

**City Council Work Session
September 26, 2022**

The City Council of the City of Elizabeth City met in work session on Monday, September 26, 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
Councilman Johnson Biggs
Councilman Joseph Peel
Councilman Javis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: Mayor Pro Tem Kem Spence

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 5:34 p.m. The invocation was delivered by Councilman Gibbs, 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 Joseph Peel, seconded by Councilman Johnnie Walton. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

2. Committee Reports / Updates:

a. Community Development – (*Whitehurst, Felton, Walton*)

i. Opioid Presentation

Colleen Brown-McKinley explained that the purpose of this evening's presentation was due to the settlement funds that Pasquotank County would be receiving. Over the next 18 years, Pasquotank County will receive more than \$2 million in funds at about \$180,000 a year. They have to determine how to spend those funds, and requesting input from the Council is a stipulation. She noted that they'll also hold community meetings for input as well.

Mayor Rivers asked if our Police Department or EMS received reimbursements for Narcan? He said it was explained to him that one dose of Narcan can run between \$80

and \$100, and EMS may encounter about 10-30 overdoses in a month's time. They notice when a bad "batch" is in the area because it "rides a wave." Mayor Rivers asked if the grant being discussed had room for Narcan reimbursements. Mrs. Brown-McKinley said that was definitely a possibility.

Councilman Biggs said Narcan is important, but he believed we needed to start looking at what we can do to start preventing these overdoses. He liked the early intervention and employment related services – something on the front-side. How do we address it when EMS is going back to the same person over and over instead of just administering Narcan over and over? We need to change the pattern. Councilman Peel agreed with numbers five and six on the provided list, which were employment related services and early intervention. He said he also liked recovery support services, which was listed as number three. He noted that all 12 looked important.

Councilwoman Whitehurst said she was speaking with someone over the weekend who mentioned that some counties have a recovery program. By the time someone goes to court, they can be ordered a very intense recovery program, but Pasquotank does not have that particular program. There are grants for it and it really caught her attention because it's such an intense program that they had to go through. She asked what are we doing when we're catching distributors? She mentioned that a couple was caught recently and the man was jailed, but the woman was distributing again a few days after she returned home. She asked if any of the money could go to law enforcement? Mrs. Brown-McKinley replied that this is primarily about re-offenders and how to break the cycle, so someone who has been incarcerated will emerge and be able to break the addiction so they're not destined to come back into it as many of them do. Councilwoman Whitehurst clarified that as of right now, we don't have the court ordered programs, was that correct? Mrs. Brown-McKinley said that was correct, we did not have those programs.

Councilman Walton felt that perhaps the public safety group could sit down and go over the data to help decide what type of situation we're having and how to best deal with it. He suggested reaching out to other counties who have been through this and see how they've done it. Mayor Rivers thanked Mrs. Brown-McKinley for her presentation and especially for including the City at the table. He added that looking at the 12 possibilities before them, the \$180,000 a year could go quickly. He said that our police officers keeping Narcan in the car is expensive. "If we can prevent, we don't have to use and spend that money, but that doesn't seem like a possibility just yet." Mrs. Brown-McKinley urged anyone who had additional ideas or comments to please reach out to her or the county manager.

ii. **Sub-Recipient Agreements for CDBG-CV**

Grants Administrator Jon Hawley acknowledged Christina Corbo from River City CDC and Liz Reasoner from the Food Bank. Mr. Hawley explained that in 2020, the City received money that could be used for COVID response. The grant is unusual because for municipalities, we were meant to be used as a pass-through for non-profits to use the money. We collaborated with the Albemarle Area United Way (AAUW) to provide a rent/mortgage/utility assistance program of up to \$5,000 per person who could prove COVID hardship. We didn't receive authorization to spend the money until May 2021. By that time, the worst part of the pandemic was over, but it put us behind in terms of putting assistance out to the community. It became clear that barring something else horrible happening, we weren't going to expend all of the funds. We needed to identify another nonprofit to help us invest the money a little faster. During the August 22nd discussion, staff was encouraged to take another look to see if there were other entities to take advantage of this money, even though there are a lot of strings attached. This was very difficult because it's a federal grant and very time sensitive. River City CDC is proposing to provide a rent/utility/mortgage assistance program. Being that's what we're already doing with the money, it's not a substantial change so we don't need to go through the amendment process. He explained that the Food Bank will have to go through the amendment process because what they'd like to do is a major change. If the Council desires to move forward with River City CDC, we can ask for a revision request to add River City to our existing program, which will result in two agencies implementing more or less the same program. For the project revision request, with the Council's approval,

we'd just have to ask River City to execute a sub-recipient agreement and a duplication of benefits form. He noted that as soon as that goes to the Department of Commerce for approval, River City can begin providing assistance. He stressed that it's important that AAUW and River City compare notes to make sure that no one is "double dipping" or getting assistance from both programs, and there is a state database to keep that straight. Mr. Hawley said he's recently received notice that they may be able to relax some of the criteria for the program. They will not be raising the minimum qualifications, but will be a little more relaxed in that at the beginning, everyone had to show a COVID impact and it may no longer be necessary to show that. He added we may have to request that though, which could be a separate project revision request. If that's approved, it helps the United Way and River City equally. He said this evening's question of the Food Bank's proposal, is does the Council want to proceed with that? He suggested capping the rent and assistance at \$500,000. The entire grant is \$765,000, which would leave \$265,000 to satisfy the Food Bank's proposal for their capital purchases.

Mayor Rivers asked about the income requirements. Mr. Hawley said they're based on HUD's low-to-moderate levels specific to Pasquotank County. Mayor Rivers opined that COVID affected everyone, no matter their income. As we're asking for relief from Commerce about COVID, could we also look at raising the income levels? COVID did not discriminate. Would that affect the grant? Mr. Hawley said he'd already drafted a project revision letter. He could ask Commerce and the worst they could do is say no. He said he did think relaxing the income requirements might be a harder sell. Mayor Rivers said that even if they said no, we could still try and put it out there. He liked the break down. "We don't want people losing their homes. If we could add that to the letter, that way we don't have to change anything because they'll still be able to give and we can still address giving them the money and authorize to sign the agreements." Mr. Hawley confirmed he would add that to the letter. Mr. Hawley noted that proceeding with the Food Bank's proposal would require another public hearing, but if everyone agreed that's what they wanted to do, it would be easy enough.

Councilman Peel asked if the Mayor's request could potentially slow the process down? He understood we didn't have a lot of time left to spend this money. Should Mr. Hawley call first? Mr. Hawley said he'd check with the Department of Commerce. Councilman Peel noted they were usually very strict with income requirements.

Councilman Walton said he was glad the process was where it is now. He said he felt that some additional things could still happen and get the best process out there. He asked if we were collaborating with various agencies. Mr. Hawley replied that we were, and there were other agencies beyond River City who had expressed an interest, but they did not qualify. He reiterated that there were strict guidelines and quite a bit of "red tape" involved here. There's some belief that we might be able to get an extension, but he hasn't seen that for sure. All funding has to be expended by June 2023. Councilman Walton said he just wanted to make sure that we were covering all of our bases. River City and the United Way probably don't have the same clients, so that will fill the gaps. We want everyone to have a chance to get some of the money. In his community, there were people who could use the money. River City and the United Way need to make sure people have a chance. Mr. Hawley noted that Pasquotank County residents are eligible for the program, but he expected most of the residents to be from Elizabeth City.

Motion made by Councilwoman Katherine Felton, seconded by Councilman Johnnie Walton to approve and request the revisions. Those voting in favor of the motion were: Felton, Walton and Whitehurst. Committee approved unanimously.

Mayor Rivers stated that this item would be moved forward to the Regular Session's agenda for a full Council vote.

b. Finance Committee (All)

i. Presentation / Update from Finance Director

Director Steward explained that her division has implemented a new org chart. She gave an update on the closing of Griffin Street. She advised that the City has a new contract with Wells Fargo that has offset about \$22,000, and given us new services, such as the ability to scanning our checks, direct deposit capabilities, and an ACH credit to our suppliers. She stated that staff has proposed how to obligate ARPA funds through supplanting salaries.

Councilman Biggs spoke about each department's capital project needs that have not been included in the budget. The requests are coming in at a total that's over the total amount of ARPA funds. Some departments would like to forgo their own capital projects and designate that funding to Public Works. Ms. Steward said the first step in ARPA funds was approving the ordinance. We're now deciding how to obligate the funds, which has to be done by 2024, and fully expended by 2026. Councilman Biggs noted there was an upcoming ARPA meeting in Rocky Mount that staff would be attending. Mayor Rivers asked that Interim Manager McClary attend that meeting with the Finance Department as well. Ms. McClary said that she was scheduled to go with them, as was Public Utilities Director Bell.

Councilman Walton thanked Ms. Steward for putting things in the proper perspective. He asked if there was a letter the Council was supposed to be signing this evening. Councilman Biggs said that there was. He advised that on September 19th, the Council received an email from David Erwin, which basically stated that the LGC was willing to send a staff member to Elizabeth City to work with our Finance Department for a period of one to three months. It would be an additional resource and it's something that the LGC has never done; it's a new program they're rolling out. They would have ongoing meetings with the city manager, finance director and various members of the Council and Mayor.

Councilwoman Felton asked if there would be additional cost to the City for these services. Councilman Biggs said there would be no cost. Mayor Pro Tem Walton said that free or not, he needed more information on what they were trying to prove. Why can't anyone figure out where the problems with the audit were? "If you sign this, you say you agree with it. I'm not saying I agree with anything until they tell me what's wrong with the audit." Councilman Biggs explained that they'll look into the department and look at the practices. The department has done everything they can to move forward and it's supposed to help us not get in that situation again. Councilman Walton said he wasn't going to sign anything taking the responsibility of the problem. Councilman Biggs said they're not placing blame, just trying to help us. Councilman Walton expressed concern that they're still not telling anyone where the problem began. "Somebody should be able to show us where the problem started. If I sign it, I'm telling them I know what happened and I don't."

Mayor Rivers said he talked to the individual from the LGC and she's interested in giving the finance department a "big brother" kind of deal so they have help if they need it. This is a group of retired finance directors. He said he didn't think any of them is going to go back and tell us what went wrong where. The audit firm, their goal is to get us the audit ASAP. The Isley Firm is here to give us the info to get the audit. The letter we'll sign tonight is a resource. They won't look at why the audit was late. They're just there to help us because we have a relatively new finance department. We have not identified an agency to go back and tell us how we got off track, where the money is, where it went. Once we get the audits, we'll be able to go back and see it. Councilman Walton suggested that we should hire someone who can tell us something then because he wants to see what happened. Mayor Rivers said that would be up to the Council to do. What's happening now is just a new implementation. It's not because of delinquencies or inefficiencies. It's being available as an aid across the state. Councilman Walton said if the contract states this Council is going to be responsible going forward, I'll accept it but I won't accept responsibility for the past. I don't mind hiring somebody to find out how it went wrong, but when you sign something, you are held accountable.

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

i. Consideration – Emergency Management Ordinance

Attorney Morgan advised that the existing emergency management ordinance was put in place in the 1980s. This is just a rewriting of the ordinance. There are no additional

expenses to the City. He said that he has reviewed this, and it has been reviewed by the County.

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to move to the item to the regular agenda for consideration. Those voting in favor of the motion were: Spence, Peel and Felton. Committee approved unanimously.

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

Mayor Rivers asked Director Clark if the contract for Old North State came in today. Director Clark said he'd had a brief conversation with their reps but did not meet with them today and did not yet have the contract in hand. He said we'll expect it for the next meeting.

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

Councilman Walton said their committee met the prior week. He requested Director Bell give an update on their discussions. Director Bell said that the requests that Council received this evening in the capital project handout were just some of the general wishes of staff and the costs were somewhat inflated because we haven't gotten all of the estimates. He asked the Council to try to get the Stormwater Advisory Board back up and running, as he felt that was a beneficial board. Councilman Biggs thanked Director Bell and his staff for everything they've been doing with the trash trucks and trying to get the refuse picked up, as he understood the mechanical issues they'd been facing. Director Bell noted that we're trying to get mutual aid assistance now. Mayor Rivers asked Councilman Walton to bring back a report on speed bumps. Councilman Biggs said that's an item that they're currently working on now.

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

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

h. Public Affairs / IT (*Baxter, Peel, Gibbs*)

i. Update on Channel 11 / Spectrum Progress from IT Director

Director Simpson advised that we're in the last phase of the installation of a video encoder. The fiber cable and encoder has been upgraded and we're waiting on that at this time. There's some improvement now, but we're almost at the full, finished solution. Mayor Rivers asked Councilwoman Baxter to think about having a weekly broadcast for the City.

Mayor Rivers praised the Council for the way they were managing their respective committees and thanked them for their hard work.

3. Adjournment:

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 6:48 p.m.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC