

**City Council Regular Session  
April 24, 2023**

The City Council of the City of Elizabeth City met in regular session on Monday, April 24, 2023 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor E. Kirk Rivers  
Mayor Pro Tem Kem Spence  
Councilman Johnson Biggs  
Councilman Joe Peel  
Councilwoman Rose Whitehurst  
Councilman Jarvis Gibbs  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman  
City Attorney Bill Morgan  
Electric Department Donnell White  
Interim Chief of Police J. Phillip Webster  
Deputy Chief of Police James Avens  
Human Resources Director Montique McClary  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
Finance Director Alicia Steward  
Assistant Finance Director Brian Lewis  
Interim Community Development Director, Reggie Goodson  
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 recognized Mayor Pro Tem Spence to provide the invocation, after which Councilman Walton led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

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

**2. Proclamations:**

**a. Maternal Mental Health Awareness Month;**

Mayor Rivers presented Erin Crites with a proclamation. Ms. Crites thanked the Mayor for making maternal mental health awareness a prominent issue for the City. She noted that there are less than 15% of women who will get diagnosed and get treatment. Downtown Elizabeth City will be partaking in a scavenger hunt during the month of May for moms to help maintain awareness. She advised that she is the local coordinator and survived postpartum anxiety herself.

**PROCLAMATION**  
**Maternal Health Awareness Month**  
**May 2023**

**WHEREAS**, Maternal Mental Health Awareness Month is observed during the month of May as a way to raise awareness of this often overlooked, yet extremely important issue; and

**WHEREAS**, there are many changes that happen during and after pregnancy, and they are not just physical; each year, about one in five women in the United States is affected by a mental health condition during pregnancy or in the first year after having a baby; and

**WHEREAS**, according to the American College of Obstetrics and Gynecology, postpartum depression is the most common yet most underdiagnosed obstetrical complication in the country; research suggests up to 20% of the approximately four million US women who give birth each year will be affected by a mental health disorder, including depression, bipolar disorder, anxiety and psychosis, which occur during pregnancy and up to one year postpartum; only about 15% of the women who are suffering will get the help they need; and

**WHEREAS**, there is treatment available including medicine, counseling and support, and with awareness and recognition from the medical community and new mothers experiencing mental challenges, together they can work to ensure both mother and baby receive the best care, as mental health affects all aspects of a family's health and well-being; and

**WHEREAS**, we are extremely fortunate to have world class medical treatment and facilities including these dedicated to mental health and are thankful for the work being done to improve the availability and access to effective treatment, prevention and support services in the field of maternal mental health.

**NOW THEREFORE**, I, E. Kirk Rivers, Mayor of Elizabeth City, do hereby proclaim the May 2023 as Maternal Mental Health Awareness Month in Elizabeth City and encourage our residents to learn more about the prevention, care and treatment of this condition.

**IN WITNESS WHEREOF**, I have hereunto set my hand and have caused the Seal of the City of Elizabeth City to be affixed this 24<sup>th</sup> day of April 2023.

\_\_\_\_\_  
E. Kirk Rivers  
Mayor

\_\_\_\_\_  
April D. Onley, NCCMC  
City Clerk

**3. Public Comments:**

**Jesse Stallings – 110 South Ashe Street, Elizabeth City, NC** - Mr. Stallings said he attended the most recent public meeting at Pete Hooker Park and heard little to no opposition regarding the speed bumps, and it appears that the public is in favor of the aggressive bumps that are in place currently. He said he was present tonight to ask that the Council look into engineered solutions such as the humps behind Sonic in Enfield Park. He felt that everyone's goals could be met.

Mayor Rivers noted that the Clerk had advised of three emailed comments, but they were not going to read those into the record, as they were now out of COVID protocols and were requiring commenters to speak in person. However, he noted that those would be distributed to the Council via email.

**4. Public Hearings:**

- a. **Hold a Public Hearing - CASE NO: RZ-03-23 as filed by Jason Mizelle with the Timmons Group on behalf of West Bank Development for property located between Oak Stump Road and Timber Trail;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers.

**Jason Mizelle (Timmons Group) 1805 West City Drive, Elizabeth City** – Mr. Mizelle thanked the Council for hearing this item on their agenda. The property in question was formerly owned by the Boys and Girls Club, which has now been sold to a developer. It was originally supposed to be Phase 2 of Morington. The pond and related infrastructure was part of Phase 1. Any new development will require new plans. In looking at what homes can be marketed in a median income, the developer is looking at rezoning. It's the same amount of infrastructure and there's very little impact, if any to the city's current infrastructure. The goal is to get into a more affordable home price. The proximity to NHS is also appealing to the developer. Public comments during the planning board were more concerned with areas handled by DOT. They have advised staff to seek additional input from DOT in that regard. He noted that developer is also here if they have more questions about the development.

Having no additional speakers, Mayor Rivers closed the hearing and asked the Council for their comments.

Councilwoman Felton said she'd had several of the residents from the area of Ranch Drive contact her with concerns about the possibilities of the homes being built there. The primary concern was improper drainage and flooding, amongst other things. She said she'd had at least eight or nine people call her and tell her they did not want this to happen due to flooding. Councilwoman Whitehurst asked what the additional housing numbers were? Mayor Rivers said right now, we're just concerned with going from R-15 to R-10, nothing else.

Mr. Mizelle explained that the difference between the two zonings were changes in the lot sizes and the number of lots would go from nine to 14. The pond has already been designed to both city and state standards. From a stormwater standpoint, the runoff will not be any more than what's already there. There will not be an increase over what's already been approved. Ranch Drive is a DOT-maintained road. The outfall does outfall into DOT drainage, which is how it was designed and approved by the City. Changing from R15 to R-10 is not going to be a bigger impact on stormwater because they have to work under the same permit.

Councilman Walton asked what type of homes are presently in the area? Mr. Mizelle said they are single-family homes, likely two-story homes with a smaller footprint, trying to meet a median income. They are trying to keep within what's already in Phase 1 and further down the development. He noted this was heard at two separate planning board meetings and approved. Mayor Pro Tem Spence said he'd received a lot of calls as it was in his ward. He would like to table it until some of these people who were calling them could have time to come to Council and speak because the people he spoke with had concerns about not just the flooding but adding homes. With the concerns that they have, he felt it was fair to let them speak to the full Council.

**Motion was made by Mayor Pro Tem Kem Spence to table the discussion until the next meeting's regular session, May 8, 2023. The motion was seconded by Councilman Johnnie Walton.**

Mayor Rivers noted that tabling an item has no discussion, but asked if they'd yield so Councilman Peel could ask a question. Mayor Pro Tem Spence said that would be fine.

Councilman Peel asked how much they expected these homes to cost? Mr. Mizelle said the price point planned is between \$250,000 and \$275,000. With the current R-15, they can get nine lots through with the same amount of water line and infrastructure costs as it would be for the 14. Councilman Biggs said he knew we had a similar rezoning not too long ago and he'd received some calls about that one. Did staff generally receive calls in that area? Director Bell said he had not received calls, but Manager Freeman noted that we would not generally receive calls and would likely direct it over to DOT because it was their area.

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

**b. Hold a Public Hearing - Closeout of the CDGB-CV (CVCC) Award;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. Having none, Mayor Rivers closed the hearing. Grants Administrator Jon Hawley advised that there was a piece he'd need to read into the record for this item before the Council voted that would be adopted as draft minutes.

Mr. Hawley said the award was for the Coronavirus Care Collaborative, and the grant award number is 20-V-3513. He continued that the purpose of the public hearing was to obtain citizens' views and answer any questions they may pose. The public hearing must also cover the City of Elizabeth City's community development needs, and the development, performance, and final expenditures of the grant-funded activities, before the submission of the City's CDBG-CV closeout documentation to the state of the North Carolina.

Mr. Hawley said the purpose of the CDBG-CV Program is to help a non-entitlement community, meaning an incorporated municipality under 50,000 or a county under 200,000 in population, to prepare, prevent, or respond to the health and economic impacts of the Coronavirus Disease 2019 (COVID-19). The North Carolina Department of Commerce, Rural Economic Development Division, is administering these funds, and the division made available approximately \$27.5 million in grant funding. Applications were accepted starting September 1, 2020, on a first-come, first-served basis. The maximum grant award was \$900,000.

The CDBG-CV Program established the following funding priorities, classified by eligible activity types:

- **Public Service:** The priority in this category is subsistence payments to prevent evictions and utility disconnections. Food distribution, testing and diagnosis, and employment training for health care workers on the frontlines are also prioritized.
- **Public Facilities:** The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. This category also includes building rehabilitation or improvements to support activities such as repurposing buildings into patient treatment centers.
- **Economic Development:** The priority in this category is to provide financial assistance to businesses with 100 or fewer employees, including microenterprises with five or fewer employees. The focus is to support businesses that manufacture medical supplies, and to help small businesses impacted by COVID-19 create and retain jobs.

Mr. Hawley said the City of Elizabeth City sought CDBG-CV funds not to exceed \$765,000 for the Coronavirus Care Collaborative, or CVCC, in partnership with the Albemarle Area United Way, a 501(c)3 nonprofit organization that serves northeastern North Carolina, including Pasquotank County. The City and the AAUW proposed to serve approximately 400 qualifying low- to moderate-income households within Pasquotank County, and \$720,000 of our request was to provide a Public Service through housing and utility payment assistance of up to \$1,800 per household. He also said the request also included an allocation of \$45,000 for reimbursement of documented subrecipient administrative expenses.

Mr. Hawley said NC Commerce awarded funding on December 17, 2020. The CVCC began providing assistance on May 4, 2021, following the formal release of grant funds, and following the execution of a subrecipient agreement between the City and the Albemarle Area United Way on March 8, 2021. This agreement provided for the AAUW's performance of applicant intake and other administrative functions and compliance with all terms and conditions of CDBG-CV funding. Assistance was provided to LMI households as proposed in the City's original application, with the following exceptions:

- The City requested a Project Revision to raise the assistance cap per household from \$1,800 to \$5,000, and to revise the projected number of households assisted from 400 to 360. NC Commerce approved this Project Revision on October 15, 2021.
- The City requested Project Revisions to modify CVCC eligibility criteria to remove a requirement that applicants directly demonstrate COVID-19 impacts, and to add the River City Community Development Corporation as a program subrecipient; River City executed a subrecipient agreement with the City on September 27, 2022. NC Commerce approved these Project Revisions on October 24, 2022.

Mr. Hawley said the City also submitted a project amendment to NC Commerce in October of 2022 that proposed to reallocate grant funds for food distribution through the Food Bank of the Albemarle, but this amendment was not approved, resulting in no program change.

Mr. Hawley reported that the final grant expenditures for our project are \$763,248.11. Of this amount, \$720,000, or the full grant allocation, was expended for Public Service activities. For administration, \$43,248.11 was expended for documented administrative expenses of the

subrecipients, with \$1,751.89 unencumbered. He added the City anticipates and accepts that NC Commerce will retain any unclaimed grant funds.

Mr. Hawley continued that the City further reports that all payment requests from subrecipients have been fully paid, and the City has submitted its final reimbursement request to NC Commerce.

Mr. Hawley said that, as stated earlier, the initially proposed scope of work for the CVCC called for 400 LMI households to receive housing and utility assistance; this number was revised to 360. He reported that 389 LMI households received assistance, and a total of 100 percent of CDBG-CV funding was used to benefit LMI households.

Mr. Hawley said that, through this closeout public hearing, the City of Elizabeth City also confirms its compliance with federal and state regulations applicable to the CDBG-CV Program and its project activities. The City further confirms that no persons were displaced or required relocation assistance as a result of our CDBG-CV-funded activities, he added.

Mr. Hawley said that, in the past, the City has applied for and received funding for the following completed CDBG projects:

- 2012 Pearl and North Road Street water and sewer improvements
- 2014 Elizabeth City Middle School Renovations
- 2015 Road Street water and sewer improvements
- 2018 and 2019, Raw Water Transmission Main Replacement Project, Phases IIA and IIB

Mr. Hawley said the City will submit its closeout documentation to NC Commerce within one week of the public hearing, and that project documentation will be maintained for review during normal business hours at 302 E. Colonial Ave., Elizabeth City. He said additional information is available from the Grants Administrator in the Finance Department office, reachable at 302 East Colonial Avenue, or by phone or email at 252-621-7352 and [jhawley@elizabethcitync.gov](mailto:jhawley@elizabethcitync.gov), respectively. He said that, should anyone have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by May 8, 2023, and a written response to the written complaints and/or grievances will be sent by the City within 10 business days, where practicable.

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

## **5. Approval of Minutes:**

### **a. Consideration – Approve April 10, 2023 Regular Session Minutes;**

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

### **b. Consideration – Approve April 17, 2023 Budget Work Session Minutes;**

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

### **c. Consideration – Approve April 18, 2023 Special Meeting Minutes;**

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

## **6. Consent Agenda:**

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

### **a. Consideration – Surplus Vehicles for Public Works;**

- b. Consideration – Authorize Application for Lead Service Line Replacement Funding;**
- c. Consideration – Approve Renewal of Interlocal Agreement for Animal Control Services;**
- d. Consideration - Approve Renewal of Interlocal Agreement for Emergency Management Coordination Services and Central Communications;**

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

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

#### **7. Regular Agenda:**

##### **a. Any Item Pulled from the Consent Agenda;**

There were no items pulled from the Consent Agenda.

##### **b. Presentation / Update - WithersRavenel;**

Director Bell introduced Kem Orie from WithersRavenel. Mayor Rivers noted this was where the Council formerly allocated \$709,000 for the Find and Fix It. Mr. Orie advised that what the Council authorized them to do was evaluate a lot of our sewer lines. Part of what that entailed televising the lines amongst other things. The crew used a field map, which told them where things were. They assumed part of the pipes would require heavy cleaning. Light cleaning is just running a jetter through the pipe, cleaning out cobwebs and the like primarily. What they're seeing with our lines is extreme amounts of sand. They quickly noticed they were not going to be able to avoid this and knew it was going to impact the project. They looked into whether or not the lines needed to be cleaned this heavily and whether there may be some alternatives. He provided the Council with a video of the pipes being cleaned. The sewer dune buggy was unable to move through the pipes at multiple points because they were so clogged with sand. He felt that our storm sewers were likely the same way. If it's this bad in the sanitary sewer where sand is not supposed to be, it's likely much worse where sand is expected to be. Some of the defects they've seen after cleaning are large amounts of grease because the water is getting so high. They've also found some of the mapping has not been perfect, but they are correcting it as they're out in the field. The Council has about \$55,000 to \$60,000 in budget every year because we are required to do 10% of the cleaning each year. We must clean 52,000 feet a year. What they are requesting and why Director Bell asked them to come forward is to redirect those funds for the 10% toward this project because it does meet the requirements.

Councilman Gibbs said basically we'd let them clean it instead of us? Mr. Orie that said was correct. They just wanted to make them aware of it. Manager Freeman noted he didn't have the authority to make the decision so that's why it was in front of the Council. Councilwoman Whitehurst asked if we'd been doing the 10%? Mr. Orie said we had, as it was mandated. We had clay pipes, which were put in originally and most of them are in sound structural position. Organic material was used as pipe gaskets, however, which decays so now they are offset just enough that everything can get in when the water table goes up. When they go back and do the flow monitoring and the smoke testing, they'll be able to better tell how bad it is, and we should get a lot of capacity back at our water treatment plant at the end of this. When we think about the main pump station, that's going to be a big expenditure someday, so the more we can do preventative maintenance on that, that's very positive. Councilman Biggs said we've modified our scope to hopefully avoid going over budget. So this \$55,000 would just be additional cleaning above and beyond? Mr. Orie said that would be correct. The \$55,000 is also a worst case scenario. Councilman Biggs asked if he could talk about the capacity at the main lift station. What's the amount that he believes we may see in return at the main lift? Mr.

Orie cautioned that he'd be guessing right now, but he felt in water, we'd see a 20% to 30% reduction. Councilman Biggs asked if we knew what the capacity was now? Director Bell said that wasn't one of our main problem areas but he could find out. Mr. Orie said he was happy to provide that information as a follow up for the Council. Mayor Rivers asked if the \$55,000 would just get the sand out of this particular area? Director Bell confirmed that was correct. He noted that each year we asked for this money in the budget anyway, so his thoughts were with them here doing the cleaning anyway, we can just use it like that. The next basin that was identified was Charles Street, which he felt we could do with AIA money. He felt that we would be fine as long as we continued to put the same amount in the budget each year. He said when they clean it, we're trying to find what we need to fix so we're not in this position over and over again. Once it's fixed, we should be fine and we can move on to the next section. Manager Freeman said we have \$52,000 in the budget right now so we'd need to do a budget amendment if we went up to \$55,000 but that was worst case. Councilman Biggs asked if we had spent the money in this fiscal year? Director Bell said we had, in December. Councilman Biggs asked if we needed this money before July 1<sup>st</sup>? Mr. Orie said they could work the contract and they could wait until the new fiscal year. He noted that by the time they wrap up, they'll be into the "new" 10%, so it will check that particular box. Councilman Biggs said he was in favor of this and appreciated WithersRavenel being willing to work with us and our budget constraints. Mr. Orie said the contract was with KRG, and they don't need a signed contract right now. They can make it very easy. Mayor Rivers suggested the Council just give a consensus to show they're behind the project and will include it with their budget. Councilman Peel said he felt to be fair to Mr. Orie, they should to do an official motion. Councilman Biggs said we could do it during the next meeting to give staff time to get a budget amendment together. The general consensus of the Council was to approve this item and vote in favor of a budget amendment when one was brought forward.

### **c. Presentation / Update – Storm Water;**

Mr. Hawley advised that there were serious and persistent flooding challenges in the City, which were concerns for residents. The Flora Street project is funded by \$200,000 of state appropriation and the Dawson-Hunter Street project is funded by two \$100,000 grants. Both are meant to do intensive analysis of the areas and develop alternatives to make sure we're pursuing the best possible solutions for the areas.

Director Bell said when he got here, there were a few residents concerned about Flora and he'd gotten with Mr. Hawley to see if there were grants available to start mitigating the residents' concerns. All of the streets in the area flood terribly. There are several people who live off of Southern Avenue whose backyards have flooded so badly they are trying to build their own bulkheads. Dr. Alex Nice from Aecom was present to discuss the Flora-Riverside Stormwater study. The scope of work involves field investigations, wetlands delineations and geotechnical investigations, all of which have been completed. There's also an alternatives assessment to work with the city to move forward with the desired solution. There is a public meeting scheduled for April 26<sup>th</sup> at 6:00 p.m. at the Senior Center where they hope to gather input from the public before selecting a design alternative and preparing construction documents. This project is being funded by an NCDEQ grant for \$200,000. The existing condition is flooding at the intersection of Flora and Riverside. The river water comes up through the grates in the street. There is flooding during both sunny day conditions and rainy day conditions. The focus is on reducing flooding on sunny day conditions, but they also want to reduce flooding during rainy days. The potential conceptual design will be to raise the crown of Flora Street to the crown of Riverside to reduce flooding. The design includes gates that reduce backflow during high tide events. The river levels were flooding the streets approximately 38% of the time. Raising the crown of the road will raise the road above the 95<sup>th</sup> percentile area. Flooding due to higher tides will not be completely eliminated, but it will be greatly reduced. The depth of water in the road will be lowered during a storm event and the maximum water surface will be lowered from 3 to 2.3 feet. The next steps for the project include the upcoming public meeting where they will present some of this information, develop 50% construction documents, prepare and submit permit applications, development and then prepare 100% construction documents. Manager Freeman asked what's the estimated amount of time before putting out an RFP? Dr. Nice said potentially next year, but that's probably a worst case. They have met with the permitting agencies to get a feel for what's required and they want to see more

information before firming anything up. Councilman Biggs clarified this was being covered by grant funding, correct? Manager Freeman said that was correct, \$200,000 worth of grant funding. Councilman Biggs asked if we thought \$200,000 would cover the project? Director Bell said we had to put it out to bid, but the \$200,000 would cover this part for sure. We may be able to get another grant. Councilman Biggs asked if we notified the direct property owners about the upcoming meeting? Director Bell said they are going to contact the property owners after tonight's meeting. Councilman Biggs said he knew we came up with things and then the public looked at it and said "well, what about this or that?" so he wanted to make sure we had as much input as possible. Councilman Peel said there was a vacant lot on Riverside and Flora and the federal government came in and bought it and the stipulation was something like they could never build a house on it again because the flooding was so bad. Was that something that could be reversed if we fixed something like this? Dr. Nice said he was aware of the lot, and there was one owned by the city, but he wasn't sure if there was a reversal. The primary focus was on the day-to-day, trying to get the sunny day conditions better and dealing with stormwater as best as we can. Councilman Biggs asked if we already had stormwater easement going across there? Director Bell said he hadn't seen it but he felt like we should have one. Councilman Biggs said he felt the property owners would be willing to work with us.

Dr. Nice advised he also wanted to briefly mention the Dawson-Hunter study, which was a second project and funded by \$100,000 Golden Leaf grant and \$100,000 NCDEQ grant. The project includes identification and prioritization of up to 10 projects in the flood area, including probable costs. A questionnaire was mailed and is also online for the public and there will be a public forum on April 26<sup>th</sup>. They have received a few responses to the form and hope to have more during the public meeting. There were issues known prior to the study, including substantial flooding on Dawson and Hunter. There's been flooding on the pipeline corridor, including Tuscarora and Bartlett Avenues. There may be an orphan system, which means that it is not connected downstream.

#### **d. Update – Report from West Church Street Meeting / Traffic Calming;**

Interim Chief Webster reminded the Council that the results of the West Church Street traffic study had been presented on April 10<sup>th</sup>, at which time the Council directed staff to move forward with a community meeting. Police officers walked West Church Street to alert residents of the impending meeting. On April 19<sup>th</sup>, staff, Councilors, and community members met at Pete Hooker Park for the meeting. Twenty-three community members came to the meeting. The general consensus of those living in the West Church Street area voiced concerns about traffic and wanted traffic calming measures. There were also concerns about spillover traffic due to traffic treatments. He said staff recommends moving forward with speed humps or speed lumps. They also recommend the installation of signage and striping as deemed appropriate as Public Works. The project will be reevaluated in six months.

#### **Motion was made by Councilman Javis Gibbs to move forward with implementing traffic calming devices in the area of West Church Street, seconded by Mayor Pro Tem Kem Spence.**

Councilman Peel said he couldn't support putting any more speed humps down because he felt we were solving one problem and creating another. He was all for calming devices but did not think what we have put down is what needed to be there. We are having to slow down to five or eight miles an hour and you should not have to do that. Everyone agrees that traffic needs to be slowed but I don't think this is the right way to do it. He noted that Chief Webster mentioned speed lumps, which do the same thing we're trying to accomplish it in a gentler way, and he felt we should be willing to spend the money to put the right things down.

Councilman Gibbs said he'd gotten those calls about the types too and this has come to us because of concerns. These complaints come from the neighborhoods and citizens. The general consensus is the type of appliance. The policy says that bumps are three inches and we're putting down 2 ¾ inches, but we have to utilize what we have. He said he agreed at looking into exploring other options. He noted that we've done everything in accordance with policy and the residents are asking for relief.

Mayor Pro Tem Spence said when the original bumps were put down, they were supposed to be temporary; however, once we found they were working, we asked about permanent ones. Director Bell went and got estimates and the numbers were crazy. The previous Council voted not to go with the permanent ones at that time. There were 75 or 80 people who came to the meeting at that time who complained and wanted speed bumps. None of the ones who complain now live on those streets. I'm not against changing or looking at a different type but I will not be in favor of taking them up before we vote on a different type. This Council voted on a policy. We ordered traffic calming equipment to do a study. We're going by the policy. The reason why we're still using the speed bumps is because they're still in stock, they were already paid for. Until the Council votes for a different style, I won't vote on taking these up. The ones behind Sonic, you can't even tell anyone is slowing down. They don't do anything. I agree with Councilman Gibbs. We did the study and we need to put down what we have. If the Council goes back and votes on spending the money on something else, I'll vote for that, but in the policy, the community has to agree to pull these up now. If we can find something similar or that works, I'm in favor, but until then, they have to go down and they have to stay.

Councilwoman Felton said she'd attended all the meetings at the park and those who wanted to traffic calming measures were people who actually lived on the street. They were concerned about their children, grandchildren, etc. Since we have followed the policy, we need to follow through and give these people relief and give them what they've asked for.

Councilman Biggs said he was not in favor of taking them up. He said he felt we did need to replace what was down with something better or more suitable. He'd received a ton of calls since this had come back up and only a few, maybe two or three said they wanted the bumps up. No one wants them up from what he's hearing, they just want something different than what's there. That's just human nature. We could bring five types and people get them and then they'll form a new opinion. I don't disagree, we followed the policy and I'm glad we have the equipment to implement the policy and meet the needs of the community. I just don't like what's down. There's no reason you should have to slow down that low of a speed to go over these on a more main thoroughfare. He said he understood on Pritchard Street because we weren't necessary trying to deter speed so much as reduce volume. People do use Main and Church to go from one side of town to the other, whether or not that's what they were designed for. He asked Director Bell if we had more speed bumps in stock. Director Bell said that we did; he said for the original locations, we'd purchased 18. They found a flaw in those, and they were sent replacements, so we have a few in stock. He felt we probably had eight or 10 remaining.

Mayor Pro Tem Spence said Director Bell took the speed bumps out for review by the public and the Council and then more were approved. They were brought into the meeting – every Council member saw them and only one didn't really like them. The asphalt was extremely expensive. Director Bell said the smaller size was \$4,500 for the replaceable, individual bumps for the rubber ones and the larger ones were \$6,500 or so. He didn't remember the asphalt prices but they were worse. Councilman Biggs said he did think the bumps that were down worked in certain applications, just not on Church and Main. If we got a request to investigate on certain interior roads, they might be appropriate. He understood the budget constraints and we might need to look at putting something in the budget because it seemed like every meeting there's a new issue as far as this is concerned. He said they just needed to take a hard look at what they were putting down.

Councilwoman Whitehurst said she didn't think they should take them up either, but these are not recommended for a road so she felt like we are setting ourselves up to have to deal with this down the road. The picture of what's behind Sonic is what's in our policy. Our own policy says this is only recommended for parking lots and private driveways. We will be violating our policies if we continue to put these down. She said based on all the conversations she'd had, they just wanted them to use the right type of things.

Chief Webster showed photos from the policy. A speed bump is a raised area with a height of three to six inches. Mayor Rivers asked how high ours were. Director Bell said 2 ¼. Chief Webster continued that speed humps shall not be used on primary access routes, and should address vehicles speed and cut-through traffic. Mayor Rivers asked if what we're putting down meets what our policy says? Chief Webster says he felt based on the photo it was a little wider. He said they shall not be used on primary access routes, and he did not think of Church or

Main as primary access routes. Speed lumps have the gaps inside of them for emergency vehicles access.

Councilwoman Baxter said she felt this conversation was getting outrageous. Her suggestion was that if this was such an issue to these individuals, they should come to the meetings and justify why it is that they want or do not want the bumps. She said they're going to have to order a lot of bumps because everybody is now going to want something down on their road. We have bigger fish to fry. Director Bell said he asked originally to have engineers do the policy instead of staff because he wanted a real plan in place so we could have other alternatives, but he said he would do whatever the Council wanted.

Mayor Pro Tem Spence said he was tired of it too. He reiterated that no one on these streets is complaining and it's all people on other streets. He felt we should put these down. He wanted Director Bell to look into another type of speed hump/bump and bring it back to the Council and then they can vote on whether they want to spend that money to change things to the permanent one. Church and Main are not primary streets so we are within policy, so put these down. Come back to us with something else so we can vote on it. Director Bell asked if there was a specific type they'd like to see? Mayor Pro Tem Spence said the one at Enfield didn't slow you down, so something other than that. Mayor Rivers asked are you trying to slow people down or break the flow of traffic? The ones on Church Street will slow you down. If you don't want them to hit 50 mph, that's what we're doing. If you want them to stop, you have to go with what you have. If you want them to just slow down, you'll go with something else. If everybody's tired, we put a policy in place and we can follow our own policy.

Councilman Walton said whatever the policy was, just match the picture with the policy and that was really all we could do. The picture throws things into another policy. Just get that lined up. Director Bell said he thought the picture looked like what we had down, it was just a different

**Councilman Walton called for the question, seconded by Mayor Pro Tem Spence.**

Mayor Rivers noted that there was no vote or further discussion on calling for the question, so he redirected the Council's attention to the motion of approving the speed bumps/

**Those voting in favor installing the traffic calming devices were: Walton, Felton, Spence, Gibbs. Against: Baxter, Biggs, Peel and Whitehurst. The result was a 4:4 tie. Mayor Rivers broke the tie in favor of the motion. Motion carried.**

Chief Webster said he was asked during the meeting if the City made money off traffic citations and he said that we did not, but he has since found that we make \$5 off each citation, so he wanted to set the record straight. Mayor Rivers asked if we've been receiving these funds? Manager Freeman said that we haven't been writing them, so we haven't been receiving anything.

**e. Update –Rural Water Study Costs;**

Director Bell said he'd followed up with Rural Water and they were willing to work with us, but it would likely be September or October and would be a cost of \$14,000.

**f. Consideration - Appointment to Board of Zoning Adjustment (By Motion and Roll Call Vote);**

**Motion was made to table this item until the next meeting 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.**

**g. Consideration – Appointment to the Joint Animal Control Board (By Motion and Roll Call Vote);**

**Motion was made to appoint Tina Craddock to the Joint Animal Control Board by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton,**

**Baxter and Walton. Against: None. A roll call vote followed, which yielded the same results. Motion carried.**

**8. Closed Session – As Allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney:**

**Motion to enter closed session as allowed by NCGS 143-318-11(a)(3) was made by Councilman Johnnie Walton, seconded by Councilwoman Katherine Felton at 9:04 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

The Council returned to open session at 9:53 p.m.

Councilwoman Felton said they'd met with the Police Chief today and very interesting things came out of it. She'd asked about the many shooting going on in Elizabeth City. She wanted to know if people knew it was against the law to shoot inside of City limits. She was told that people did know, because when the police arrived, they always ran. She was concerned that a lot of police calls went into communities where shots fired calls were happening. She knew we couldn't do a policy on the local level, but there was maybe something we do at a higher level that made shooting firearms a felony. It's like pulling a fire alarm where there's no fire. When there are shots fired and no emergency, it makes police run when there's no issue. She said if it was something the Council supported, we could let Steinburg know that we supported moving it to a Class F felony. Mayor Rivers said he thought that was a good idea. Would direction be to talk with Steinburg? Councilman Biggs said he was trying to have him at the next meeting so we can have this discussion at that time maybe. Councilman Peel said it's already a bill, we just need to support it. Councilman Biggs asked if we can get the information so then we can get it in front of Steinburg. Mayor Rivers said we can take a vote during the next meeting to show our support and give it to Steinburg. Councilman Walton asked if it was county or city? Councilwoman Felton said it was statewide. Councilman Walton opined that may be hard. Mayor Pro Tem Spence said he felt it may not be hard anymore with all of the shootings going on.

**9. Adjournment:**

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 10:00 p.m.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

