission, who reported on a National Underground Railroad Network to Freedom Application.

Interim Town Manager Wallace stated that she requested a report from Mr. Liverman, Curator of the Port O' Plymouth, but did not receive it. Councilman Boston asked when Mr. Liverman attended a meeting. Mayor Pro-Tempore asked that the Chairman of the Board be emailed as well when requesting the report.

## **IX. CONSENT AGENDA**

Mayor Roth chose to go through the Consent Agenda one item at a time. The consent agenda contained:

- A. Approval of Minutes from the June 13, 2022 Regular Meeting  
A motion was made by Councilwoman Byers to approve the minutes with a second by Councilman Boston. A roll call vote was taken. The motion passed 6-0.
- B. Approval of Minutes from the June 27, 2022 Special Meeting.

A motion was made by Councilwoman Byers to approve the minutes with a second by Councilman Wobbleton. A roll call vote was taken. The motion passed 6-0.

- C. Approval of Ordinance 2022-04 – An Ordinance of the Town Council of the Town of Plymouth, North Carolina Amending A Grant Project Ordinance for the Town of Plymouth Coronavirus State and Local Fiscal Recovery Funds.

Extensive discussion took place regarding the Fire and Police Departments because there were no dollar figures in the Ordinance for them. Interim Town Manager Wallace stated that during a meeting with the Mayor, quotes were asked for. Mayor Roth explained that Chief Williams and Chief Miller were asked to find grants. After extensive discussion, the Council asked for the amounts for equipment for the Fire Department and Police Department so that the funds could be added to the Ordinance. A motion was made by Mayor Pro-Tempore Brooks to adopt the Ordinance and include the Fire Department and the Police Department with a second by Councilwoman Williams. During discussion, the amounts needed for the Police Department were obtained from Chief Williams and the amounts needed for the Fire Department were obtained from Chief Miller. Those amounts were added to the Ordinance. Mayor Roth asked that the amounts be increased to include possible shipping and tax charges. Mayor Pro-Tempore Brooks withdrew her motion and Councilwoman Williams withdrew her second. A roll call vote was taken. The withdrawal of the motion passed 6-0.

Mayor Pro-Tempore Brooks made a motion to pass Ordinance 2022-04 with the items listed on the document and to also include the Police Department at \$80,000, the Fire Department at \$105,000 and increase Public Works by an additional \$1,000 for a total of \$500,000 with a second by Councilwoman Byers. A roll call vote was taken. The motion passed 6-0.

- D. Approval of Policy for Allowable Costs and Cost Principles for Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments.

Mayor Roth asked Interim Town Manager Wallace to address this issue. Interim Town Manager Wallace explained to the Council that the Policy is a matter of housekeeping and must be put in place to ensure that we follow rules subject to the provisions of the federal Uniform Grant Guidance regarding cost principles and internal controls. A motion was made by Councilwoman Williams to adopt the Policy with a second by Mayor Pro-Tempore Brooks. A roll call vote was taken, the motion passed 6-0.



## **X. OLD BUSINESS**

### **A. CPNI – NC GROWN STUDY WORKSHOP DATES**

Mayor Roth asked Interim Town Manager Wallace to address this issue. Interim Town Manager Wallace explained that the former Interim Town Manager was introduced to the Construction Professionals Network Institute (CPNI) by Mr. Lee Padrick, Economic Development Planner for the Department of Commerce. She further explained that CPNI is a non-profit organization that is committed to helping small towns and rural communities with an eye toward economic development. Interim Town Manager Wallace informed the Council that CPNI has requested to hold a workshop with the Town of Plymouth on January 26 – 27, 2023. She reported that the group worked with the Town of Belhaven, and Belhaven's Workshop and NC Growth Recommendation Report was included in the Agenda packet, as well as an overview of the group. During discussion, Mayor Pro-Tempore Brooks suggested that the Council hold a Town Hall meeting before January, so as to include citizens for a head start. A motion was made by Councilman Boston to approve a January 26 – 27, 2023 meeting date with a second by Councilwoman Williams. A roll call vote was taken. The motion passed 6-0.

### **B. CONSIDERATION/DISCUSSION OF APPROVAL OF PORT O' PLYMOUTH MUSEUM LEASE**

Attorney Natalia Isenberg reported that the lease had expired. She stated that in early 2022, the Town Council started the process of renewing the lease. The staff was asked to research agreements between local governments, the same size of Plymouth, and historical societies for the lease of space owned by the local government that is used for a museum. Attorney Isenberg reported that it was difficult to find a time of comparable size. Former Town Manager Layton reached out to 35 comparable historical society museums, and Attorney Isenberg reached out to her colleagues and was also unable to locate similar agreements that met the size criterion. Attorney Isenberg stated that the next step is to adjust the draft lease and asked that the Council vote to move forward with staff contacting the Port O' Plymouth to update the lease agreement with clarifications that include insurance, and maintenance, among other provisions. A motion was made by Councilman Boston for staff to move forward with finalizing an agreement to bring back to Council for approval. The motion was seconded by Councilwoman Byers. A roll call vote was taken. The motion passed 6-0.

### **C. GOLF ROAD SPEED HUMP PETITION**

At the April Town Council Meeting, Ken Mallard submitted a petition to the Town Council seeking to have the two sets of speed humps removed on Golf Road. He also submitted a petition to change the speed limit on Golf Road

from the Current 15 mph posted speed. The Town has a policy stating that speed humps can be removed by order of the Town Council or if a petition, signed by 75% of the affected residences, is presented to the Town Council. Former Interim Town Manager Layton reviewed additional information provided in May by Mr. Mallard and verified that the 75% threshold for the Council to consider the removal of the speed humps had been met. Extensive discussion took place concerning the removal of the speed humps from Golf Road as to this being an issue of safety vs. following the policy. Councilwoman Byers asked that Chief Williams weigh in on this issue. It was Chief William's position that the speed limit is not raised, nor there be removal of the speed humps. Attorney Isenberg explained that the General Assembly granted the duty and power to regulate streets and make decisions based on safety. The policy can be brought before the Council; however, it is still the Council's decision. Attorney Isenberg asked that the policy be revised for clarification. After continued discussion, Councilwoman Williams made a motion to keep the speed humps on Golf Road with a second from Councilman Tharps. During discussion, Councilwoman Byers suggested that Risk Management at the League of Municipalities be contacted. After continued discussion, Mayor Roth strongly suggested that the Council discuss this matter in closed session. Councilwoman Williams withdrew her motion and Councilman Tharps withdrew his second. A roll call vote was taken. The motion passed 5-1 with Councilman Boston dissenting.

#### **D. CONTRACT WITH MID-EAST COMMISSION – CAMA LAND USE PLAN**

Mayor Roth asked Interim Town Manager Wallace to address this issue. Interim Town Manager Wallace reported that in April, the Town Council approved the statutory changes to the Town of Plymouth Zoning and Subdivision Ordinance, commonly referred to as Chapter 160D changes, as required under the N.C. General Statutes. As a part of chapter 160D, the Town is required to have a "reasonably maintained" land use plan in place prior to July 1, 2022. The Town's current land use plan has not been updated since 1992, and therefore, is not considered to be reasonably maintained. Interim Town Manager Wallace reported that there is a proposed Contract in the Agenda package from the Mid-East Commission to update the Land Use Plan. She also stated that if the Council approves the Contract, the paperwork will need to be updated to show the current mayor as the signatory. A motion was made by Councilman Boston to approve the contract with the change of the signatory with a second by Councilman Wobbleton. A roll call vote was taken. The motion passed 6-0.

#### **E. PLAN FOR HIRING AND RETENTION OF POLICE OFFICERS**

Mayor Roth asked that Chief Williams address this issue. At the June 13<sup>th</sup> Town Council meeting, Chief Williams was asked to present a policy to hire and retain law Enforcement Officers. Chief Williams once again addressed



the problems that not only the Town's Department is facing, but what is going on across the nation. Chief Williams reported that he has conducted research with neighboring small towns such as Elizabeth City, Edenton, Rocky Mount and Washington and presented policies and contractual agreements that will enable the Town to recruit and retain officers more effectively. After Chief William's presentation, During discussion, Attorney Isenberg asked that she have permission to do a deep dive and look over the language contained in the documents. She stated that the general principle can be agreed upon, but she would need to review the language. A motion was made by Councilman Wobbleton to adopt the plan that Chief Williams put forth for hiring and retention of police officers through BLET training pending legal counsel approval with a second by Councilman Boston. Councilwoman Byers asked how the officers would be monitored. Chief Williams told the Council about his monitoring plan. A roll call vote was taken. The motion passed 6-0.

#### **F. ALLISON PLATT – STREETSCAPE**

Mayor Roth reported to the Council that he spoke with Ms. Platt in regard to community input. He reported that she stated that in larger areas, the Mayor would appoint a committee of approximately six people; however, he does not plan to appoint anyone because this community is smaller, and more people will want to be heard. Mayor Roth also reported that he and Ms. Platt then discussed another night of community input, and Mayor Roth asked what she would charge to head this meeting up. After discussing the price, Ms. Platt also discussed the possibility of a grant in October or November. Mayor Roth reported that what Ms. Platt presented was not set in stone. He then turned the idea over to the Council to receive their input. Councilwoman Byers asked if the Town should have a Town Hall meeting before Ms. Platt comes back and then have a Town Hall meeting when she returns. After further discussion, Interim Town Manager Wallace stated that she could follow up with Ms. Platt with any questions from Council. Councilman Boston stated that he would like to have a Town Hall meeting, and then get back in touch with Ms. Platt. Interim Town Manager Wallace asked if there would be any Councilmembers to have her help set up and disseminate information for the Town Hall meeting. Mayor Pro-Tempore Brooks, Councilwoman Byers and Councilwoman Williams volunteered. Councilwoman Williams made a motion to have Ms. Platt to return at the appropriate time with a second by Mayor Pro-Tempore Brooks. A roll call vote was taken. The motion passed 6-0. Discussion took place around the idea of having refreshments.

### **IX. NEW BUSINESS**

#### **A. CONTRACT WITH ZACCHAEUS LEGAL SERVICES**

Interim Town Manager Wallace explained that one of the methods the Town uses to collect taxes on foreclosures is to outsource these types of collections

through Zacchaeus. Zacchaeus has a contract with Washington County. When Washington County sends information on foreclosures, we are able to attach properties within Town limits for collection as well. Interim Town Manager Wallace reported that the Town is in the beginning stages of sending information rather than waiting for Washington County to ask us to attach properties. A contract was presented as part of the Council's agenda to renew this service with Zacchaeus; however, Interim Town Manager Wallace pointed out the last page of the contract and stated that it needed it to be corrected, as there has never been a collar amount attached to the contract heretofore. She reported that she contacted Mr. Bardill. Mr. Bardill wanted to make this amount a line item in the Town's budget. Interim Town Manager disagreed with him and explained that when the taxes and fees are collected, it ends up being a wash and used an example of a citizen paying their taxes just before foreclosure. When those taxes are paid, Zacchaeus fees are paid. After further discussion, Mayor Roth asked that a representative from Zacchaeus come to the next Council meeting and present their collection process to the Council before entering into a new contract with them. A motion was made by Councilwoman Byers to table the item until Mr. Bardill can come and make a presentation to the Council with a second by Councilman Boston. A roll call vote was taken. The motion passed 6-0.

## **B. RESIDENCY REQUIREMENTS**

Mayor Roth stated that he asked for this topic to be added to the Agenda. He reported that he spoke with each Council member except for one. Mayor Roth further stated that this topic was brought up at the previous Council meeting and it has been an issue from the day it was implemented. He explained that it is referred to incorrectly in that there is a residency requirement in the Town's Ordinances that Town Manager or Department Head must live within Town limits. He explained the history of the Ordinance. Mayor Roth further explained that employees that have been trained and rise within the ranks are overlooked for management positions because they do not live within Town limits. He stated that this has been a sticking point with the Town Manager's position. Mayor Roth explained that there have been some unintended consequences in that the Town is excluding its own people because they have not qualified, or they will not apply for positions because they knew the residency Ordinance existed. He stated that Department Heads will retire at some point, or someone might want to be a Town Manager, or someone who was previously employed might want to return. Councilman Wobbleton stated that this Ordinance will limit the pool of possible candidates for Town Manager. Mayor Roth stated that he was not looking for immediate action to be taken, but to put it before the Council to receive their input.

## **XII. TOWN ATTORNEY'S REPORT**

Attorney Isenberg stated that she would report during the Closed Session because of Attorney Client privilege.

## **XIV. INTERIM TOWN MANAGER'S REPORT**

### **A. UPDATE ON 2020 – 2021 AUDIT**

Interim Town Manager Wallace reported that the audit is in process. She further reported that the audit is late, and the Local Government Commission is aware. Councilman Boston asked why the audit is late. Interim Town Manager Wallace explained that the previous audit was late. When the previous audit was turned in, the holidays were about to begin, and the auditor stated that their tax season begins in January and runs through May. Interim Town Manager Wallace further reported that the Town was third on the list. Mayor Pro-Tempore Brooks asked how long the Town has been using the auditor. Interim Town Manager Wallace replied that the Town has been using the auditor for years. She further stated that it was her understanding that auditors should be switched every four to five years. Mayor Pro-Tempore Brooks stated that at her job they are audited yearly by different auditors. She suggested that we begin to look for a new auditor. Discussion took place about advertising for a new auditor, although it is late in the year. Councilwoman Williams voiced that 20 years is too long to have the same auditor. Councilwoman Williams made a motion that the Council get a new auditor with a second by Councilman Boston. A roll call vote was taken. The motion passed 6-0. Interim Town Manager Wallace asked that the Town Attorney assist with compiling and RFP.

### **B. UPDATE ON CDBG 15-I-3047 GRANT**

Interim Town Manager Wallace reported that because the audit is late, funds for the grant have been frozen and the Town might be on the line for one last set of payments that need to be made. She further explained that the project ran over for several reasons. Interim Town Manager Wallace stated that there are liquidated damages in the Contract, and the Town might need to go after the liquidated damages and would need Attorney Isenberg to assist with that process. She also explained that the project engineers are asking to recoup their expenses associated with project overruns and that the Town would be responsible for their expenses. Attorney Isenberg stated that perhaps Engineering cost overruns can be paid from the liquidated damages. Councilman Boston asked when the money is no longer frozen, can we get it back. Interim Town Manager stated that it was too late as because we have extended the time more than once. Attorney Isenberg asked if the auditors know about the situation. Interim Town Manager stated that she let them know, and they are now here; however, the auditors are still collecting

information and testing. After further discussion, Attorney Isenberg and Interim Town Manager Wallace were directed to work together to hurry the auditor along.

**XV. ANNOUNCEMENTS FROM MAYOR AND COUNCIL - None**

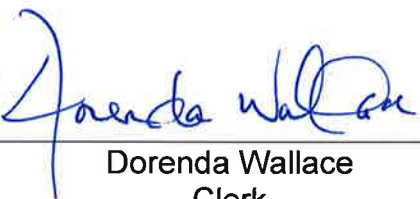
**XVI. CLOSED SESSION**

Upon Attorney Isenberg's request from the Council, a motion was made by Councilwoman Williams with a second by Councilman Boston to go into closed session under Statute 143-318-11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Mayor Roth asked if Chief Williams needed to be invited during the closed session. Attorney Isenberg replied that Chief Williams would be part of the closed session discussion. A roll call vote was taken. The motion passed 6-0.

**XVII. ADJOURNMENT**

Mayor Roth gave the floor to Attorney Isenberg. Attorney Isenberg stated that with respect to agenda item regarding the Golf Road Speed Hump petition, at the direction of the Town Council, she will further evaluate the petition and work with the League's Risk Management Section. There being no further business, a motion was made by Councilwoman Byers to adjourn the meeting with a second from Councilwoman Williams. A roll call vote was taken. The Motion passed 6-0.

Respectfully submitted,

  
\_\_\_\_\_  
Dorenda Wallace  
Clerk

  
\_\_\_\_\_  
Brian Roth  
Mayor