

**City Council Regular Session
December 9, 2024**

The City Council of the City of Elizabeth City met in Regular Session on Monday, December 9, 2024 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 Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Rose Whitehurst

OTHERS PRESENT: Interim City Manager Reggie Goodson
Chief of Staff Monica Cole
Electric Superintendent Donnell White
Interim Police Chief James Avens
ECDI Director Debbie Malenfant
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Dylan Lloyd, Planner II
Interim HR Director Anna Spence
Deputy Finance Director Brian Lewis
Senior Center Coordinator Stacy Williams
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

The City Council's Regular Session was called to order by Mayor Rivers at 7:00 p.m. Councilman Gibbs provided the invocation, after which Interim Manager Goodson led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

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

2. Mayoral Recognition:

a. Rampage 8u / 10u Super Bowl Champions;

Mayor Rivers declared that he and the entire City Council were so proud of each player as well as the coaches and parents for these wins because this had truly been a team effort. He pointed out that Councilman Walton was a quarterback in the NFL for the Eagles. Councilman Walton said when he was about the age of many of the kids in the room, he had an imagination and that opened up many possibilities for him. He encouraged them to remember that they were the greatest each morning. He congratulated them on their recent championship, and would be on the lookout for their careers in the future. Mayor Rivers noted that Mayor Pro Tem Spence, Councilman Gibbs and Councilman Peel were also football players during their college years, so this was a sport that was well represented in the room. He read the names of the Rampage 8u Mite League into the record and presented them with a certificate of recognition for their championship win. He then read the names of the Rampage 10u Pee Wee League into the record and presented them with a certificate of recognition for their win as well.

b. Award of Gun and Badge – Ervin Rodriguez;

Interim Chief Avens advised that Lieutenant Rodriguez was not present, so the Council tabled the item until the January 13, 2025 meeting.

Mayor Rivers took a moment to acknowledge Development Services for the outstanding float they created for the Christmas Parade this year. Interim City Manager Goodson said that last year, the Mayor told him that Development Services was the only department that did not participate in the parade, so he wanted to make sure they were present this year. Mayor Rivers noted that next Tuesday, they would be opening up city offices and encouraging citizens to visit. These offices are decorated amazingly and we'd love to have people come in and see them. The City is in the Christmas spirit and we'd like our citizens to stop in and see.

3. Comments from the Public:

Mayor Rivers asked the Clerk if there were persons present who wished to speak before the Council. Upon the Clerk's reply that there were, Mayor Rivers requested that they be called forward to offer their comments.

Bill Hiemer – 107 Osprey Cover, Elizabeth City, NC - Mr. Hiemer said he felt that the City Council often guided the city forward; however, the renaming of Veterans Park was a bad move, both in the way it was handled and the outcome itself. He reached out to ask the VFW if the renaming was their idea, and they told him they'd never been consulted. He found the entirety of the process to be unacceptable, and a slap in the face to every veteran who had ever served. He thanked Councilman Morris for speaking with veterans and keeping an open mind. He also thanked Councilman Peel for voicing his opinion that the Council should listen to the thoughts and concerns of the many veterans who came forward to share their feelings about renaming the park. This issue was different and more delicate than those often heard by the Council, and he believed it had ultimately been mishandled. Veterans of any skin color are special; they all put their lives on hold to do their duty. Some served here at home; some in battlefields, in jungles, deserts, and some have made the ultimate sacrifice. They only wanted you to leave their park alone. It is a unique piece of Elizabeth City and made to honor all veterans equally regardless of race or rank. It was more important than the Council's normal responsibilities. He opined that the mishandling of this issue would be a stain on this Council forever.

Councilman Walton said he knew the Council was not supposed to comment during this period, but he felt that The Daily Advance had attacked him in a recent article. People complain about certain things but then there are other things that they act as if they don't see. If you have a confederate flag in Elizabeth City and put a union flag up, that's fine because it's fair. We should be fair all the way across the board and then I will feel that you have a point.

4. Public Hearings:

- a. Hold a Public Hearing – RZ 07-24 as filed by Michelle Moore of River City CDC to Rezone Property at 318 South Hughes Boulevard from General Business (GB) to Office & Institutional (O&I);**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were speakers. The Clerk advised that there were no speakers; however, the applicant, Michelle Moore of River City CDC and the architect, John Martin were both present if there were questions. Mayor Rivers declared the hearing closed.

Councilman Biggs asked if the site would be considered spot zoning. Interim Manager Goodson explained that it would not be, as there was already O&I zoning in place to the east of the location.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to adopt Ordinance #2024-12-01 approving RZ 07-24 to rezone 318 South Hughes Boulevard from General Business (GB) to Office & Institutional (O&I) and adopt the following consistency statement:

“The City Council of the City of Elizabeth City approves the rezoning from GB to O&I as adjacent parcels already reflect this zoning and preserving

community welfare and public safety are consistent with the Elizabeth City Future Land Use Plan.”

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

**Ordinance # 2024-12-01
Rezoning Request RZ-07-24
318 South Hughes Boulevard
(Tax ID: 891305284685, Map #66-C-23,24,25)**

WHEREAS, on November 14, 2024, the Planning Commission reviewed Petition RZ-07-24 filed by Michelle Moore or River City Community Development Corporation, a request to rezone a 0.39-acre parcel located at 318 South Hughes Boulevard along the south side of US Highway 17 adjacent to the intersection with Grice Street (**ID: 891305284685 Map #69-C-23-,24,25**) from General Business (GB) to Office & Institutional (O&I); and

WHEREAS, the City Council called for a public hearing on November 25, 2024, which was held on December 9, 2024, at which time they considered any public comments received during the meeting; and

WHEREAS, both the Planning Commission and the City Council have found the request to rezone to the parcel from General Business (GB) to Office & Institutional (O&I) to be consistent with the area’s zoning pattern and existing land uses of adjacent properties, as well as the Future Land Use Map; and

WHEREAS, the proposed zoning will be consistent with the area’s zoning patterns; and

WHEREAS, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and

WHEREAS, after consideration of the technical merits of the request, the Planning Commission recommended approval to the City Council, which was subsequently given.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approve the request to amend the Official Zoning Map to show that the 0.39-acre site at 318 South Hughes Boulevard (**ID: 891305284685 Map #69-C-23,24,25**) located along the south side of US Highway 17 adjacent the intersection with Grice Street, be rezoned from General Business (GB) to Office & Institutional (O&I) and has issued the following consistency statement:

- ***“The City Council of the City of Elizabeth City approves the rezoning from GB to O&I as adjacent parcels already reflect this zoning and preserving community welfare and public safety are consistent with the Elizabeth City Future Land Use Plan.”***

ADOPTED, this the 9th day of December, 2024.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

- b. **Hold a Public Hearing – CUP 03-24 as filed by Michelle Moore of River City CDC to Utilize Property at 318 South Hughes Boulevard as a Homeless Shelter;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers who wished to be heard. The Clerk replied that there were no speakers; however, again, both the applicant, Michelle Moore of River City CDC and the architect, John Martin were standing by for questions if there were any. Mayor Rivers declared the public hearing closed.

Interim Manager Goodson explained that Council Use Permits fall under the quasi-judicial hearings, which meant that the permit's approval should be decided based on whether certain standards are met. The Council may decide to approve a permit based on the determination that granting the permit will not endanger the public health or safety; that it will not injure the value of adjoining or abutting property; that it will be in harmony in the area in which it is located; and that it will be in conformity with the land development plan, thoroughfare plan or other plan official adopted by the City Council.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Jarvis Gibbs to approve CUP #03-24, a Council Use Permit for the operation of a homeless shelter at 318 South Hughes Boulevard based on the following standards: it will not endanger the public health or safety; it will not injure the value of adjoining or abutting property; it will be in harmony in the area in which it is located; and it will be in conformity with the Joint Elizabeth City / Pasquotank County Land Use Plan. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

5. Approval of Minutes:

a. Consideration – Approve November 25, 2024 Work Session Minutes;

Motion was made by Councilman Joseph Peel, 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, Spence, Felton, Morris and Walton. Against: None. Motion carried.

b. Consideration – Approve November 25, 2024 Regular Session Minutes;

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

6. Consent Agenda:

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

a. Consideration – Adopt 2025 Council Calendar;

Date	Time	Meeting
January 13, 2025	7:00 p.m.	Regular Meeting
January 27, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
February 10, 2025	7:00 p.m.	Regular Meeting
February 24, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
March 10, 2025	7:00 p.m.	Regular Meeting
March 24, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
April 14, 2025	7:00 p.m.	Regular Meeting
April 28, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
May 12, 2025	7:00 p.m.	Regular Meeting
May 27, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
June 9, 2025	7:00 p.m.	Regular Meeting

June 23, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
July 14, 2025	7:00 p.m.	Regular Meeting
August 11, 2025	7:00 p.m.	Regular Meeting
August 25, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
September 8, 2025	7:00 p.m.	Regular Meeting
September 22, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
October 13, 2025	7:00 p.m.	Regular Meeting
October 27, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
November 10, 2025	7:00 p.m.	Regular Meeting
November 24, 2025	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
December 8, 2025	7:00 p.m.	Regular Meeting

- b. Consideration – Accept Final Bids for 00000 Culpepper Street and 706 Park Street;**
- c. Consideration – Approve Budget Amendment for Contract Renewal with Lobbyist;**

DRAFT

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
30-6600-4503	Lobbyist-Contracted Services		\$ 18,000.00
30-6600-6000	CONTINGENCY (Electric)	\$ 18,000.00	
Total		\$ 18,000.00	\$ 18,000.00
Total change 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 9th day of December 2024

Attest: _____
E. Kirk Rivers,
Mayor

April Onley, NCCMC
City Clerk

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

Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to approve the Consent Agenda. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

7. Regular Agenda:

a. Any Item Removed from the Consent Agenda;

No items were removed from the Consent Agenda.

b. Consideration – AXON Enterprise, Inc. Taser Replacement / Proposal / Installment Purchase Plan;

Chief Avens reported that the Police Department's Tasers needed to be replaced. Like any device, Tasers have an end-of-life and the ones used by the ECPD officers have reached theirs. Tasers usually need an upgrade every five years. The total cost to replace all 43 Tasers is significant, but we can get into the contract now for \$2,307.23. The next payment would be due in July 2025, which would cost \$20,764.96, and then the following four years would cost \$51,912.30. This change-out can be funded with lapsed salaries available in the department.

Councilman Biggs wondered if when we receive the new Tasers in 2028-2029, would we be locked into the older models we would be receiving the first year or would we get the newest models available at that time. Mayor Pro Tem Spence asked if the contract includes the cartridges and the trainers as part of the overall package. Chief Avens confirmed that it did. Right now, the City has about 35 sworn officers, but we did request 43 Tasers in anticipation of new hires along the way. Councilman Biggs asked if we would receive 43 Tasers upfront and then pay the payments in installments. Chief Avens replied that that was correct; and the first payment for the contract would not be due until March 2025. Councilman Biggs suggested that if there was already enough money available in lapsed salaries, it might be better to go ahead and accelerate the payment, provided there was no penalty for paying the contract off early. Mayor Rivers agreed that would be a great idea, and Chief Avens concurred. Mayor Pro Tem Spence verified that this item was time sensitive. Chief Avens replied that they were definitely in a time crunch. The \$2,307.23 is the amount required to get into the contract, but it's not required until March 2025. We already know prices are going up in 2025, possibly by as much as 20%, but we can lock in these prices now with this contract. We have only spent about 39% of our salary line right now and we are usually closer to 50% by this time of the year, so we do have the funding available there.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to approve the Taser Replacement Proposal by way of entering into an Installment Purchase Contract with AXON Enterprise, Inc. for 43 Taser 10s and associated supplies and materials. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Mayor Rivers reminded Interim Chief Avens to check on whether the contract could be paid early without penalty. They could bring it back in the spring, check their finances at that time, and possibly take care of it early.

c. Consideration – Procurement Approvals – Byrne Policing Technology Grant (VCRI);

Grants Administrator Jon Hawley reminded the Council that this item was in reference to the \$440,000 grant the City received from Congressman Davis's office. The grant is 100% funded so the City has no required obligation or match. The reason it is coming forward like this now is due to the nature and size of some of the items that will be procured. Additionally, some of the items only have a single source for procurement since there are very few vendors who can meet the specifications needed for certain products. This does not create a problem, but it does mean that we are required to get final recommendation and approval from the Council before proceeding. There are checklists at the federal, state and city levels and we must be upfront about going through all procurement regulations.

Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to authorize the ECPD to proceed with the technology purchases proposed, including sole-source procurements due to the lack of vendors who can meet necessary project specifications. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Mayor Rivers said he and the Clerk would be working on a letter to Congressman Davis thanking him for his assistance in securing that grant for the ECPD.

d. Consideration – Adoption of Required Policy Prohibiting Viewing of Pornography on City Networks and Devices;

Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to adopt Resolution #2024-12-02 prohibiting viewing of pornography on City networks and devices. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

**Resolution # 2024 –12-02
Prohibiting Viewing of Pornography
on City Networks and Devices**

WHEREAS, NCGS §143-805 requires that all public agencies adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the City of Elizabeth City; and

WHEREAS, the City of Elizabeth City prohibits the viewing of pornography by its employees on the City's network or devices owned or maintained by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the following policies shall apply to the City of Elizabeth City:

1. No employees of the City of Elizabeth City shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the City, whether on a City-owned and maintained device, or a privately owned or controlled device.
2. No employee, elected official or appointee of the City shall view pornography on a device owned, leased, or maintained or otherwise controlled by the City.
3. Each year, and no later than August 1st, the City shall report information required in NCGS §143-805 to the State Chief Information Officer.
4. This policy shall not apply to investigation, law enforcement training or actions related to law enforcement purpose; identifying potential security or cyber security threats, establishing, testing, and maintaining firewalls, protocols, and otherwise implementation of this policy; or other exceptions as specifically set forth in NCGS §143-805(d);
5. The terms used herein shall be defined as set forth in NCGS §143-805(g).
6. Any employee, elected official or appointee of the City who has saved pornography to a device owned, leased, maintained or otherwise controlled by the City shall remove, delete or uninstall the pornography no later than January 1, 2025.
7. Any employee of the City who violates any provision of this policy shall be subject to disciplinary action under the City's personnel policy.
8. Any appointee of the City who violates the provision of this policy shall be subject to removal by the City Council.
9. Any elected official who violates any provision of this policy shall be subject to censure proceedings.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

ADOPTED, this the 9th day of December 2024.

E. Kirk Rivers

Mayor

April D. Onley
City Clerk, NCCMC

8. Closed Session – As Allowed by NCGS 143-318.11(a)(5) for Contract Negotiations and NCGS 143-318.11(a)(6) Discussion of Personnel;

Motion was made by Mayor Pro Tem Kem Spence at 7:46 p.m. to enter Closed Session as allowed by NCGS 143-318.11(a)(5) for the Contract Negotiations and NCGS 143-318.11(a)(6) for Discussion of Personnel. The motion was seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Spence, Felton, Morris and Walton. Against: None. Motion carried.

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

The Council returned from Closed Session at 9:18 p.m.

Motion was made by Councilman Johnson Biggs to direct staff to allocate \$66,000 from Fund 40 Fund Balance to authorize and enter into a contract with WithersRavenel to test wells at Wellfield. The motion was seconded by Councilwoman Katherine Felton.

Councilman Biggs amended his original motion to add a caveat that if funding is not available in Fund 40, staff is authorized to take any steps necessary to move funding from whichever balance may be needed to cover this contract and action. Councilwoman Katherine Felton seconded the amended motion.

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

9. Adjournment:

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

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

