

**City Council Regular Session  
July 10, 2023**

The City Council of the City of Elizabeth City met in regular session on Monday, July 10, 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  
Councilman Javis Gibbs  
Councilwoman Rose Whitehurst  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton (*Arrived at 7:05 p.m.*)

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman  
City Attorney Bill Morgan  
Electric Superintendent Donnell White  
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 Councilman Gibbs to provide the invocation, after which Councilwoman Baxter 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 asked that item D on the Regular Agenda, Update on Financial Summary, be removed. Councilman Peel requested that a closed session for personnel be added to the existing closed session. City Attorney Morgan advised the Council that item C on the Consent Agenda had a few issues that needed to be tweaked; however, he saw no problem with it being approved, but he would ask that they just add the verbiage that it would be subject to minor changes. Mayor Rivers told the Council that once the final changes were in place, the document would be emailed out to all members.

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Javis Gibbs 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. National Night Out;**

Mayor Rivers presented a proclamation in honor of the upcoming National Night Out to Chief Webster and Deputy Chief Avens. Chief Webster encouraged everyone to join them on August 1<sup>st</sup> from 4:00 p.m. to 8:00 p.m. at Mariners' Wharf for the annual National Night Out event. There would be entertainment for children and adults alike, as well as food trucks and music.

## *Proclamation*

### *National Night Out*

### *August 1<sup>st</sup>, 2023*

**WHEREAS**, National Night Out is a nationwide, annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live; and

**WHEREAS**, National Night Out provides a unique opportunity for Elizabeth City to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

**WHEREAS**, the Elizabeth City community plays a vital role in assisting the Elizabeth City Police Department through cooperative crime, drug and violence prevention efforts in Elizabeth City; and

**WHEREAS**, it is essential that all citizens of Elizabeth City to be aware of the importance of police-community partnerships and the impact that their participation can have on reducing crime and violence in Elizabeth City; and

**WHEREAS**, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program.

**THEREFORE**, I do hereby call upon all citizens of Elizabeth City to join the Elizabeth City Police Department and National Night Out in supporting the "Annual National Night Out" on August 1st, 2023.

Proclaimed this the 10th day of July 2023.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

#### **b. Parks and Rec Month;**

Mayor Rivers praised the work that the Parks and Recreation Department does for the city and the citizens. Director Clark thanked the community and Council for the support. Parks and Recreation typically concentrates on the health and wellness of the community, and this year they're trying to also concentrate on the health and wellness of their staff. Mayor Rivers noted that tomorrow at the Senior Center, he and his wife would be taking part in the health forum for seniors. There would be exercises, mental health services, holistic healing, yoga, and various other partnerships and activities. The forum is free to the community and open from 9:00 a.m. until 11:00 a.m. He said he also wanted to commend Parks and Rec for their work on the Fourth of July fireworks show, which had been fantastic in spite of the unfortunate aftermath.

# *Proclamation Parks and Rec Month July 2023*

**WHEREAS**, Parks and Recreation is an integral part of communities throughout this country, including Elizabeth City; and

**WHEREAS**, Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS**, Parks and Recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders and Alzheimers; and

**WHEREAS**, Parks and Recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

**WHEREAS**, Parks and Recreation programming and educational activities, such as out-of-school time programming, youth sports and environmental education are critical to childhood development; and

**WHEREAS**, Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses and crime reduction; and

**WHEREAS**, Parks and Recreation is fundamental to the environmental well-being of our community; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**NOW THEREFORE, BE IT RESOLVED** that I, Mayor E. Kirk Rivers designate July 2023 as Parks and Recreation Month in Elizabeth City, and encourage all citizens to enjoy the benefits derived from our Parks and Recreation resources.

Proclaimed this the 10th day of July 2023.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

### **3. Comments from the Public:**

Mayor Rivers inquired if there were any speakers who wished to be heard. Upon the Clerk's reply that there was one, the mayor asked that they be called to the podium.

**Tony Stimatz – 606 West Main Street, Elizabeth City, NC** - Mr. Stimatz said he was present to discuss an electric service disconnection issue. He'd recently found himself disconnected for nonpayment. When he spoke with the Customer Service Department, he was advised that they'd attempted to call him in advance of the disconnection, but insisted that his phone number was a non-working number; however, he's had the same number for many years and it is very much active and in use. The Customer Service Representative printed his most recent bill, which showed that his bank payment had not been received by the office, so he went ahead and paid it. He contacted his bank and was told the payment was mailed. He consulted the City's Customer Service handbook regarding disconnection for nonpayment and felt that several of the policies had been violated. He believed the staff in Customer Service had not

been trained in these policies as well as they had been in the past. He asked that his late fees be refunded and he asked that Council investigate these situations and find a better way to go about this process.

#### **4. Approval of Minutes:**

##### **a. Consideration – Approve June 26, 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.**

##### **b. Consideration – Approve June 26, 2023 Regular Session Minutes;**

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Rose Whitehurst 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.**

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

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

##### **a. Consideration – Authorize Grant Application to Leary Firefighter’s Foundation;**

##### **b. Consideration – Authorize Grant Application to Firehouse Subs Grant;**

##### **c. Consideration – Adopt Internal Controls Compliance Documents;**

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

**Motion was made by Councilman Johnson Biggs, 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. Any Item Removed from the Consent Agenda;**

There were no items removed from the Consent Agenda.

##### **b. Presentation – Fybe;**

Fybe is a subsidiary of Roanoke Cooperative and provides service in several counties. They are in discussions with the City regarding providing fiber optic service. It would allow the City to connect all of its facilities, cameras, and provide public Wi-Fi in the parks and downtown areas. This would include participation in the ACP program. Constituents who qualify for certain state programs would be able to receive their services at no cost. They have been working with the manager and IT to determine what the best course of action is for the City. Fiber optics and dark fiber will be an asset that becomes part of the City. It will become the City’s network and the City will be able to manage it. Although we have had a lot of success with our cameras and radios, this would provide better service, particularly in light of weather events and other concerns.

Mayor Rivers said this was important because this would provide access to the internet for everyone in the city, in spite of their income. He noted the Council would be receiving more information at a later date; this was just an introductory briefing. This would also provide access for our school systems and the students would have remote access as well.

Manager Freeman said they'd met with several different vendors and felt that Fybe was the best suited for a variety of reasons.

**c. Update – Flora Street;**

Director Bell explained that there had been a question during the last meeting about Flora Street. They'd had a public meeting a few months ago and took concerns about Flora Street into consideration. They were looking at potentially raising the crowning of the road, raising the intersection or the catch basin issue. They are trying to make the September and October Golden LEAF round deadlines to qualify for funding. As they are at 50% design completion now, they are on track to make the grant deadlines. They continue to have bi-weekly meetings with the engineers for updates. He noted that this is the same situation with Hunter-Dawson as well, but Flora Street is moving a little bit quicker toward a fix in the grant scheme of things.

**d. Update – Financial Summary** *(Removed During Agenda Adjustments);*

**7. Closed Session – As Allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney and NCGS 143-318.11(a)(6) Discussion of Personnel** *(Added During Agenda Adjustments)*

**Motion was made by Mayor Pro Tem Kem Spence to enter Closed Session as allowed by NCGS 143-318.11(a)(3) for Consultation with City Attorney and NCGS 143-318.11(a)(6) Discussion of Personnel at 7:29 p.m. The motion was seconded by Councilman Joseph Peel. 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 8:49 p.m.

Mayor Rivers asked the Council's pleasure on the contract with the Teiza Group.

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

**8. Adjournment:**

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 8:50 p.m.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

