

**City Council Work Session
October 24, 2022**

The City Council of the City of Elizabeth City met in work session on Monday, October 24, 2022 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 Jarvis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: None

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

Mayor Rivers called the Work Session to order at 5:30 p.m. The invocation was delivered by Councilwoman Felton, after which Councilman Peel led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

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

2. Committee Reports / Updates:

a. Finance – (All)

i. Consideration – Rural Transformation Grant

Councilman Biggs, Finance Chairman, advised that there was one item on the Finance Committee's agenda this evening, which would be presented by Grants Administrator Hawley and ECDI Director Malenfant.

Mr. Hawley explained that one of the projects that was important to the City was correcting some issues on Water Street, which would make the City a more appealing area. Ms. Malenfant provided that the scope of the project is a bit larger than the grant application, but the perimeters are very specific, and has involved much discussion from many City departments. She noted that this does incorporate aspects from the Waterfront Master

Plan of 2001, the City of EC Waterfront Master Plan of 2018, as well as address some of the EC-PC Senior Center crosswalk and parking issues. The 2001 Master Plan suggested that Water Street should become a main pedestrian waterfront pathway. At this time, Water Street is walkable from Elizabeth to Fearing. With the growth in the downtown area, it's encouraged to expand our accessibility and walkability. This proposal builds in connectivity between downtown and public parking, as well as cultural assets, such as the museum and waterfront, as well as other parks and ECSU. It allows for setting the path for future developments in corridors that are underdeveloped at this time. As part of the streetscape grant, the primary streetscape improvements are on Water Street from Main Street to the Ehringhaus intersection, which includes sidewalk and curb improvements. This grant does not include improvements to roadways. The Kimley-Horn Road Diet Plan of 2018 was conducted to analyze if Water Street could be made one-way, which was ultimately determined that it could not, as it would only make about five new spaces and would lead to congestion and reduced travel speeds on Water Street. The original Road Diet proposed diagonal parking on either side of Water Street. The current speed limit on Water Street is 25 mph. This plan involves removing the center drive lane and providing parking on either side of the street. Parallel parking already exists in front of Cypress Creek, but this would create more. It also looks at adding additional parking on Main Street South. The cost of the Road Diet plan ranged up to about \$60,000 and was shelved after some discussion, but it was pulled out to look at as part of this grant.

Ms. Malenfant noted that NCDOT is in support of the streetscape application, which they need to do as it is technically their street. They have said they will assist the City in finding funds to implement to Road Diet plan from Southern Avenue to Main Street, which will tie in nicely with the grant application. If NCDOT performs the work, it leverages multiple partnerships. She opined that it's a good time to do this, since ARPA funding is available for the grant. She pointed out that the Senior Center crosswalk has been a concern for some time. There is no match required for the application, but a match would make it stronger. A partnership with NCDOT would make it extremely strong, and we do have that. If we decided to allocate match funds, they would cover some of what is not covered by the grant application, such as improvements in the streets themselves.

The second major component is improvements to the Mariners' Wharf area and repurposing a building located there. We have a lot of community events there, but we have to pull out coolers, tables, and other necessities anytime there's something going on there. They are proposing to take the middle section of that building (most of which is storage for ECDI and Parks and Rec) and repurposing it as a concessions area for better utilization. It would allow for refrigeration and tables to be used by ECDI, Parks and Rec and possible rental with the facilitation of a rental agreement. A stage with a cover already exists there. The cover is just a shade structure, so an amphitheater type structure is being proposed, but just a small one so it is not out of character. These elements will be designed in size and scope to fit the park. The idea is to have a raised platform of about 12 inches, with lighting and a truss across the top to hold additional lighting.

Ms. Malenfant said everyone has worked together to get this off the ground, and they feel that this is a comprehensive grant and as such, would like permission to apply for this grant in the amount of \$925,000.

Mayor Rivers asked, "the most expensive parking lot in the city, what's the plan for it? The one that's directly on the water? Has there ever been any discussion?"

Ms. Malenfant asked if he meant discussion as in potentially eliminating it?

Mayor Rivers asked if the intention was to keep it there.

Ms. Malenfant said she'd not heard anything about getting rid of it, as it's very beneficial as it is now. "We've had a lot of growth in downtown. It started on Poindexter and Main Street in a cluster and now it has grown to Fearing Street. We are building our steps to expand outward. Eventually, we hope to make connections out toward MACU and ECSU and McMorrine across Ehringhaus."

Councilman Biggs stated that everybody knows what the ARPA money is, but we want to be clear that this not coming out of our local ARPA, and will not impact our money. He wanted to clarify that doesn't play into our pool of money.

Councilman Walton asked if the match \$25,000.

Ms. Malenfant replied that there is not a required match, although a match makes the application stronger. She noted that ECDI gave a \$25,000 match, but they are not asking the City for a match.

Councilman Biggs noted that there's no true impact other than maybe staff time, no true impact to our actual funds. "I serve on the ECDI board as part of being on Council and Debbie presented this to us a few meetings back. If you go to Washington, NC, they did something similar to this in their downtown and they redid their sidewalks and that's been a big concern of mine. Our sidewalks are very uneven. We always hear that there's no parking, but there's just not a lot of lighting and the sidewalks could use improvement. If we are able to secure this, it would be a major impact for the City at very little to no impact to us monetarily."

Mayor Rivers asked if the Committee wished to move this item to the Regular Session where they'd amend the agenda to include it for approval.

Motion was made by Councilman Joseph Peel to move the item to the Regular Session, seconded by Mayor Pro Tem Kem Spence.

Councilman Walton asked if we've had any thought about the sidewalks from ECSU leading into downtown or from the stadium? He said he remembered some studies being done about that at one point.

Ms. Malenfant replied that this project bridges the connection to make a link. There was a WalkEC project at one time that addressed some of those concerns. She said she did ask NCDOT about paving that part of Southern Avenue and they are open to having those discussions, but they want to us repair the infrastructure first.

Councilman Walton stated that Southern Avenue was in bad shape seven or eight years ago and it's getting that way again. He said a large part of the problem was that we were letting big trucks go down there and it's making pot holes worse.

Mr. Hawley said that in terms of trying to make the Herrington Road, Weeksville intersection safer, we have a RAISE grant coming in that will help use develop a multi-use path along the road and improve the intersections. It doesn't address Southern Avenue, but it is a step in the right direction and will help with safety on the Weeksville corridor. Because it's a federal grant and a larger project, it's going to move slowly. The grant we have is engineering and design. It will help us go for a federal construction grant. The engineering could be up to \$2 million. The grant is meant to give us the ammunition to obtain construction funding.

Councilman Walton requested that Ms. Malenfant and Mr. Hawley please try to look into help for Southern Avenue and Herrington Road.

Director Bell advised that they did look at the area right in front of the stadium and Kimley-Horn said they were going to speak with NCDOT about it, so we might want to follow up and see where that went.

Mayor Rivers said, "The power lines underground, when we did the first streetscape I didn't know why we spent all that money putting power lines underground, but I really see the difference now and why we did it. Would that be a phase two or three?" Ms. Malenfant said that would probably be a phase 20. She advised that in itself would cost multi-millions of dollars. She noted that part of this grant and dealing with the design elements, they did incorporate when they're pulling up the sidewalks, they will run the conduits, so it will be there so they don't have to pull up the sidewalks again if they're putting it there. She said she wished there was enough money to put the lines underground, but that unfortunately wasn't the case.

Mayor Rivers requested that she share the Allison Platt book with all Councilors because he felt that was a great project. Ms. Malenfant agreed that it was a good conceptual design. She noted that there were some changes in 2018, but there were still a lot of the same elements.

Mayor Rivers redirected the Committee's attention to the motion on the floor.

Those voting in favor of moving the item to the Regular Session were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

Councilman Biggs said only other thing that he had to discussion tonight was about meeting with the LGC team. They received a written response, but LGC staff was complementary of our staff and how open and willing we've been to work with them. This week, they started working on getting familiar with how we operate. They had two people here most of the time. They had one person working directly with Alicia and Brian and started looking at things that needed to get done to complete the 6/30/21 audit and worked on developing a timeline. The other person evaluated how we're structured in that department to identify strengths and weaknesses. He said he felt that they were positive overall on Friday about things. They will not be back on site until the second week in November, but they're doing a lot of things virtually.

Director Steward added that she felt that they'd had a very informative meeting with the LGC coach team. They'd had daily status reports with the staff in order to try to go forward into the next audit, which will be a much smoother, more streamlined process. They've been identifying what made the reporting cumbersome and staff has pitched in to help where they can. She appreciated the resources the LGC has provided to help.

Councilman Biggs pointed out that importantly all of this assistance doesn't cost us anything. There is zero budget impact.

Mayor Rivers advised that this is something the Council signed off on and asked for the team along with the accounting staff. We asked the LGC and we worked together to bring this team to be a resource to our city. He wanted to make sure that everyone is aware that this is was not a last-minute thing. It's a great asset for our Council and a way to stand behind our Finance Department and to help us be compliant with all the rules and regulations. He thanked Council and the Finance Department for helping the team to set the path for the City.

Councilman Walton said he understands that we're committed. He mentioned when they talked about the analysis. He asked if we had more strengths than weaknesses. Director Steward replied that they're finding some things in our software that may be a developer issue that wasn't making our processes as streamlined as they could be. They are stepping away from paper and going more digital so they can identify things quicker. They're not only identifying current process but improving processes.

Councilman Walton explained that in the SWOT process, the 'O' is for opportunity, but all he'd been reading in The Daily Advance were threats. He asked what happens if we don't produce the audit. Ms. Steward confirmed that we'll produce it and we don't have far to go. After we finish it, we'll ease into our next audit. She said when she was talking about the digital files, what she meant was that our staff is putting the things they're being asked for into files, so it's more effective and sustainable and will be even easier to produce the next time around.

Councilwoman Felton noted that it was not Director Steward who caused this problem. She stated that these problems started before she ever got here, but she was thankful that the City will have her as part of the solution.

Ms. Steward said she just wanted to make things right with the City and with our staff. She stated that the Assistant Finance Director is helping her and doing a great job. "We're making sure that whatever process we're getting is broken down and when we're at the critical step, we get the key staff there and make improvements. On the SWOT analysis, I take the challenges and threats and see how we can improve them and turn them into strengths."

Mayor Rivers said he understood that she'd had the opportunity to travel to Rocky Mount the prior week and discuss the spending of ARPA funds. Ms. Steward said that was correct. She noted that "I've been called slow to react, but you have to be slower when you're reacting because you want to make sure your inputs are correct so you get the right output."

Councilman Biggs noted that next month there will be another update. The coach team has asked that they have a weekly call with them, which will include him, the manager,

Alicia, Brian, Mayor Rivers, Mayor Pro Tem Spence. He said that he'll get those updates out to everyone even if there's nothing major there. He added that he didn't know that Alicia was over the financial end of all city departments, not just the finance department itself until they started this process.

Mayor Rivers stated that during the last meeting, we'd had a public comment about the Greg Isley. He asked if we could take a moment to make everyone aware of what they do exactly.

Councilman Biggs explained that the Isley Firm is the CPA firm the Council contracted with prior to this body being installed to get the bank reconciliations getting caught up. "From what I can tell, the reconciliations fell off around July 2020 or so. Somewhere in that neighborhood. We had a turnover of finance directors in that time period and I don't know if the department was staffed fully. I don't believe they were. That's a major part of why our audit is not done. They've been assisting us with doing that. Once we get that back up and it's caught up, and they're still doing it now to take on some of our work load, there's a lot of items that come into our accounts from the state for reimbursements, and so on. That's why the communication piece is so key because if the finance department is not aware of what's happening in each department, they have to take that money and put it in a suspense account and work through it. The LGC is making sure everybody has the same reporting, is on the same page so they're ready to go going forward. Isley is helping us get year-end items cleared up. They will probably be here for a while longer, but just because we're paying them X amount now, doesn't mean we'll pay them that much forever. It's not a monthly fee we're committed to. The less we ask them to do, the less we pay them. We have people here who are assisting us for free that can help us slow down the bleeding."

Councilman Walton opined that's why these things are so important. "The threat is what can hurt you most and they let us know that things went wrong before the first city manager left. When things are in the newspaper, they get considered facts, and they are threats. They need to be printed the way they should be printed."

Councilman Biggs said he thought it's been widely publicized that the city was 16 to 18 months behind on bank recons. He noted that we should be doing them daily or monthly at the absolute latest. He confirmed that we have a plan in place now so hopefully we'll get this back on track.

Mayor Rivers stated that the coach team wanted to answer the question of "where did the bleeding begin?" The leader of the program said it was concerning to her to find out where the downturn in the savings happened and it went from 20% in the fund balance to 13%, and it took place in July 2020. They were able to identify that because we were able to tell them that we went from Logics to Tyler then. The next year was COVID, so we had two back-to-back years that were poor due to lack of collections in the electric department. We went down, down, down because of agreements, and then finally defied the governor because we were almost bankrupt. Mr. Olson advised the Council at that time that we had to defy the governor, which we were able to do so we could start collecting again.

Councilman Biggs said, "Another part is that we take transfers out of the electric fund and put it in the general fund and that did not occur because the enterprise fund had drawn down so much from not taking payments. Alicia advised me how much we still had in non-paid electric bills and it's a very large number. We'll probably have to write it off. We need to discuss our collection process. That's going to take a hit on what our fund balance may be, so we may have to talk about it." He stated that could be coming conversation after the LGC does their review.

Mayor Pro Tem Spence said that it's safe to say that this problem didn't just start overnight and it's going to take us a little more time to get it right, but he felt safe saying we're moving in the right direction. We're just going to have to trust the process. He reiterated that he felt comfortable after talking to the LGC that we're moving in the right direction. He told Alicia not to get discouraged by the newspaper because these problems did not start last week, so it won't get fixed this week.

Councilman Biggs agreed. He said they specifically told us not to expect it to get fixed immediately even with them here. He stated that once we get past this month, he'll ask the auditor to come speak to us again.

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

Councilwoman Whitehurst had nothing to report at this time.

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

Mayor Pro Tem Spence said he'd met with Interim Chief Webster and Deputy Chief Avens who are actively putting plans together to get new recruits. He encouraged anyone who wanted to be an officer or who knew anyone who wanted to be an officer to get in touch. He praised the Hog and Hen cook-off between the Fire and Police Departments, and said he was very impressed that both chiefs came out to support their staff.

i. Consideration – Text Amendment – Traffic Calming

Director Long explained that she'd identified some gaps in the original policy, which included data collection. The last section of the policy went through a glossary of traffic calming measures and their definitions, which she broadened based on federal policy. Although the policy was originally labeled as "cumbersome", when doing further research, she found that it's spot on with what's required. In the glossary section, she included a description, a placement, advantages, disadvantages, effectiveness and a photo of each item. She noted that the lingo has a tendency to be confusing, so it's important to include the photos and deeper dives into each one to help us narrow down how to choose the best measure for what we want. She does not think the text amendment is at 100% yet, but this is possibly a step in the right direction. This will help narrow down staff's decision and close some gaps. She reiterated that, again, we do not have a lot of the equipment to measure so we cannot gather much of the required data. She asked the Council to review the document and consider it as a starting point.

Councilman Gibbs noted that so far, we've only heard from citizens who want to discuss removing speed bumps and now we have some who are asking for them. He said he's told them that they can tell their story better to Council than he can. He stated one area of concern is Church Street on the 7-11 end because a lot of people try to beat the light. Another is Harney Street. He noted that he got a call today about South Griffin Street, and he'd encouraged those people to come to a meeting and tell their stories.

Councilman Biggs stated that he's not on this committee and he wanted to give praise to the staff. "We had an incident in my ward about 45 days ago. It's a route I take to and from my house. I don't live on the street in question. It's a narrow road and I reached out to the chief and deputy chief and wanted them to be aware of it. We have a speed sign that tell you how fast they're going. They put it in a strategic spot and I saw people slowing down because of it. I don't know if maybe they didn't know how fast they were going or what the speed limit was. I would be an advocate for us buying speed monitoring equipment where we have the ability to."

Ms. Long stated that the good thing about our policy is it lays out the procedure. People are welcome to come talk about it, but they have to follow the proper procedure and get the petition. If we lay out the procedure, it's not just "Well, I heard from this one, didn't hear from this one" and then you can get a group of projects as well that we can look at together.

Mayor Pro Tem Spence asked about speed signs that collect data. Would they help with speed tracking or what we're talking about here? Interim Chief Webster noted that there are speed trailers that collect data and they also brought up the use of a counting machine. He stated they have gotten a quote for two of those that might be a better speed study. "A radar trailer, you get them to hit the brakes, but a counting device, you get a truer measure of the speed. But yes, the radar trailers measure speed." Mayor Pro Tem Spence said he felt we should deploy whatever measures are better for him and his officers because they have the know-how and the experience. He said he felt it was definitely necessary because we do have a speeding problem everywhere. "You can't put a price on somebody's life. That needs to be done. We need to get the equipment that you need." Chief Webster stated that there are a variety of tools, including tubes on the road, trailers, signs. They are all great tools and do serve a purpose.

Councilwoman Whitehurst asked about the citizen who came forward about the speed bumps on Church and Main. She noted the problem they have is that they were supposed to be temporary. Is the intent still to have those removed?

Councilman Peel advised that the whole process started with the Planning Committee. He said he felt that what Kellen has done is phenomenal because this gives you different options and asks you “what are you trying to accomplish here?” The old policy had none of that in there. He said he thinks the problem is not about the bumps themselves but that they’re pretty severe, so do we need something less severe. He agreed that you’ll go through the roof of your car if you hit those at 25 mph.

Mayor Rivers asked that the Council take the information they’ve been given here and study it since they’ve just been given it tonight. Everything has been outlined. He asked that they contact Kellen and ask her any questions, and it will be brought forward during the next meeting for further discussion.

Councilman Biggs requested that Chief Webster look into grant funding for speed monitoring equipment if possible. Councilman Peel agreed and said he thought it would be good to get an idea of what you need and what it will cost.

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

Councilman Gibbs provided an overview of a few of the upcoming events within Parks and Rec. He commended Director Clark and the Parks and Rec staff for their work.

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

Councilman Walton said he had nothing to report, but did feel they needed to meet as a group because the trash trucks are old and they may need to be outsourced and discussed within the Committee.

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

i. Consideration – Text Amendment – Flood Plain Ordinance;

Director Long explained that there were two changes in the flood plain ordinance due to 160D, which does not have anything to do with enforcement. The state has been through the ordinance and confirmed that those are the only items that need to be updates. She noted that this item will require a public hearing and if it is the desire of the Council, it can be moved to the Regular Session to go ahead and call for that hearing.

Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Spence to move the item to the Regular Session. Those voting in favor of the motion were: Peel, Walton and Biggs. Against: None. Motion carried.

Mayor Rivers noted that it was time for the Regular Session to be called to order, so the last two Committees, Human Resources and Public Affairs / IT would need to be carried over to the Regular Session.

g. Human Resources (*Felton, Gibbs, Whitehurst*) (*Moved to Regular Session Due to Time*)

h. Public Affairs / IT (*Baxter, Peel, Gibbs*) (*Moved to Regular Session Due to Time*)

3. Adjournment:

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 7:00 p.m.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

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