

**City Council Regular Session  
August 22, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, August 22, 2022 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  
Councilman Jarvis Gibbs  
Councilwoman Rose Whitehurst  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Montique McClary  
City Attorney Bill Morgan  
Interim Electric Department Bob Vannoy  
Interim Chief of Police J. Phillip Webster  
Deputy Chief of Police James Avens  
Interim Human Resources Director Monica Cole  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
Public Utilities Director Dwan Bell  
Assistant Public Utilities Director Ryan Howell  
Parks and Recreation Director Sean Clark  
Parks and Recreation Superintendent Darris Sawyer  
Community Development Director Kellen Long  
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 Reverend Felton to provide the invocation, after which Councilwoman Whitehurst led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

Mayor Rivers requested the Council add 5(G) for Recognition of Chief of Police and 5(H) as Mayoral Announcements. It was requested that item 8(A) be moved from the Consent Agenda to the Regular Agenda. Additionally, a Closed Session for NCGS 143-318-11(a)(4) Business Expansion and Discussion of Personnel for NCGS (a)(6) was added. The Fire Radio Purchase was added to the Consent Agenda, becoming item 8(H).

**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. Mayoral Recognition:**

**a. Elizabeth City Fire Department**

Mayor Rivers explained that there was an incident at Emerald Lakes a few weeks ago and we are extremely proud of the work our firefighters performed during such a tragic event. Chief Carver said that on the evening of August 9<sup>th</sup>, the Fire Department was dispatched to Emerald Lakes. C-Shift arrived on scene and set up a command system and set up for the fire and had

a successful outcome. Although there was property loss, there was no loss of life. On arrival, Chief Reed called in our mutual aid partners and even the admin secretary was helping out. He said that it was a team effort and he was extremely proud of everyone involved.

**b. Pasquotank Providence Fire Volunteer Department**

**c. United States Coast Guard Fire Department**

**d. Inter-County Volunteer Fire Department**

Mayor Rivers thanked the partners for coming forward to help keep Elizabeth City safe and the organizations for coming out to help make sure that there was no loss of life that night. Chief Carver noted that we can't do our job without the volunteer departments.

**e. William Chappell – Engineer**

Mayor Rivers brought Mr. Chappell and Mr. Higgins to the dais, and expressed his gratitude and the importance that we were not here speaking at a funeral but at a Council meeting because of what these two employees did to save a life.

**f. Zac Higgins – Firefighter**

**g. Recognition of Chief of Police (*Added Item*)**

Mayor Rivers asked that the Interim Chief of Police be introduced to the public. He noted that this was Chief Webster's first official City Council meeting and wanted to welcome him to our city. Chief Webster said he appreciated the trust placed in him to help out the police department. He said he'd been working closely with Deputy Chief Avens, performing assessments and speaking with the staff and knew that we could go places with this group.

**h. Mayoral Announcements (*Added Item*)**

Mayor Rivers advised that on Thursday, MACU, COA and ECSU will be involved in the first mayoral Welcome Back Bash at Waterfront Park for all students that attend any of those institutions. The event will begin at 4:00 p.m. There will be food, music, fun and games. All Councilors and the Mayor will be visiting local schools on the first day to say "good morning" to the students. Department heads and some employees have also volunteered to come out. On Wednesday, Council will be serving Elizabeth City Middle School pizza to make sure the students and teacher know they're appreciated. Interim Manager McClary will be at Northside Elementary to volunteer as well. He said at the next meeting, we will talk about "clean up." One grapppler truck is still down. Director Bell advised that we received the part to get the last grapppler truck back up this afternoon. Mayor Pro Tem Spence had a list of the public works employees who worked late and/or on their days off to do this clean up by hand and he wanted to make sure they were recognized for their efforts.

**3. Comments from the Public:**

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

**R. Michael Cox – 109 Persse Street, Elizabeth City, NC** - Mr. Cox said he was present to discuss speed bumps and articles from The Daily Advance over the last several months. He noted that Director Bell was directed by the former city manager to order speed bumps. He had concerns about the traffic calming policy and the fact that it had not been followed. He noted that Director Bell advised the speed bumps were aggressive and if they were successful, permanent speed bumps could be installed. He stated that the item came back in April and another interim city manager had ordered additional speed bumps without the approval of Council, which were shortly thereafter removed. He suggested the Council read their traffic calming policy. He stated that he did not think the definition of the speed bumps out that are out there meet the policy's guidelines. "I've been downtown since '85. I recommend other options, such as the ones behind Sonic. This project has been a mess from the beginning with unauthorized purchases and violation of policies.'

**4. Public Hearings:**

**a. Hold a Public Hearing – Comments on Youth Curfew Ordinance;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. Upon the Clerk's reply that there were none, Mayor Rivers closed the hearing. He asked if the Council had any comments they'd like carried forward. He added that he'd like this to move forward to the next meeting so the new chief could have time to dig into it a little deeper.

**b. Hold a Public Hearing – Amendment to CDBG-CV Award in Support of the Food Bank of the Albemarle;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk replied that there was one speaker and called her to the podium.

**Christina Corbo – 501 E Main Street, Elizabeth City, NC** – Ms. Corbo said she was here on behalf of River City CDC. She said her organization only just heard that funds were available through the program via the newspaper and had not been formally notified. River City CDC has many different programs dealing with housing, housing stability and homelessness prevention and they take many calls throughout the day about people needing assistance. They get some referrals from the United Way because their program is limited. She inquired if there could be additional time possibly left for additional applications, as River City CDC was not told about this and would like to be involved.

Mayor Rivers closed the public hearing. Mr. Hawley noted that if there was a chance that this moved forward, there would be information he'd need to read into the record.

Mr. Hawley said the purpose of the public hearing was to obtain citizens' views and to allow response from the public to funding proposals and answer any questions posed by citizens. He said the public hearing would cover the City of Elizabeth City's community development needs, development of the proposed activities, and a review of program compliance before the submission of the City's CDBG-CV funding application to the state of the North Carolina.

The City of Elizabeth City has an active CDBG-CV award, grant number 20-V-3513, that funds the Coronavirus Care Collaborative Program, or CVCC; the hearing was to propose and discuss an amendment to this grant award to fund expanded food distribution and delivery.

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 City of Elizabeth City was awarded \$765,000.

The CDBG-CV Program establishes 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 is proposing an amendment that would reallocate funding from the CVCC to establish the Food Service Enhancement Program. He said the CVCC is offered in collaboration with the Albemarle Area United Way, a 501(c)(3) nonprofit organization, and performs a Public Service by providing subsistence payments to low- to moderate-income Pasquotank County residents to prevent evictions and utility disconnections.

He reported the CVCC to date has served more than 230 LMI households and disbursed more than \$260,000 in assistance, but the City and the AAUW project that the CVCC will not use all grant funds before the CDBG-CV award's closeout deadline of June 17, 2023. He said the City proposes the CVCC allocation for subsistence payments be reduced from \$720,000 to \$393,750, and that the CVCC allocation for administration be reduced from \$45,000 to \$31,250. The City would propose to serve 315 total LMI households following these reallocations.

Mr. Hawley continued that the proposed reallocations would leave \$340,000 in grant funds that could be repurposed. He said the City proposes to reallocate this amount for a collaboration with the Food Bank of the Albemarle, a 501(c)(3) nonprofit organization, to establish the Food Service Enhancement Program. He said the FSE will provide a Public Service through providing food distribution and the equipment, materials and supplies necessary for that service. The FSE consists of three program elements, namely: purchase of a food delivery van and reimbursement for fuel expenses, at a cost of \$80,000; purchase of refrigeration equipment to be installed at the Food Bank's partner food pantries, at a cost of \$55,700; and mass purchases of fresh chicken and ground beef for distribution to Food Bank clients in Pasquotank County, at a cost of \$204,300. He said the City and the Food Bank project that at least 815 LMI households will be served over an approximately six-month project timeline. One hundred percent of CDBG-CV funding will be used to benefit LMI households.

Mr. Hawley said the Food Bank will have direct responsibility for implementing the FSE, with oversight and support by the City of Elizabeth City. The Food Bank will collect all data necessary for program compliance, including but not limited to delivery logs, invoices, and eligible client data. He said the City will verify eligibility of all expenditures before releasing payments to the Food Bank, and thereafter will seek reimbursement/drawdown of CDBG-CV funds.

The range of activities covered by the CDBG-CV funds for the FSE include

- Food Distribution
- Supplies, Equipment, and Materials

Mr. Hawley said that, as an CDBG-CV recipient, City of Elizabeth City is required to adhere to federal procurement requirements, other federal regulations, and state regulations. If this amendment is approved, the Food Bank will enter into agreement with the City to abide by these requirements, including but not limited to:

- Conflict of Interest
- Citizen Participation Plan,
- Program Income
- Administration of Project
- Audits/Compliance
- Procurement
- Equal Opportunity
- Fair Housing
- Language Access Plan
- Local Economic Benefit (Section 3)
- Environmental Review
- Floodplain Certification
- Section 504 of the Rehabilitation Act of 1973
- Residential Anti-displacement and Relocation Assistance Plan
- Lead-Based Paint Hazards
- Reporting
- Monitoring
- Financial Management Requirements
- SAM.gov registration
- Use of NC Licensed Professionals

Mr. Hawley continued that the State of North Carolina further requires that, as a condition of CDBG-CV funding, the City certifies its compliance with the requirements of the general displacement and relocation policy for CDBG funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. He continued that, if no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the City of Elizabeth City confirms that during this public hearing.

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

- 2014 Elizabeth City Middle School Renovations
- 2015 Road Street water and sewer improvements
- 2017 Raw Water Transmission Main Replacement Project, Phase II

Mr. Hawley said the City will submit this CDBG-CV application after August 23, 2022, and no later than August 29, 2022. He said the proposed amendment will be available for review during normal business hours at 302 East Colonial Avenue, Elizabeth City. 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 September 5, 2022, and a written response to the written complaints and/or grievances will be sent by the City within 10 business days, where practicable.

Mr. Hawley requested that the floor be opened for public questions and comments about the CDBG-CV Program and/or the proposed amendment.

Mr. Hawley said one of our issues is that we have to have funds obligated by March 17<sup>th</sup>, and we are not certain when Commerce may approve the amendment. Upfront capital expenses are a main focus. In a worst case scenario where Commerce needs a lot of time, we could still quickly obligate these funds because they'd be purchasing a refrigerator, food, a vehicle, etc. That's not to say it's the only way the funding could be used, but time is very much against us so that's why we went in this direction. Ms. Reasoner of the Food Bank is available to answer questions as well.

Mayor Rivers said he definitely wanted to make sure we purchased the van as he thought that was a great idea. When it came to the point on public facilities, that the funding can be used for rehabilitation. He'd been told that they'd need about \$250,000 to fix up the old jail to make it a viable homeless shelter when speaking with the county manager. Would that be able to fit within this grant? Mr. Hawley said he had a portion of the original grant application and the public facility category is geared toward health facilities that could be testing or diagnosis facilities to establish a treatment or viable disease clinic, etc. Outreach to health clinics in our area, they did not have any they could fit into these perimeters. Building constraints are also a concern and we have a March 17<sup>th</sup> deadline.

Councilman Walton asked what date did we receive the funding notice? Mr. Hawley said we received notice of award in December 2020. Councilman Walton opined that things of this nature, you've got to satisfy diversity, inclusion and racial equity. He asked if it's time sensitive now? Mr. Hawley replied "if we want the amendment to go through, then yes it is, but I am obligated to say the simplest thing would be to do nothing. We can let the United Way program proceed as is and whatever portion we don't spend gets released to the state, but the simplest thing doesn't mean it's the best for the community." Councilman Walton said he felt that everyone should be at the table. The United Way is one organization but there are a lot of organizations that should have the same opportunity. Mr. Hawley noted that if this isn't right for action tonight, we could have a discussion directly with River City about what programs might fit. If we're trying to make it broadly inclusion, the best practice would be to put out a formal notice, but this is a federal grant and there are a lot of strings attached. It is very difficult for city staff and non-profits to take on. If we did a general notice, staff would ask for high standards. There have been instances of fraud and it's extremely important that the non-profits are extremely experienced in their documentation.

Councilman Walton reiterated that everyone should be given the opportunity. He noted that Councilwoman Baxter was looking for funding. Would that have fallen into that category? Mr. Hawley said he would need more information on what she was looking for and wouldn't want to shoot from the hip. Councilman Walton explained that there were apartments not being taken care of and they were going to put the families out. Mr. Hawley noted that they did ask whether we could do home repairs because there are activities like that such as summer camps that go around and repair homes and we were quickly told no, that we could not do that. But I would need more information.

Councilwoman Felton asked if this grant has been active since 2020, why are we just hearing about it now? Mr. Hawley said the United Way has been running a successful program and we didn't want to shortchange the program. The emergency order has only recently been lifted so we needed to know a good amount to suggest without shortchanging them.

Councilwoman Whitehurst said that we do have several nonprofit organizations in EC that are addressing similar disparities that our citizens are experiencing and I believe we would benefit from developing a coalition of looking at services that are being provided. One of our biggest challenges is having the nonprofits work together and develop a vision, a plan and look at services that are being duplicated. I know that we're in need of homeless shelters or some sort. We won't completely solve it tonight, but we should come together collaboratively and bring something back to council about how we can work together.

Mayor Pro Tem Spence said, "I have a concern and I know we have to have this by March 17<sup>th</sup>. I don't think two weeks from now will hurt to go and give somebody else a chance to speak up or throw their hat in the ring because there are other people out here that can qualify and may qualify high but we don't know. I don't think putting this off for two weeks would hurt. It's not going to delay us. We still have six months. I know you don't want to be in crunch time, but sometimes you have to do what you have to do."

Councilman Peel asked about the lady who spoke, is she talking about the same thing as what the United Way is already doing? Homelessness, foreclosures, is that what they're doing? Mr. Hawley replied that the United Way program focuses on helping someone before they become homeless and that program protects the city because someone who has a residence and can produce proof of their income levels with reliable documentation, if our agency ever came down and asked to see our files, we could show them this backup and show legitimacy.

Councilman Peel advised the Council that Mr. Hawley's been warning that these agencies need to be up on these things because if you get it and you screw it up, you will not get another chance. "I want to reinforce his warning. He's right."

Mayor Rivers noted that whatever the Council does, we do not find fault with the Food Bank or any other organization. We're not here to put anyone down. Just listening to the Council, they want to make sure that everyone affected with COVID and the city gets what we need and they do too. Would this Council be willing to extend this to our next meeting? Those who might have a presentation give it to Mr. Hawley and if they qualify, we can discuss. We want to make sure that everyone gets funds to assist everyone. He asked the Council to entertain that idea. He said that Mr. Hawley can receive proposals from other organizations. If no other qualified applicants come forward, we've already had the public hearing. We have to allow people to make comments.

Mr. Hawley advised that if we substantially change what's proposed tonight, we still have to do another public hearing.

Ms. Reasoner with the Food Bank explained that they are the regional Food Bank that serves 15 counties. The refrigeration units and the proposed food supports other programs such as the Salvation Army and local churches. It encompasses people over all spectrums and backgrounds. She said they have the infrastructure in place to be able to comply with the CDBG. Many other agencies may have an issue with being able to check all the boxes required. She said they do source resources out to their partner agencies and the community at large.

Mayor Pro Tem Spence asked if the County contributed to this. Mr. Hawley said they did not, but this is 100% funded. The only In-kind contribution is staff's time and energy. Mayor Pro Tem Spence said, "I'm not saying I won't support this, but I want to give other people the opportunity as well." Ms. Reasoner pointed out that in 2020, we all had the opportunity to come to the city about this, but there was a lot of responsibility with CDBG funds.

**Motion was made by Mayor Pro Tem Kem Spence to table this until the September Regular Session to allow opportunity for other people to approach Mr. Hawley about this. The motion was seconded by Councilman Johnnie Walton.**

Mr. Hawley said the recommendation is non-profits that can perform a meaningful public service within three to five months would be ideal candidates for this, including start-up capital expenses. Non-profits that has very fast impact kind of projects would be ideal. Mayor Pro Tem Spence told Mr. Hawley that he could screen them for requirements before he brings it to the Council. "If they don't have the qualifications you think they need, then you don't even need to bring them forward."

Mr. Hawley said, "I could take inspiration from the community support grants and anyone who had a proposal, I could include in a write-up and a recommendation for or against. At the end of the day, what the city could do if we feel like they're qualified we could submit to the state. If they tell us no, that's that, they have final say, but at least no one feels that they've been obstructed." Councilman Pell noted that if someone is trying to submit a proposal, they need to already have something in mind so Mr. Hawley can review, make a decision and bring it forward in two weeks.

**Mayor Pro Tem Kem Spence rescinded his motion, seconded by Councilman Johnnie Walton.**

**Motion made by Mayor Pro Tem Kem Spence to table until the next meeting and have any other non-profit submit their applications to Jon Hawley within the next seven working days for a presentation and a public hearing during the next meeting. The motion was seconded by Councilman Johnnie Walton.**

Councilwoman Felton asked for agencies that might be interested, how will word get out that they need to have this done? Mayor Rivers said they've hopefully watched us and the word has gotten out there. We've heard from one that might be planning on it. We have Channel 11, we can put it on or we can run an ad in the paper and after that, if they don't respond then unfortunately, it's too late. Councilman Biggs asked does the seven days start tomorrow? Mayor Pro Tem Spence confirmed that it would begin effective tomorrow morning.

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

#### **5. Consent Agenda:**

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

- a. Consideration – Authorize to Initiate Facility Use Agreement for Holmes Field; (*Removed from Consent Agenda During Agenda Adjustments and Approval*);**
- b. Consideration – Authorize Application to Youth Violence Prevention Program;**
- c. Consideration – Approval of Minutes of August 8, 2022 Regular Session;**
- d. Consideration – Approval of Minutes of August 9, 2022 Recessed Meeting;**
- e. Consideration – Accept Bid for 419 Perry Street**
- f. Consideration – Adopt Resolution in Support of Music Friendly Communities Pilot Program;**

**RESOLUTION #2022-08-02  
In Support of the North Carolina  
Music Friendly Communities Pilot Program**

**WHEREAS,** Music Friendly Communities is a pilot program in North Carolina organized from a partnership between the NC Department of Natural and Cultural Resources, Hometown Strong, and global consultancy Sound Diplomacy that promotes and supports the creation of environments where music is celebrated and sustainable measures are taken in order to support the continued growth of dynamic music ecosystems; and

**WHEREAS,** Music Friendly Communities will nurture the many agents and categories that impact and are impacted by the success of a healthy music ecosystem in Elizabeth City; and

**WHEREAS**, Music Friendly Communities will work to sustain interest in enhancing music related programming and opportunities in Elizabeth City; and

**WHEREAS**, Music Friendly Communities will sustain economic growth from music related industries and local partners in Elizabeth City; and

**WHEREAS**, Music Friendly Communities will ultimately drive cultural tourism and economic impact within Elizabeth City.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Elizabeth City expresses its sincere support for Music Friendly Communities, will participate as needed, and extends its best wishes for its endeavors.

**Adopted** this 22<sup>nd</sup> day of August 2022

\_\_\_\_\_ E. Kirk

Rivers  
Mayor

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

**g. Consideration – Authorize Fire Radio Purchase;**

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, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**6. Regular Agenda:**

**a. Authorize to Initiate Facility Use Agreement for Holmes Field (*Removed from Consent Agenda During Agenda Adjustments and Approval*);**

Mayor Rivers stated that he'd pulled this item because he did not feel that MACU should be charged \$1,000 for the use of the field. He said he believed they should only be charged \$1 instead. He said he'd asked Director Clark if this would be a substantial problem and been told that it would not. Councilman Peel asked if we had a policy that stated what we charged? Where did this pricing come from?

Director Clark explained that there is a fee for the field, which is \$75 per day and \$25 per hour if they use lights. If they were to use the field daily, it'd be about \$100 per day. The amount we brought here was suggested from MACU (\$1,500). Councilman Peel noted that if we deviate every time we have a policy, we'll start having to do for all what we've done for one. Mayor Pro Tem Spence said, "Everyone on this Council knows that I'm a giver, but on the flipside, MACU suggested to let them have it for this rate and I don't think it's a lot of money for them to pay, especially when they get money for their athletics anyway. If we let them have it for \$1, we'll have other schools coming and doing the same thing and I feel like we'll have something we're not ready for. If they said they can pay that, then that's what they have in their budget."

Mayor Rivers said he didn't have a problem with that, he said he just wanted to show support by giving something to them. Maybe they can offer a scholarship or something with that savings. He said at the end of the day, he's with the Council, but he just wanted to bring that out there because he believed in supporting our universities. We're investing in our programs that we have. There's a return for the citizens because of the games that are coming. Their enrollment is down this year, so that's something to think about.



**Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to enter into the facility use agreement with MACU for \$1,000. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**b. Consideration – Appointment to TDA (*By Motion and ROLL CALL VOTE*);**

Mayor River's recommendation to appoint Holly Audette to the TDA for a two-year term to fulfill the hotel/motel industry appointment. He advised this item will go to the County for confirmation. He stated that Mrs. Audette shows passion and that's why one of the reasons he asked her to serve.

**Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to recommend Holly Audette to the TDA. 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.**

**c. Presentation – Old Oak Grove**

Grants Administrator Hawley explained that the City applied and won a preservation grant that brought in a state consultant who conducted ground penetrating surveys to detect, catalog and map the remains. The grant was \$50,000 total. Sarah Lowry from New South Associates and History Professor Melissa Stuckey from ECSU were present to show their findings this evening.

Ms. Lowry said that previously, ECSU students had worked on marker preservation techniques. There were three phases to the contract with Elizabeth City. Phase one was a land survey. The second phase was marker mapping and ground penetrating radar survey. Phase three is the public presentation. Timmons Group was hired for the land survey. She pointed out that the North Line is substantially different than County GIS and had to be corrected online. All cemetery markers were mapped. There was estimated to be about 2,400 originally, and they identified more than 3,000 through this process. Markers were categorized by type. The second part of the mapping project mapped what was below the ground. Her team surveyed the entire open area of the cemetery. She noted that they could not get into the wooded area with GPR due to vegetation. GPR is electromagnetic energy sent below the ground and then the time it takes to return is measured. Graves are hard to identify because over time, people in the ground create less contrast and show more subtle reflections. The collaboration with ECSU was written in as part of the grant. Most of the graves in the cemetery were fairly shallow. She stated that they did identify human remains on the surface while mapping, which they had to contact the police about to collect. They also found a large number of possible unmarked graves within the cemetery. She estimated about 5,418 burials in the cemetery, of which 3,103 were marked and the rest were unmarked. Her recommendations include avoiding ground disturbance and planning a marker inventory and conditions assessment, as well as evaluating the cemetery for listing on the National Register of Historic Places as it potentially qualified.

Mrs. Stuckey explained that Old Oak Grove was established as a burial ground for African Americans on what used to be Body Road, and is now Peartree Road. It was originally purchased for \$100. Cemeteries at that time were segregated. In addition to civil war veterans, there are also diverse members of ECSU and Elizabeth City buried there. Members who experienced slavery all the way to current community members are interned there. Hugh Cale and Peter W. Moore are both buried there. In June 2021, ECSU students came to the cemetery to perform headstone restoration and cleaning for civil war veterans. Old Oak Grove serves as a continuous record as the existence of African Americans in Elizabeth City and our region. Many birth records and death records did not exist, so the cemetery serves as a reminder of many of these people's lives.

**6. Closed Session – As Allowed by NCGS 143-318-11(a)(4) for Business Expansion (added during agenda adjustments) and NCGS 143-318-11(a)(6) for Personnel**

**Motion to enter closed session was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel at 9:10 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**7. Adjournment:**

The Council returned to open session at 10:36 p.m. Having no other business to discuss, Mayor Rivers declared the meeting adjourned at 10:37 p.m.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

DRAFT

