

**City Council Regular Session
November 28, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, November 28, 2022 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor E. Kirk Rivers
Councilman Johnson Biggs
Councilman Joe Peel
Councilman Jarvis Gibbs
Councilwoman Rose Whitehurst (*Arrived at 7:06 p.m.*)
Councilwoman Katherine Felton
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: Mayor Pro Tem Kem Spence

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Interim Chief of Police J. Phillip Webster
Human Resources Director Monica Cole
Fire Chief Chris Carver
ECDI Director Debbie Malenfant
Finance Director Alicia Steward
Assistant Finance Director Brian Lewis
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

The City Council Regular Session was called to order by Mayor Kirk Rivers at 7:00 p.m. Mayor Rivers welcomed everyone to the meeting and provided the invocation, after which Councilman Biggs led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers requested the Council's pleasure regarding approval of the prepared agenda.

Mayor Rivers asked that an item be added to the Consent Agenda for approval of the lobbying contract for WolfeStein, LLC, which had been moved forward from the Work Session.

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

2. Comments from the Public:

Mayor Rivers inquired of the Clerk whether there were any persons present who wished to speak before the Council. Upon the Clerk's reply that there were speakers, Mayor Rivers asked that they be called to the podium.

R. Michael Cox – 109 Persse Street, Elizabeth City, NC – Mr. Cox stated that he had come before the Council on several occasions regarding the speed bumps on Main and Church Streets. He'd previously requested that the additional speed bumps that were placed down without Council approval be removed, which eventually had been. He said that he was told that the traffic calming policy could be overridden by a super majority of the Council, but he has yet to see that in writing. He said he does not believe that the changes to the policy tonight will be correcting our existing issues. He's heard the comment several times that people on Church and Main Streets like the speed bumps, but not everyone who has to deal with them lives on

those streets. He stated that he believes the speed bumps are a poor representation of the city. The Council originally represented to the citizens that these were a temporary solution; it's in the minutes, it was stated by department heads and the Council itself. He requested that the Council please review what they've said and who said it. He would just like the issue fixed.

Tony Sawyer – 2715 West Main Street, Elizabeth City, NC – Mr. Sawyer thanked the City for addressing the mold and mildew issues happening in many of the rental properties. He wanted to know what happened to the people who used to deal with the slum lords. He said he heard horror stories from people all the time about the situations they were forced to live in, and asked the Council to look into that. He related that he had a customer every day who called a cab to pick up food because his landlord won't allow him to have a refrigerator. He opined that Elizabeth City has a big problem with slum lords. He felt the program the City used to have was important and it needs to come back. He expressed concern that people have children living in these types of conditions. He reiterated that he felt the Council was doing a good job with the mold situation at Herrington Village, but there were more problems to be tackled and he wanted to see the City take some time to help people who were being the victimized by slum lords.

3. Public Hearings:

a. Hold a Public Hearing – Annexation;

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk replied that there were none, but advised that a representative for the applicant was present in the event the Council had any questions. Mayor Rivers closed the hearing.

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to approve the annexation petition and ordinance, as submitted by Combs Development Company for 2.83 acres located at 100 and 104 Capital Trace. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

**ORDINANCE #2022-11-01
ADOPT ORDINANCE TO APPROVE VOLUNTARY ANNEXATION
A PETITION RECEIVED UNDER G. S. 160A-31
100 AND 104 CAPITAL TRACE
PARCEL IDs: 8922 298044 and 8922 286896
2.83 ACRES**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on October 24, 2022 by the City Council; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

WHEREAS, City Council accepted certification and adopted a resolution fixing date for public hearing on November 28, 2022;

WHEREAS, notice of said public hearing was published in The Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of the said public hearing;

WHEREAS, adjacent property owners within 100 feet of the subject properties were notified of public hearing for voluntary annexation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

Section 1: The area proposed for annexation is described as follows be approved for official annexation to the City of Elizabeth City's Municipal Limits:

Lot 2, South Park (Map Book 23, Page 18)

Beginning at a point along the west right of way of Weeksville Road at its intersection with the north right of way of Capital Trace; then following the right of way of Capital Trace S 43°13'22" W a distance of 148.37 feet to a point; thence S 37°31'49" W a distance of 100.82 feet to a point; thence S 43°13'22" W a distance of 76.70 feet to a point marking the southeast corner of Lot 3; thence turning and following the east line of Lot 3 N 46°46'38" W a distance of 237.35 feet to an iron rebar in the south line of the property belonging to Karen & Reginald Cahoon; thence following the Cahoon line N 46°25'54" E a distance of 181.90 feet to a point; thence N 43°47'00" W a distance of 49.71 feet to an iron rebar; thence N 45°53'08" E a distance of 146.42 to a point in the aforementioned right of way of Weeksville Road; thence along the right of way of Weeksville Road and along a curve having a radius of 4177.44 feet for a distance of 260.10 feet (Chord Bearing: S 45°39'33" E; Chord Distance: 260.05 feet) to the point of beginning and containing 1.83 acres.

Lot 3, South Park (Map Book 23, Page 18)

Beginning at a point in the north right of way of Capital Trace, said point being the southwest corner of Lot 2; thence along said right of way S 43°13'22" W a distance of 179.76 feet to a point marking the southeast corner of Lot 4; thence turning and following the east line of Lot 4 N 46°46'38" W a distance of 247.21 feet to an iron rebar in the south line of the property belonging to Karen & Reginald Cahoon; thence following the Cahoon line N 46°14'13" E a distance of 63.09 feet to a point; thence N 46°25'54" E a distance of 116.94 feet to an iron rebar marking the northwest corner of Lot 2; thence along the west line of Lot 2 S 46°46'38" E a distance of 237.35 feet to the point of beginning and containing 1.00 acres.

Section 3: Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of the said public hearing.

ADOPTED, this the 28th day of November 2022

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

b. Hold a Public Hearing – Traffic Calming Policy;

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any persons present who wished to speak on the matter. Upon the Clerk's reply that there were no speakers, the mayor closed the hearing.

Motion was made by Councilman Johnson Biggs, seconded by Councilman Jarvis Gibbs to approve the updated Traffic Calming Policy. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

4. Consent Agenda:

The City Manager read the Consent Agenda items into the record, as follows:

- a. **Consideration – Approval of October 24th 2022 Regular Session Minutes;**
- b. **Consideration – Approval of November 7th 2022 Strategic Planning Retreat Minutes;**
- c. **Consideration – Approval of Lobbyist Contract (As Added During Agenda Adjustments);**

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

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Rose Whitehurst to approve the consent agenda. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

5. Regular Agenda:

a. Any Item Pulled from the Consent Agenda;

No items were removed from the Consent Agenda.

b. Discussion / Update – Status of Audits and Overview City Financial Position;

Manager Freeman advised this would be part one of a two-part presentation on the City's financials. This was meant to explain what was required of the City by the LGC. Assistant Finance Director Brian Lewis explained that staff has completed the majority of their required pieces for the FY 2022 closeout and the LGC now has copies of all of the reconciled items. The 2021 audit should be completed fairly soon. PB Mares is closing out audits with other clients and then they'll be working on closing us out. We're expecting final questions within the next week. We're also working on getting a list of things they'll be asking for every year, so we can have everything working smoothly for the next audit.

Manager Freeman said the whole goal is to stay in front of PB Mares on the audit side and stay current with LGC. PB Mares did have a client in front of us, so they told us they'd be back with us in December. The LGC is aware of that timeline. We did express some concerns about that matter, but they explained that in light of the specialty work they do, we kind of have to get in line. We are on track to be caught up and on task.

Director Lewis said that they're using some info from the 2021 audit and continuing to compile items they know will be required for the next audit. Manager Freeman stated that we're trying to go as fast as possible while still making sure we're extremely accurate. He's intention was to begin the budget season in January.

Mayor Rivers asked if he could give an overview of the coaching team and what they are here to do. Manager Freeman relayed that the reason for the coaching team was that the LGC believe that some financial movements and procedures of the City may not be in our best interest, so they came in to look at where we were and how to operate as we go forward. From an audit standpoint, there were several cities that had not finished previous years, so we weren't the only one. The support team has been exactly that; they have come in, looked at our finances and have talked through best practices and updated where we've needed changes. We've also pulled in IT Director Simpson because some of this that we're seeing is related to software challenges. We have good stuff, but sometimes on the software side there are some glitches. We want to make sure we address the challenges the first time. Why are these issues here? Did the software do it or was it an operator error? Going forward, Matthew will be joining the team on our weekly meetings so we can make sure we're on point. We found one instance where we're paying for something we could be getting more out of. I do feel good about where we are right now. I'm aware of the comments from the state treasurer's office, which I think are interesting because we're never even met. We will get where we need to be and be in a sustainable place and be able to give you all good information as we go along.

Mayor Rivers asked where we are when it comes to the company we use for reconciliations? The Isley Firm? Are we still using them for the same amount of hours that we were four months

ago? Director Lewis replied that the hours are going down. They're not working on site as much as they were. They're only here two or three days since August. They do still assist with certain items, but not as much. Manager Freeman said part of the December layout would include that discussion and a full assessment on where we are with that and where we intend to go.

Councilwoman Felton asked if we only pay them \$100 an hour when they're on site. Director Lewis clarified that it's still the same rate whether they're working for us on or off site, but we don't have to pay for their lodging or travel. We'll get a full accounting of where we are and make decisions on our next steps. Councilman Walton asked if there were a lot of software issues. Manager Freeman noted that there was a kiosk issue. Director Simpson explained that most of the problem had to do with reporting. If you don't have clean and useful reports from your outside source, it's hard to reconcile those reports externally. This is something they wanted him to push was reaching out to the vendors to find out if we were getting the best reporting data we could have and in some cases, we weren't. He was able to chase down some of these items. If you don't know what's happening with the software application and you don't have a clean way of preparing, you don't know what you have. Councilman Walton asked if the glitch was determined to be related to the software or was it human error? Director Simpson stated that without going too much detail, the issue with the kiosk was that we weren't getting an efficient data report and because of that, we couldn't reconcile internally. He was able to figure out who our merchants were, because we originally did not know. Once we tracked them down, we got information directly from them instead of the software portal. The portal can be misleading. The portal doesn't let you know where the data is coming from as far as the merchant is concerned. The real problem was with the checks. We didn't know how the checks were being tabulated on the backend. Once we found that out, we could identify what those transactions were and reconcile them.

Manager Freeman shared that his goal is accountability and we want to get good, clean data. If there are questions about whether a report is clean, we want to clean it up so you can make informed decisions about how to spend the tax dollars. That's how we're approaching this process. The LGC support team raised the question and we started to go down and do the research and then we pulled Director Simpson in, and we were able to track that down and figure that out. There's a lot of that kind of work, figuring things out.

Mayor Rivers noted that we've had the Griffin Street location closed for about 60 days now; have there been any problems or major concerns about having it shut down? Manager Freeman said he noticed the lines in Customer Service were long today, but they often are on cut-off days. For normal day-to-day processes, things have been fine.

6. Closed Session – As Allowed by NCGS 143-318.11(a)(6) – Discussion of Personnel;

Motion was made by Councilman Joseph Peel, seconded by Councilman Javis Gibbs to enter Closed Session as allowed by NCGS 143-318.11(a)(6) for Discussion of Personnel at 7:34 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

Mayor Rivers announced there would be a brief five-minute recess to clear Council Chambers before Closed Session commenced.

The Council returned to open session at 8:30 p.m.

Manager Freeman stated that before the meeting ended, he wanted to give the Council a quick update. He had assembled a task force to address the Herrington Village situation comprised of Legal Aid, the Department of Health and Human Services, Social Services, Grants Manager Jon Hawley, Fire Department personnel and Councilwoman Baxter. They will be meeting on Wednesday at 3:00 p.m. It will be the first time addressing something of this magnitude, so they'll be brainstorming from their different perspectives and specialties on how to best address the challenge. General Statute says to give no more than 90 days to address the issue, and we've done that, so the City does have the authority to pull the power, but that's not a route we

want to go down because that will hurt the tenants. Now they want to put some financial pressure on the management until they agree to take care of the problems. He said that he will provide another update after Wednesday's meeting.

7. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 8:23 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

