City Council Regular Session
April 14, 2025

The City Council of the City of Elizabeth City met in Regular Session on Monday, April 14th, 2025 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
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Reginald Goodson
Chief of Staff Monica Cole
City Attorney Bill Morgan
Electric Superintendent Donnell White
Interim Police Chief James Avens
Assistant Public Utilities Director Raymond Staten
Fire Chief Chris Carver
HR Director Aresta Johnson
Interim Finance Director Brian Lewis
Interim Parks and Recreation Director Stacy Williams
Grants Administrator Jon Hawley
ECDI Director Debbie Malenfant
IT Systems Analyst Pedro Holley II
City Clerk April Onley

Mayor Rivers called the City Council's Regular Session to order at 7:00 p.m. The invocation and Pledge of Allegiance were provided by visitors Ms. Felton and Ms. Ferebee, respectfully.

1. **Agenda Adjustments and Approval:**

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

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

2. **Mayoral Recognition:**

   a. **Proclamation – General Federation Day of Women's Clubs;**

PROCLAMATION
GFWC-NC ELIZABETH CITY WOMEN'S CLUB
FEDERATION DAY ~ APRIL 24, 2025

WHEREAS, the General Federation of Women's Clubs of North Carolina serves as the statewide arm of the national charitable organization, the General Federal of Women's Clubs, which was founded in 1890; and

WHEREAS, the women of the GFWC-NC are dedicated to the improvement of the communities in which they serve. With more than 250 clubs and 8,000 members, this state-wide federation

contributes thousands of hours of volunteer service and more than $1 million to North Carolina each year; and

WHEREAS, the women of the General Federation of Women's Clubs make their mark on the world by "Living the Volunteer Spirit"; they engage in hands-on projects with immediate impacts in their community, support the advancement of education, and encourage civic involvement; and

WHEREAS, the GFWC-NC Elizabeth City Women's Club has been actively serving our community for over 100 years, providing crucial support for cultural, educational, health and other issues of great importance to women, children and families.

NOW, THEREFORE, I, E. Kirk Rivers, Mayor of the City of Elizabeth City do hereby proclaim April 24, 2025 as "**GENERAL FEDERATION OF WOMEN'S CLUBS DAY**" in Elizabeth City, and encourage all our citizens to recognize and honor the countless contributions made to our community by the volunteer members of the GFWC-NC Elizabeth City Women's Club.

PROCLAMED this 14th day of April 2025

_____
E. Kirk Rivers
Mayor

Attest:

_____
April Onley, NCCMC
City Clerk

Mrs. Bobbi White thanked the Council for honoring the group with the annual proclamation. She stated that their local club is small with about 10 members and has been around for 100 years. Recently, they have collected numerous books to provide to the children in ECPPS. They regularly donate to the SPCA. Several women are actively involved in assisting women's shelters. They focus on children often because that is where the future is.

b. Proclamation – North Carolina Lineworker Appreciation Day;

PROCLAMATION
Lineworker Appreciation Day
April 14, 2025

WHEREAS, since 2013, Congress has recognized lineworkers, the profession of lineworkers, and the contributions these brave men and women make to protect public safety, and expressed support for the designation of April 18th as National Lineworker's Appreciation Day; and

WHEREAS, on April 15, 2015, the North Carolina General Assembly ratified House Bill 140, which designates the second Monday in April of each year as Lineworker Appreciation Day in North Carolina; and

WHEREAS, the City Council of Elizabeth City celebrates the profession of electrical lineworkers and wishes to honor its Electric Department personnel for their exemplary service to the City and its citizens; and

WHEREAS, this is a profession that demands passion, dedication and ongoing training; it requires our lineworkers to maintain the lines 24 hours a day, 365 days a year in order to keep the electricity flowing; and

WHEREAS, lineworkers are often first responders during storms, working to repair broken and damaged electrical lines under hazardous conditions in order to make the area safe for other public safety heroes; and

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WHEREAS, lineworkers play a vital role in the lives of our citizens by maintaining and growing our electrical infrastructure; and they risk their lives every day by working with the many dangers of high voltage.

NOW, THEREFORE, I, Mayor E. Kirk Rivers do hereby proclaim Monday, April 14, 2025 as ***"Lineworker Appreciation Day"*** in Elizabeth City and I urge all citizens to remember the selfless work the City's lineworkers do each day to keep our lights on.

PROCLAIMED this the 14th day of April 2025.

_____
E. Kirk Rivers,
Mayor

_____
April Onley, NCCMC
City Clerk

Electric Superintendent Donnell White accepted the proclamation on behalf of his department. Mayor Rivers advised that the City had received national recognition from the APPA for 2024. Only about 250 utilities in the nation received the designation, and just 15 of those awarded were in NC.

c. Recognition – Cleanup Efforts:

i. Green Saves Green

Mayor Rivers presented Green Saves Green representatives with a Mayoral Certificate of Recognition, citing the group's invaluable efforts in beautifying the city. Representatives thanked the City for acknowledging their ongoing efforts. They have a litter sweep committee with Green Saves Green and they have been organizing litter sweeps throughout the community for seven years now. They help with campus cleanups, and work with anyone who wants to work with them to make the community cleaner. Over the years, they have picked up thousands of pounds of litter just through the efforts of volunteers. Although this work is important, that alone will not solve the litter problem. They suggested getting together to talk about other things that can be done to reduce the litter burden in the community. They do have a committee that has brainstormed various solutions and they may have some insights to share, but they need to City to take actions that will make it easier for people to do the right things when it comes to litter and harder to do the wrong things. One simple solution would be more trash and cigarette receptacles placed all over downtown. It needs to be easy for people to find a trash receptacle. In terms of making it harder to do the wrong thing, they would like to see ordinances that say it is your responsibility to keep your property free of litter or else you will be fined. They have many other ideas they would like to discuss to try to start making litter unacceptable.

ii. MACU & ECSU

Mayor Rivers presented the students and faculty of MACU and ECSU (Elizabeth City Morning Rotary Club) with a Mayoral Certificate of Recognition for their work in the cleanup. From College Park all the way to ECSU, there were students and faculty out on the roadsides and in the ditches, cleaning up. Sometimes we forget our volunteers, but he wanted them to know that the Council saw and appreciated every single one of them.

iii. Elizabeth City Chapter of Kappa Alpha Psi

Mayor Rivers explained that this group worked on the "Walmart Trail", which had been covered in litter. The Kappas happened to call one day and asked what they could do in service to the City, as being good community stewards is part of who they are. Once the cleanup was mentioned, they organized a group to clean the trail, which runs all the way from Walmart to Main Street. Mayor Rivers noted that it's easy to miss when you're driving, but once he walked the trail he was shocked by how much trash was on it. The Kappas are members of this community and they take great pride in it. He presented them with a Mayoral Certificate of Recognition for their efforts.

d. Recognition – Fleetwood Spence;

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Mayor Rivers asked Mayor Pro Tem Spence to present this Certificate of Recognition, as he was the one who brought it to his attention. Mayor Pro Tem Spence noted that Mr. Fleetwood Spence does not do these things for the accolades, but when someone takes money out of their own pocket to feed the seniors of Elizabeth City, you have to acknowledge it. Mr. Spence provided hot fish for any senior in Elizabeth City, and this is not the first time he has done this. He does it often for everyone who wants to come out and eat. He never asks for any money in return, but simply does it to be a kind person. Mr. Spence thanked the Council for the recognition. He pointed out that many people came forward tonight, but no one mentioned the seniors in our community. His inspiration was to look out the older members of our community because not enough care is given to them. They are often forgotten, but they are our history. He asked everyone to consider the seniors and try to remember them in everything you do.

3. <u>Comments from the Public:</u>

There were no comments from the public.

4. <u>Public Hearings:</u>

a. Hold a Public Hearing – Proposed Renaming of "Major General Hawthorne L. Proctor at Veterans Park";

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any persons present who wished to comment on the matter. Upon the Clerk's reply that there were numerous speakers, Mayor Rivers asked that they be called forward in the order of sign-in.

Bruce Simons – 102 Village Drive, Elizabeth City, NC – Mr. Simons was present as a representative of the American Legion, the largest service organization in the world. Post 84 is his post and there is a Post 223 locally as well. More than 5,000 veterans live in Pasquotank County and Elizabeth City. They try to recruit them into their posts, and they represent them in Washington whether they are part of the posts or not. State Statute 200-2.1 discourages changing, moving or doing anything with veterans' parks. He felt that renaming the park as the City had in November might be in violation of that statute. Tradition and protocol also dictate that it is not proper to honor someone who is still alive. Senior officers agree with that. He said his number one question was did anyone even ask Major General Proctor if he wanted to be honored while alive. Post 84 asks that the park be named Veterans Park, as it was, in support of the 5,000 veterans who are local and utilize the park regularly.

Michael Rapp – 201 Lane Drive, Elizabeth City, NC – Mr. Rapp advised that he was a 24-year veteran of the Marine Corps and served in many combat zones. He felt this was a very import issue. This park serves as a learning monument for those who come along who need to understand that sacrifices were made in human cost. He may be here now to see his grandchildren, but many others are not. They will never see their children grow up, graduate or get married. Memorial sites hold a great significance in American history; they honor those who made the ultimate sacrifice and educate those who come after them.

Kenneth Purcell – 126 Soundside Drive, Elizabeth City, NC – Mr. Purcell said that when he was 18 years old, he was in combat with many other men who were all fighting the same battle. He lost two friends in combat; one was 19 and the other was 22. He is 53 now and he has lived his life in honor of his lost friends the best he could. All veterans respect each other and work for each other. He felt that this decision was being made under the tones of a demographic issue, and he hoped that was not the case. He did not want to disrespect anyone. Any person who has ever put on a uniform deserves that name. He would not be standing here today without the help of a Black man. He would like the name to remain Veterans Park.

Bill Hiemer – 107 Osprey Cove, Elizabeth City, NC – Veterans Park is a unique piece of Elizabeth City dedicated to all local veterans, past, present and future. The memorial at the park says it is in memory of all veterans who have served from our city, county and local communities. The park does not care for race or rank, only that those who call it theirs took an oath to defend their country and they completed that mission honorably. Some made the ultimate sacrifice. Perhaps you did not know how upsetting this would be to local veterans, but now you do. Please make it unanimous to keep this named Veterans Park.

Daniel Serik – 1433 N. Road Street, Elizabeth City, NC – Mr. Serik echoed an earlier question, asking how Major General Proctor felt about this issue and being placed above the local veterans. On April 7, 2017, Veterans Park was formally opened by dedication after the Council wanted a park to honor our local veterans. It was for all veterans. "Veteran" is a powerful word. We dedicate our lives to the Constitution and to each other. We do not

rededicate. How do you do that without insulting veterans? He did not recall seeing many of the current councilors, if any, at the recent Veterans Day events, yet you will make a decision that effects all the veterans in our community. He urged each member of the Council to place themselves into the shoes of veterans for a moment, respect them and keep the name of the park as Veterans Park.

Robert Snook – 115 Otters Place, South Mills, NC – Veterans Park is not just for the veterans of Elizabeth City; it is for every veteran everywhere, across the country. Mr. Snook said he was present on behalf of Post 66 where he served as the Senior Vice Commander. He had been to many ceremonies at Veterans Park and it is evident that is a park for veterans. He did not believe in personalizing it with a name. Every veteran sacrificed, from the top generals all the way down to the members in boot camp. The consensus from Post 66 is to have the name remain as Veterans Park. He felt that it would be a great disrespect to veterans if a single name were placed on it.

Tony Stimatz – 606 West Main Street, Elizabeth City, NC - Mr. Stimatz said he could not add much more about why it should remain Veterans Park, as he had already spoken at length about it previously. He felt that if any City facility or property should be named after Major General Proctor, the Armory was much more fitting as he was part of the Army. Additionally, the Armory is located in a more easily accessible area of the community. Veterans Park is away, out of sight. He believed the Council would be better suited naming the Armory after Major General Proctor and dedicating it to what he stood for. Quartermasters are important and powerful; they handle logistics. Keeping the park as Veterans Park is important, and naming the Armory after Hawthorne is a better idea. The kids in that community will see that too.

(Clerk's Notation: One written comment for this public hearing was received. The Council's Rules of Procedure only allow written comments to be read into the record during state of emergency protocols when the public would not otherwise be allowed to attend the meeting in person. Written comments are distributed to the Council and recorded in the minutes.)

Jeffrey Troll – 810 Kyler's Way, Elizabeth City, NC – *(via email)* "Good Evening Mayor Rivers and City Council members. My name is Jeff Troll and I live at 810 Kyler's Way, 4th ward, Elizabeth City, NC. The purpose of this letter is to express my strong opposition to the renaming of Veterans Park, and to show my support of the Mayor's decision to change his previous vote.I served in the United States Navy from Sep 1979 to Sep 2005 and retired as a Senior Chief Petty Officer. During my time on active duty, I served on six different ships and went to war three different times: Operations Desert Storm, Enduring freedom and Iraqi Freedom. Additionally, my ships were sent to sea for numerous deterrent and training missions. It was very wrong and disrespectful to myself and the 3,623 veterans that reside here in Elizabeth City to change the name of Veteran's Park back in Nov 2024. I was very pleased to see the Mayor have a change of heart and reverse his vote. It was the right thing to do. Let's leave the name alone and keep it Veteran's Park to honor ALL Veterans, not just one individual. In closing, please find another way to honor Major General Proctor's life, accomplishments and legacy."

Having no other speakers, Mayor Rivers declared the public hearing closed. He asked the Council for their comments, if any.

Mayor Pro Tem Spence noted that he was the person who initially proposed naming the park after Major General Proctor. He had long known about General Proctor because he grew up in his neighborhood. He had respected him throughout his entire life. He advised that he had spoken with him about naming the park after him and he did not have any concerns about it. The National Guard Armory is no longer an armory; it's just a City building now so it is not a good choice to honor Hawthorne Proctor. He shared that he and several of the councilors had spoken at length about this issue. He did not want the stigma of an argumentative Council again, as he had already been through that once. He heard several people say they did not have a problem with something erected on the premises to honor Major General Proctor, and he supported that idea. In that instance, we will not change the name of the park, but we will still honor him. He said that after talking to the other councilors and praying on it, he contacted Parks & Rec and inquired about constructing a wall. On that wall, we could put install placards if other veterans wanted to list their names. Parks & Rec designed a mockup of what that might look like. He noted that he would still prefer that the entire park be named after Major General Proctor, but he understood that there must be a compromise. He requested that Interim Director Williams design the mockup and he was comfortable with having the Major General Hawthorne Proctor Wall installed at the park. The park itself will be named Veterans Park, but the wall will

be named after him. People will be able to buy a placard through Parks & Rec to have their name put up on the wall.

Mayor Pro Tem Spence added that he was not, nor had he ever been a veteran, but he knew about the love and respect he had for Major General Proctor as he saw him do good things in the community every year. He understood that the renaming had been an issue, but he was willing to compromise. If the wall could be installed, then he was okay with the park being named Veterans Park.

Councilman Peel said he had no problem with the compromise suggested by Mayor Pro Tem Spence, and thought that it was a good idea.

> **Motion was made by Councilman Joseph Peel to return the park currently known as "Major General Hawthorne General L. Proctor at Veterans Park" to "Veterans Park". The motion was seconded by Councilwoman Rose Whitehurst.**
>
> **Mayor Pro Tem Spence asked that a friendly amendment be made to the motion to add the detail about the construction of a wall dedicated to Major General Proctor.**

Mayor Rivers asked if that would need to be a separate motion. Attorney Morgan believed such an action would be okay to include as part of the motion; however, since the park was already renamed last November, the Council's needed to first rescind the previous naming action.

> **Motion was made by Councilman Johnson Biggs to rescind the previous renaming action of November 25, 2024 whereupon Veterans Park became Major General Hawthorne L. Proctor at Veterans Park. The motion was seconded by Councilwoman Rose Whitehurst.**

Mayor Pro Tem Spence noted that he would not vote in favor of rescinding his previous November motion because he did stand by that action, but he would vote in favor of changing the name to Veterans Park with the inclusion of the Major General Hawthorne Proctor wall.

> **Those voting in favor of the motion were: Biggs, Peel, Whitehurst and Morris. Against: Gibbs, Spence, Felton and Walton. 4:4 Tie. A roll call vote was requested, the results of which were the same and are recorded as follows:**
> **Biggs: Aye**
> **Peel: Aye**
> **Gibbs: Nay**
> **Whitehurst: Aye**
> **Spence: Nay**
> **Felton: Nay**
> **Morris: Aye**
> **Walton: Nay**
> **Mayor Rivers cast the tie-breaking vote in favor of the motion. Motion carried.**

Attorney Morgan advised that the next motion should be to rename the park "Veterans Park", if only for purposes of cleaning up the record, particularly since there will be direction to include the tribute wall.

> **Motion was made by Councilman Joseph Peel to name the park located at 222 North Water Street as Veterans Park and to install a wall to honor Major General Hawthorne Proctor and others. The motion was seconded by Mayor Pro Tem Kem Spence.**

Councilman Biggs appreciated Mayor Pro Tem Spence considering a compromise and reaching out to him and others to talk. He did not think anyone at the dais was against honoring

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the General; the issue had only been the renaming of the park. His concern with the wall was they were now agreeing to move forward with installing something they have only seen a mockup of on a poster. He was worried that there was no policy in place for the placard sales. He pointed out that he was simply concerned on specifics. He wanted to know size and location, just the logistics related to the wall piece.

Councilman Gibbs felt that everything Councilman Biggs brought up had been discussed. We are nowhere near the point of putting up the actual wall. The discussion now is just about casting an official vote to say that we will install one. This is just a simple motion to come together, get the park back to Veterans Park, and honor the General. He shared that his father was a veteran, and he had family members who were veterans as well. He thought it was the suggestion of Councilman Biggs the first time around to install a tribute wall.

Councilman Biggs explained that he his original suggestion had not been the wall, but a memorial placard like the one that was currently on site for the Medal of Honor winner. Councilman Gibbs continued that all of those concerns had been discussed at length with Interim Director Williams and Manager Goodson. We know that a policy for placard purchases and decisions on size and permits and all of that will be a part of this. This will not just be a blank wall, but something to give an opportunity for other veterans to be acknowledged for their service as well. This vote is just to get it out there to ensure that we plan to do it in a way that will satisfy all the parties involved, especially the veteran community.

Mayor Pro Tem Spence pointed out that when he brings a problem forward, he tries to bring the solution as well. He did have preliminary discussion on size, cost and policy. As proposed, the wall will be about five feet tall, constructed of brick and sit in somewhat of a semi-circle. The price estimate is about $12,000. Parks and Recreation will have to put a policy in place for the purchase of placards. He added that this primary goal was to have the idea approved. When the time comes, if we discover we have to change the dimensions to meet our budget that's fine.

Councilman Walton noted that at present there is only one placard at the park, which cost about $2,300. He thanked the veterans for coming forward tonight. He felt that they presented well without being pushy. He believed that if we could always act in such a manner, it would be a better City.

Councilman Peel pointed out that Parks and Recreation might want to consult with a veterans group on the policy for the placards to help determine what is and is not appropriate.

Mayor Rivers asked if the Council was prepared to vote on the motion on the floor, which was to rename the park as Veterans Park, and have a tribute wall erected in honor Major General Hawthorne Proctor with available placard spaces for other veterans. The criteria and policy for the placards will be worked and return for consideration at a later meeting. The replica, funding source and everything else can come back then as well.

Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

5. **<u>Approval of Minutes:</u>**

   a. **Consideration – Approve March 24, 2025 Work Session Minutes;**

      Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to approve the minutes with any necessary corrections. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

   b. **Consideration – Approve March 24, 2025 Regular Session Minutes;**

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Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve the minutes with any necessary corrections. Those voting in favor of the motions were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

6. <u>Consent Agenda:</u>

Mayor Rivers read the Consent Agenda item into the record, as follows:

a. **Consideration – Authorize Surplus Air Pack Donation to Hertford Fire Department;**

b. **Consideration – Declare 00000 Ludford Road Surplus;**

Resolution # 2025 –4-01
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN #8921 783582 and Map ID: P93-36 and having a physical address of 00000 Ludford Road (Rear); and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of $40,000 received from Mr. Williams Nixon via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN #8921 783582 and Map ID: P93-36, located at 00000 Ludford Road (Rear) is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of $40,000.

ADOPTED, this the 14th day of April 2025.

_____
E. Kirk Rivers
Mayor

_____
April D. Onley
City Clerk, NCCMC

c. **Consideration – Accept PAL Mentoring Grant Award;**

d. **Consideration – Award Bid for Street Resurfacing and Approve Accompanying Budget Amendment** *(Moved to Regular Agenda for Further Discussion)***;**

e. **Consideration – Approve Congregate Site Agreement;**

f. **Consideration – Authorize Tentative Award for Causeway Park;**

g. **Consideration – Authorize Application to Resilient Coastal Communities Program for College Park Renewal Project and CAMA Land Use Plan Update;**

h. **Consideration – Rescinded / Revised Award of Engineering Services for Dawson Canal and Outfall Restoration Project*)*;**

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i. Consideration – Approve Budget Amendment for Legal Services;

AMENDMENT TO FISCAL YEAR 2025 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
10-4700-0401	Micesllaneous Legal Work		$ 55,000.00
10-6600-6000	Contigency	$55,000.00	
	Total	**$55,000.00**	**$ 55,000.00**
	Total Chanage in Expenses	$	-

Section II.

To amend Fiscal Year 2025 Budget Ordinance, the anticipated revenues are to

Account #	Department/Account Title	Decrease	Increase
	Total	**$ -**	**$ -**
	Total Change to Revenues	$	-

ADOPTED, this 14th day of April 2025

E. Kirk Rivers,
Mayor

Attest:

April Onley, NCCMC
City Clerk

Mayor Rivers said he had forgotten to request the removal of Item D – *Consideration – Award Bid for Street Resurfacing and Approve Accompanying Budget Amendment* from the Consent Agenda during Agenda Adjustments, and asked if the Council could allow that to move to the Regular Agenda at this time. He requested the Council's pleasure on the Consent Agenda, minus Item D.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve the Consent Agenda minus Item D. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

7. Regular Agenda:

a. **Consideration – Award Bid for Street Resurfacing and Approve Accompanying Budget Amendment** *(Moved from Consent Agenda to Regular Agenda for Further Discussion***;**

Mayor Rivers advised that he requested this item's removal from the Consent Agenda because he felt that there were additional streets that needed to be included in the list for resurfacing. He asked if the Council would like to wait until the next budget cycle since it's very close. Additionally, he would like to see list of streets with their individual grading scores, as Councilman Gibbs has a street that had an F grade at one point yet it has been passed over for years. Mobilization is often expensive, and waiting to combine two cycles into one could possibly result in many more streets being improved. He felt the Council needed to make the investment in the streets.

Councilman Peel concurred with the Mayor's sentiments. Mayor Rivers noted he did not want to remove any of the streets from the current list. He asked the Council to send any streets they thought should be added to the list over to Director Bell.

Motion was made by Councilman Joseph Peel, seconded by Councilman Javis Gibbs not to approve the existing street resurfacing bid and 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 reiterated that they would add other F-grade streets to the current listing within the next few weeks. Councilman Biggs suggested they discuss it during the budget sessions, as it would be a significant adjustment to the budget.

b. **Presentation – Rent Fun Kayaks *(Angela Welsh, Visit Elizabeth City*)**;

Visit Elizabeth City Director Angela Welsh reported that her organization is considering working with a company that allows for kayak rentals from a kiosk. She is present to ask the City for use of about 100 feet of their park. The TDA will be fully funding the venture, so no monetary contribution from the City is required. The kiosks will hold eight kayaks. The TDA does not have to have insurance for the kayaks. The company they will be working with delivers and installs the kiosk, and there will be a local individual hired to maintain the setup. If the City and County allow the TDA to move forward with the usage of the land, an agreement will be drafted for signatures. She will be speaking with the County during their April 27th meeting, but was asked to come to the City to gather the Council's consensus first.

Mayor Rivers pointed out that the land in question belonged to the City, so if the item were approved, the lease would have to come to the Council. He inquired about the maintenance piece. Director Welsh replied that there would be little maintenance of the area beyond weed-eating if the kiosk is placed into an area with grass; beyond that, nothing else is required.

Mayor Rivers advised that if the Council wished to move forward, the City Attorney would need to review the lease. Councilman Gibbs said that as long as the liability aspect was not concerning, the proposition sounded positive. Councilman Peel felt that the City just needed to make sure the kiosk was being properly maintained, and if not, there was a clear way out of the agreement.

Director Welsh explained that there would ultimately be two separate agreements. Someone local would be hired for maintenance, and Visit Elizabeth City would check in as well, just to ensure there were no paddles or life vests missing.

Mayor Rivers asked what the charges were for rentals. Director Welsh reported that there was a kiosk in Hertford, and that one charged $25 per hour when it was installed. She did not believe that rate would be feasible in Elizabeth City. The company will work with the local areas where the kiosks are placed on how much to charge. They do not require a particular set amount. The TDA will receive half of the funds from the rentals. She pointed out that the TDA is not really interested in the kiosks as a funding source, but tourists are always asking for rentals at the waterfront. As far as rate, right now, they are considering maybe $15 per hour or $25 for two.

Mayor Rivers requested that once the lease is available it is forwarded to the City Attorney to ensure that the City is held harmless and there is enough insurance. Provided he has no qualms, it sounds like a positive venture.

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to approve the proposal contingent on review and approval of the agreement by the City Attorney. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

c. Consideration – Authorize Engagement with Bond Counsel – Womble Bond Dickinson LLP;

Manager Goodson reported that the first time this matter was introduced, he was asked to return to Attorney Jon Mize to request a rate range for the services. He had since done that and was provided with a low range of $40,000 and a high of $50,000.

Mayor Rivers asked the Council if they wished to act now or wait until the next meeting when the auditor was present to make a decision.

Councilman Peel pointed out that it seemed like there was a crunch in the timeline when Attorney Mize was here. There is no question that we cannot just raise rates or taxes to get all of this fixed. He knew there was a specific window for bonds and did not want it to close.

Mayor Rivers said he just wanted the Council to hear the auditor's presentation because she will explain what the City has in terms of borrowing.

Councilman Biggs noted that the contract stipulates that we only get charged if the bond package moves forward and closes. Attorney Morgan confirmed that was correct. Councilman Biggs was not against looking into traditional financing, but felt the bond route should be considered too. Additionally, a financial consultant is money well spent. We need someone to help guide us on what the best return is for the City. There is a lot we're going to look at that we have not entertained. We are not committing to a cost yet. We could not change the budget right now if we wanted to. We need to gather all the information we can.

Councilman Walton interjected that it was imperative to remain consistent.

Councilman Biggs reminded Councilman Walton that he still had the floor. He added that his previous statements were just his position on the matter.

Councilwoman Felton asked if they could have Manager Goodson check into the deadline for them. Manager Goodson advised that Councilman Peel was correct about the tight deadline. The first action was coming in May. He also recommended that this Council hire a financial consultant. He shared that Attorney Mize provided three names for financial consultants and he spoke with each of them, settling on one in Camden. That consultant will give a presentation to the Council during the next Work Session. Things are moving forward and we are following the right path at this time.

Councilman Walton said he was just making a statement about the importance of being consistent. All principles should fall in line so you don't find yourself on the wrong path doing something different. He pointed out that Susan Tezai is coming in and should not be overlooked. She has a lot of knowledge. He felt that the Council should wait to make a decision until after the audit presentation.

Motion was made by Councilman Johnson Biggs to proceed with engaging Womble Bond Dickinson LLP as the City's bond counsel subject to Manager Goodson confirming that a budget amendment was not required. The motion was seconded by Mayor Pro Tem Kem Spence. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

d. Consideration / Discussion – Appointments to Joint Redevelopment Commission *(By Motion and Roll Call Vote)***;**

Mayor Rivers said this was the Commission that had been discussed during the Joint City-County meeting. The City was allotted three appointments and he had decided on Manager Goodson, Councilman Morris and incoming Development Service Director Kellen Long. They would only be appointing Manager Goodson and Councilman Morris tonight, as Director Long would need to be appointed after she formally returned to City employment on April 21st.

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to appoint Manager Reginald Goodson and Councilman Ronnie Morris to three-year terms on the Joint Redevelopment Commission. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

8. <u>Closed Session – As Allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney</u>;

Motion was made by Councilman Joseph Peel, seconded by Councilman Johnson Biggs at 8:46 p.m. to enter Closed Session as allowed by NCGS 143-318.11(a)(3) for Consultation with City Attorney. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Mayor Rivers announced there would be a five-minute recess to clear Chambers.

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The Council returned from Closed Session at 9:19 p.m.

9. <u>Adjournment:</u>

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 9:19 p.m.

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E. Kirk Rivers
Mayor

_____
April Onley, NCCMC
City Clerk