City Council Regular Session
March 10, 2025

The City Council of the City of Elizabeth City met in Regular Session on Monday, March 10th, 2025 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Kirk Rivers
Mayor Pro Tem Kem Spence
Councilman Johnson Biggs
Councilman Joseph Peel
Councilman Javis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

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

Mayor Rivers called the City Council's Regular Session to order at 7:01 p.m. Councilman Gibbs provided the invocation, after which Councilman Walton led the Pledge of Allegiance.

1. **Agenda Adjustments and Approval:**

Mayor Rivers directed the Council's attention to the prepared agenda. He requested the addition of two items to the Regular Agenda: *Consideration – Veterans Park* and *Consideration – Naming of the Former National Guard Armory*. Councilman Walton asked that *Consideration – Authorize Execution of Amendment to Audit Contract* be removed from the Consent Agenda and placed on the Regular Agenda for further discussion.

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

2. **Mayoral Recognition:**

Mayor Rivers thanked everyone who participated in the weekend's Coast Guard Marathon and congratulated Chief Cole, Manager Goodson and Latoya Harper for representing the City in the 5K. The weekend had been great all around, and everyone who volunteered was sincerely appreciated. He thanked the Council for their continued support of the event.

3. **Comments from the Public:**

There were no comments from the public.

4. **Public Hearings:**

a. Hold a Public Hearing – Proposed Multifamily Housing Revenue Bonds Financing (Walker Landing Apartments);

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any persons present who wished to speak on the matter. Upon the Clerk's reply that there were not, Mayor Rivers declared the hearing closed.

Attorney Morgan advised that this is a win-win situation for the City. We assume not liability for the debt and the housing will significantly increase our tax base. There are two resolutions that will require approval by the Council. He added that Attorney Kirby with McGuire Woods was also present if there were additional questions.

Motion was made by Councilman Joseph Peel, seconded by Councilwoman Katherine Felton to approve Resolution #2025-03-01 authorizing issuance and sale of a multifamily note for Walker Landing. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to approve Resolution #2025-03-02 approving financing term and making certain findings with respect to the issuance of a multifamily note for Walker Landing. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

RESOLUTION #2025-03-01
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A MULTIFAMILY NOTE FOR WALKER LANDING

WHEREAS, the City Council (the "City Council") of the City of Elizabeth City, North Carolina (the "City") met in Elizabeth City, North Carolina at 7:00pm on the 10th day of March, 2025; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the Act in N.C.G.S. § 157-9 gives the City, acting as a housing authority, the power "to provide for the construction, reconstruction, improvement, alteration or repair of any housing project" and "to borrow money upon its Multifamily Note, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues"; and

WHEREAS, TTG Walker Landing Limited Partnership, a North Carolina limited partnership (the "Borrower"), has requested that the City assist it in financing a portion of the cost of the acquisition, rehabilitation and equipping of a 155-unit qualified residential rental project known as Walker Landing and located at 1003 Walker Avenue in the City (the "Development") and the City has agreed to do so; and

WHEREAS, the City proposes to provide the financing for the Development by the issuance of its Multifamily Note (the "Multifamily Note") in the principal amount not to exceed $22,000,000 (the "Multifamily Note"); and

WHEREAS, it is anticipated that the Multifamily Note will be privately placed with Lument Real Estate Capital, LLC (the "Funding Lender"), pursuant to a Funding Loan and Security Agreement (the "Funding Loan Agreement"), among the City, the Funding Lender and Wilmington Trust, National Association, as fiscal agent (the "Fiscal Agent"); and

WHEREAS, the proceeds of the Multifamily Note will be loaned to the Borrower pursuant to a Borrower Loan Agreement (the "Borrower Loan Agreement"), among the City, the Borrower, Lument Real Estate Capital, LLC, in its capacity as FHA Lender, and the Fiscal Agent, for the purpose of paying a portion of the costs of the acquisition, rehabilitation and equipping of the Development; and

WHEREAS, Section 147(f) of the Code, requires that any Multifamily Note issued by the City for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on this day the City Council of the City held a public hearing with respect to the issuance of the Multifamily Note to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto); and

WHEREAS, the City proposes to authorize and, where applicable, execute the following instruments to carry out the transactions described above (the "Documents"):

(a) the Funding Loan Agreement, authorizing the issuance of the Multifamily Note and providing for the terms and details thereof and the security therefor, together with the form of the Multifamily Note attached thereto;

(b) the Borrower Loan Agreement, providing for the terms and conditions pursuant to which the loan of the proceeds of the Multifamily Note will be made by the City to the Borrower; and

(c) the Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement"), pursuant to which the Borrower will be required to operate the Development in accordance with Section 142(d) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City will not in any event have any liability or responsibility whatsoever for the repayment of the Multifamily Note, or for any costs or expenses incurred in connection with the issuance of the Multifamily Note or the acquisition, rehabilitation, equipping or operation of the Development, and neither the faith and credit nor the taxing power of the City is pledged to the payment of the principal of or interest on the Multifamily Note;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY:

1. The City hereby determines to provide financing to the Borrower for the acquisition, rehabilitation and equipping of the Development through the issuance of the Multifamily Note pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended, and Section 160D-1311(b) of the General Statutes of North Carolina, as amended, the loan of the proceeds thereof and the advance of such proceeds to the Borrower in accordance with the Borrower Loan Agreement.

2. The City hereby authorizes the issuance and sale of the Multifamily Note pursuant to and in accordance with the Funding Loan Agreement. The Multifamily Note will bear interest at the rates and will mature and be redeemed in the years and amounts all as set forth in the Funding Loan Agreement; provided, however, that the aggregate principal amount of the Multifamily Note shall not exceed $22,000,000.

3. The issuance of the Multifamily Note to finance a portion of the cost of the Development in an amount not to exceed $22,000,000 is hereby approved for purposes of Section 147(f) of the Code.

4. Each of the Mayor, the City Manager, the City Clerk or his or her respective designee is hereby authorized and directed to execute and deliver the Documents to the other parties thereto. Each of the Mayor, the City Manager, the City Clerk or his or her respective designee, is authorized and directed to execute and deliver such endorsements, assignments and other instruments as may be necessary to assign any security documents to the Fiscal Agent.

5. Each of the Mayor, the City Manager, the City Clerk or their respective designees are hereby authorized and directed to execute and deliver the Multifamily Note in the manner and subject to the conditions provided in the Funding Loan Agreement to the Fiscal Agent for authentication and to cause the Multifamily Note so executed and authenticated to be delivered to or for the account of the Funding Lender, or any affiliate thereof, upon payment of the purchase price therefor.

6. The Documents and the Multifamily Note shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary or convenient to reflect the final terms of the Multifamily Note, and as otherwise approved by the officers of the City executing them after consultation with bond counsel and counsel to the City, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

7. Any authorization made hereby to the officers of the City to execute a Document shall include authorization to each of the Mayor and City Manager or their respective designees to execute the document, authorization to the City Clerk or any Deputy City Clerk to affix the seal of the City to such document and attest such seal if necessary, and, where appropriate, to deliver it to the other parties thereto, all in the manner provided in the Documents.

8. Such officers are hereby authorized and directed to execute and deliver any and all other documents, agreements, instruments, and certificates in the name and on behalf of the City and to take such other actions on behalf of the City as may be necessary or desirable to the issuance of the Multifamily Note, including but not limited to a nonarbitrage certificate, tax forms and other certificates. All other acts of the officers of the City previously taken or to be taken that are in conformity with the purposes and intent of this resolution and in furtherance of the undertaking of the Development and the issuance and sale of the Multifamily Note are hereby authorized, ratified, confirmed and approved.

9. This resolution shall take effect immediately upon adoption.

* * * * * * *

Council member Peel moved the passage of the foregoing resolution and Council member Felton seconded the motion, and the resolution was passed by the following vote:

Ayes: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton (8)

Nays: None

Not voting: None

* * * * * * *

I, April Onley, City Clerk to the City of Elizabeth City, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Elizabeth City, North Carolina, at a regular meeting duly called and held on March 10, 2025, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Elizabeth City, North Carolina, this 10th day of March, 2025.

(SEAL)

April Onley, City Clerk
City of Elizabeth City, North Carolina

CERTIFICATE AND SUMMARY OF PUBLIC HEARING

The undersigned City Clerk for the City of Elizabeth City, North Carolina hereby certifies:

1. Notice of a public hearing (the "Hearing") to be held on March 10, 2025, with respect to the issuance of Multifamily Note by the City of Elizabeth City (the "City") for the benefit of TTG Walker Landing Limited Partnership, or an affiliated or related entity was published on February 28, 2025, in *The Daily Advance*.

2. The presiding officer of the Hearing was Mayor E. Kirk Rivers.

3. The following is a list of the names and addresses of all persons who provided comments at the Hearing:

N/A

4. The following is a summary of the comments made at the Hearing:

N/A

WITNESS my hand and the corporate seal of the City of Elizabeth City, North Carolina, this the 10th day of March, 2025.

(SEAL)

_____
April Onley, City Clerk
City of Elizabeth City, North Carolina

RESOLUTION #2025-03-02
RESOLUTION APPROVING FINANCING TEAM AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE ISSUANCE OF A MULTIFAMILY NOTE FOR WALKER LANDING

WHEREAS, TTG Walker Landing Limited Partnership, a North Carolina limited partnership (the "Borrower"), has requested that the City of Elizabeth City, North Carolina (the "City") assist it in financing a portion of the cost of the acquisition, rehabilitation and equipping of a 155-unit multifamily residential rental facility known as Walker Landing and located in the City (the "Development") and the City has agreed to do so; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the City finds that the financing of the Development through a tax-exempt note will fulfill the purpose of the Act to provide for the construction, reconstruction, improvement, alteration or repair of any housing project, which is defined in the statute to include "loans and other programs of financial assistance to public or private developers of housing for persons of low income, or moderate income, or low and moderate income;" and

WHEREAS, the City proposes to provide the financing for the Development by the issuance of its Multifamily Note (the "Multifamily Note") in the principal amount not to exceed $22,000,000; and

WHEREAS, the North Carolina Local Government Commission has requested the City to make certain findings with respect to the Multifamily Note consistent with Section 159-153 of the North Carolina General Statutes; and

WHEREAS, it is anticipated that the Multifamily Note will be privately placed with Lument Real Estate Capital, LLC (the "Funding Lender"); and

WHEREAS, the Borrower has requested that the City approve its selection of the following financing team members for the issuance and sale of the Multifamily Note, on the terms and at the fees set forth in the documents and financial information relating to the financing, providing for the issuance and sale by the City and the purchase by the Funding Lender of the Multifamily Note and in the financial information provided to the City with respect to the Multifamily Note:

- Bond Counsel: McGuireWoods LLP
- City's Counsel: William H. Morgan, Esq.
- Borrower: TTG Walker Landing Limited Partnership

- Borrower's Counsel: Applegate & Thorne-Thomsen, P.C.
  Ellinger & Carr PLLC
- Fiscal Agent: Wilmington Trust, National Association
- Fiscal Agent's Counsel: Taboada Rochlin Govier LLP
- Funding Lender: Lument Real Estate Capital, LLC
- Funding Lender's Counsel: Tiber Hudson, LLC
- Tax Credit Investor: The Huntington Community Development Corporation

WHEREAS, based upon information and evidence received by the City, it has determined to approve the Borrower's request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY:

1. The above financing team for the issuance and sale of the Multifamily Note by the City is hereby authorized and approved.

2. The City hereby finds that the financing is necessary and expedient to further the City's purpose of promoting low and moderate income housing in the City, and that the acquisition, rehabilitation and equipping of the Development proposed by the Borrower are necessary and sufficient to accomplish the City's purposes with respect to the properties involved.

3. The City hereby finds that the Borrower has demonstrated that the amount of debt to be incurred in connection with the Development and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, rehabilitating and equipping the Development.

4. The City hereby finds, based on (i) information provided by the Borrower, (ii) the commitment of the Funding Lender to purchase and hold the Multifamily Note, and (iii) the award of bond volume cap allocation by the North Carolina Federal Tax Reform Allocation Committee at the recommendation of the North Carolina Housing Finance Agency, that the Borrower has demonstrated that (a) it is financially responsible and capable of fulfilling its obligations to make loan repayments and other payments under the Borrower Loan Agreement among the City, the Borrower, the Fiscal Agent and Lument Real Estate Capital, LLC, in its capacity as FHA Lender (the "Borrower Loan Agreement"), which will provide the funds to pay principal and interest on the Multifamily Note, and (b) the Development will generate sufficient revenues to make loan repayments and other payments under the Borrower Loan Agreement, to construct, operate, repair and maintain the Development at its own expense and to discharge such other responsibilities as may be imposed under the Borrower Loan Agreement or applicable law. The City further finds that adequate provision has been made for the payment of the principal of, redemption premium, if any, and interest on the Multifamily Note, and the rehabilitation, operation, repair and maintenance of the Development at the expense of the Borrower.

5. The City hereby finds that the use of the proceeds of the Multifamily Note for a loan to finance the costs of the Development and for the other purposes stated above will accomplish the public purposes set forth in the Act and hereby approves such use of proceeds.

6. This resolution shall take effect immediately upon adoption.

* * * * * * *

Council member Spence moved the passage of the foregoing resolution and Council member Peel seconded the motion, and the resolution was passed by the following vote:

Ayes: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton (8)

Nays: None

Not voting: None

* * * * * * *

I, April Onley, City Clerk for the City of Elizabeth City, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Elizabeth City, North Carolina, at a regular meeting duly called and held on March 10, 2025, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Elizabeth City, North Carolina, this 10th day of March 2025.

(SEAL)

April Onley, City Clerk
City of Elizabeth City, North Carolina

b. Hold a Public Hearing – South Park Complex Tournament Fees;

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any persons present who wished to speak on the matter. Upon the Clerk's reply that there were not, Mayor Rivers declared the hearing closed.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Javis Gibbs to adopt Ordinance #2025-03-01 modifying the South Park Complex rental fees to $200 per field per day for youth baseball and softball tournaments. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Ordinance #2025-03-01
An Ordinance Amending the FY 2024-2025 Fee Schedule
Of the City of Elizabeth City

WHEREAS, each year, the City of Elizabeth City adopts a Fee Schedule, which corresponds to the annual budget; and

WHEREAS, the City Council adopted the FY 2024-2025 Budget and Fee Schedule on June 28, 2024; and

WHEREAS, Parks and Recreation has requested modifications to fees for tournaments, which were previously adjusted in 2012 to a "percentage policy" in lieu of field rental fees; and

WHEREAS, the incentive appeared lucrative at the time, but it was not the best operational decision and resulted in lost tournaments and reimbursement struggles; and

WHEREAS, after review and discussion with the County, it was determined that returning to a set fee per field per day to bring our complex in line with other area tournament facilities would be in our best interest; and

WHEREAS, during the February 24, 2025 City Council meeting, the Council called for a Public Hearing, which was subsequently advertised and held during the March 10, 2025 Regular Session, at which time a quorum of the membership was present.

NOW THEREFORE BE IT ORDAINED that the City of Elizabeth City Fee Schedule for FY 2024-2025 is hereby amended to reflect the following:

SECTION I.

- The South Park Sports Complex charges **$200 per field per day**. The deposit amount of $200 will be subtracted from the total owed. All fees must be paid prior to start of the tournament. Failure to comply with payment requirements will result in scheduled event(s) by tournament host to be forfeited until all fees have been remedied.

The "Welcome to South Park" booking document shall be updated to reflect these fee modifications as well.

SECTION II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION III. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing municipal code violations.

SECTION V. This ordinance shall be in full force and effect and included in the City of Elizabeth City's fee schedule from and after the date of its adoption. This ordinance may be amended from time to time with the consideration of the City Council of the City of Elizabeth and with the requisite Public Hearings associated with such decisions.

ADOPTED this the 10th day of March 2025.

_____
E. Kirk Rivers
Mayor

_____
April D. Onley, NCCMC
City Clerk

c. Hold a Public Hearing – Developer Lot Fee Revisions;

Mayor Rivers declared the hearing open and inquired of the Clerk if there were any speakers present who wished to comment on the matter. Upon the Clerk's reply that there were not, Mayor Rivers declared the hearing closed.

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to adopt Ordinance #2025-03-02 amending the FY 2024-2025 Fee Schedule for Developer Lot Fees. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Ordinance #2025-03-02
An Ordinance Amending the FY 2024-2025 Fee Schedule
Of the City of Elizabeth City

WHEREAS, each year, the City of Elizabeth City adopts a Fee Schedule, which corresponds to the annual budget; and

WHEREAS, the City Council adopted the FY 2024-2025 Budget and Fee Schedule on June 28, 2024; and

WHEREAS, the Electric Department researched ways to fund new and expanding development; and

WHEREAS, Developer Lot Fees are crucial to offset a portion of the cost of materials required when installing infrastructure for new developments; and

WHEREAS, during the February 24, 2025 City Council meeting, the Council called for a Public Hearing, which was subsequently advertised and held during the March 10, 2025 Regular Session, at which time a quorum of the membership was present.

NOW THEREFORE BE IT ORDAINED that the City of Elizabeth City Fee Schedule for FY 2024-2025 is hereby amended to reflect the following:

SECTION I.

- Single Family Residential Subdivisions - **$3,000 Per Lot** (Previously $2,000/Lot)
- Multi-Family Residential Developments - **$2,500 Per Half-Acre + $500 Per Half-Acre Over the First $2,500** (Previously $2,000/Half-Acre +500 Per Half-Acre Over the First $2,000)
- Commercial Developments - **$2,500 Per Half-Acre + $500 Per Half-Acre Over the First $2,500** (Previously $2,000/Half-Acre + $500 Per Half-Acre Over the First $2,000)

SECTION II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION III. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing municipal code violations.

SECTION V. This ordinance shall be in full force and effect and included in the City of Elizabeth City's fee schedule from and after the date of its adoption. This ordinance may be amended from time to time with the consideration of the City Council of the City of Elizabeth and with the requisite Public Hearings associated with such decisions.

ADOPTED this the 10th day of March 2025.

_____
E. Kirk Rivers
Mayor

_____
April D. Onley, NCCMC
City Clerk

5. **Approval of Minutes:**

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

      Motion was made by Councilman Joseph Peel, seconded by Councilman Javis Gibbs to approve the minutes with any necessary corrections. Those

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

b. **Consideration – Approve February 24, 2025 Regular 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, 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 Closeout Resolution for Lead Service Line Inventory Phase I (AIA Grant);**

RESOLUTION #2025-03-03
RESOLUTION OF PROJECT COMPLETION & ACCEPTANCE
The Lead Detection & Removal Plan, Phase I
Grant No. AIA-D-ARP-0233

WHEREAS, the State Fiscal Recovery Fund funded from the American Rescue Plan Act (ARPA) was established in SL 2021-180 to assist eligible units of government with meeting their water and wastewater needs; and

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) has awarded ARPA funding in the amount of $100,000 to perform an Asset Inventory and Assessment study detailed in the submitted application; and

WHEREAS, this project is known as the Lead Detection and Removal (LDR) Plan, Phase I; and

WHEREAS, the City of Elizabeth City, through its project consultant, has performed the project's scope of work, as proposed to and approved by NCDEQ.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY:

- That the City of Elizabeth City confirms its receipt and approval of all deliverables for the Lead Detection and Removal Plan, Phase I, inclusive of an initial inventory of lead service lines, an Executive Summary/final report by the project's consultant, and other supporting documentation; and
- That the City of Elizabeth City accepts the recommendations of the LDR Plan, Phase I, and reaffirms its commitment to continue inventorying its water distribution system to model and predict the presence of LSLs with a high degree of certainty; and
- That the City of Elizabeth City requests NCDEQ close out Grant No. AIA-D-ARP-0233, inclusive of remitting final payments for all eligible expenses.

Adopted this, the 10th day of March, 2025, in Council Chambers at 306 E. Colonial Ave., Elizabeth City, NC.

_____
E. Kirk Rivers,
Mayor

_____
April D. Onley, NCCMC
City Clerk

b. **Consideration – Authorize Execution of Amendment to Audit Contract** *(Moved to the Regular Agenda During Agenda Adjustments)***;**

c. **Consideration – Approve Contract for City Manager;**

d. **Consideration – Authorize Lease of Space in City Facility to ECDI;**

e. **Consideration – Authorize Lease of Space in City Facility to District Office;**

f. **Consideration – Call for a Public Hearing – Text Amendment for Connectivity Between Parcels;**

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

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

7. <u>Regular Agenda:</u>

a. **Consideration – Authorize Execution of Amendment to Audit Contract** *(Moved from Consent Agenda to Regular Agenda During Agenda Adjustments)***;**

Councilman Walton requested clarification before the document was approved. When reviewing the contract, he saw only one name on the document. What was the reasoning for that? Mayor Rivers explained that the audit contract itself was passed some time ago, and the audit is now ready to be submitted. The amendment is only to the date of the audit's submission. The original submission was supposed to be on 10/31/2024. Since it was not, we have to modify the date. We are now scheduled to have it submitted by the 17th.

Councilman Peel added that the amendment is because the original date passed and the audit was not finished. In order to submit the audit to the LGC, we had to fix the date. That date is the only thing that changed.

Councilman Walton said he felt that Mr. DeMay's name should have been listed on the document as well. Director DeMay concurred that the amendment was just to correct the date to the future date. The form was issued to him earlier that morning and both he and Mayor Rivers have now signed. They were just making sure that everyone was in the loop. He noted that it had taken him just a bit to become updated on what was going on with the process, but everyone was on the same page.

Motion was made by Councilman Johnson Biggs, seconded by Councilwoman Katherine Felton to approve the amendment to the audit contract. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

b. **Consideration – Appoint Mark DeMay as Finance Officer;**

Motion was made by Councilman Johnson Biggs, seconded by Councilwoman Katherine Felton to appoint Mark DeMay as Finance Officer for the City of Elizabeth City. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Councilman Walton thanked Mr. DeMay for taking the time to answer and understand his questions. When everyone has an understanding, things go smoother and he appreciated it.

c. **Consideration – Sentara Cares Grant;**

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to authorize City staff to work with IFS to submit a Sentara Cares application to cover the full first-year cost of a contracted co-responder position. Those voting in favor of the motion were: Biggs, Peel,

Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

d. Consideration – Veterans Park *(As Added During Agenda Adjustments)***;**

Mayor Rivers shared that as he had previously broken the tie to modify the name of Veterans Park, he would like to now return to that motion and request a change. He had recently gone back, read some prior minutes, and discovered that a former council had worked with the VFW to name that park. Now that the City has the Armory facility, he thought that would be a better asset to name after General Proctor. As such, he wanted to remove his vote in favor of the original renaming of the park. Would that be in order at this time?

Attorney Morgan advised that a motion would be in order to reconsider; however, a new vote should occur.

Mayor Pro Tem Spence asked how in the world they would vote to change Veterans Park to be named after this General and then come back and say, "No, we're not going to do it." That is unbelievable, unreal and unacceptable. Yes, we have the Armory, but it is no longer the Armory. It is now a City building. We voted for General Proctor to be named on Veterans Park because he is a veteran, a general. We could have named a street after him at any point if we wanted to go this route .This is a smack in his face and in the face of everyone who voted for it. I will say this: It is unacceptable and very disrespectful to go back after we voted and you broke the tie because somebody upset you or whatever. I will not vote for that. To put another motion out there now is just ludicrous.

Councilman Walton opined that situations like this show you how politics operate and that is why there's good, bad and ugly. This is the ugly. People always tell us to go back to the handbook. Well, I say, "Go back to the charter." The charter says that this is a council-manager organization, but when you take your hands off it and put it back into the mayor's hands this is what you get. When three people on the left side of the aisle think along certain lines and then there are three people on the other side of the line that think down the same line this is what you get, especially if the mayor gets two people that will go down the same line with him on everything. That does not make a council-manager form of government. It becomes a mayor form of the government. That is what it becomes. This is the most divided council I have ever been a part of in the 20-some years I have been in government simply because the mayor knows he has two people who will go down the line. Council, you don't control anything. The mayor controls it all because he has two people who are going to stick with him. It's sad to say but that's what I see. I don't speak just to be speaking. When I understand something, that's what I take note of and I take facts from. We went through the process of naming that park. When the motion was made, I tried to collaborate with the group and I said, "Let's make the wall at Veterans Park." But everyone thought I was crazy. Now what's the difference from taking the name away and putting it on something else, somewhere that's been dormant for so many years? We're doing it because of what? I don't know why, but we logistically went through a process. We went through that process and it should have been set in stone but a month and a half later when the mayor knows he can do what he wants, he does it. It's sad, but it's happening all over the world and the country, so we're not exempt from the ugly part of politics. It hurts inside of you, but there's nothing you can do. It's sad that it comes down to this but these things happen on a very divided council.

Motion was made by Mayor Pro Tem Kem Spence to leave the name of the park as is (Major General Hawthorne L. Proctor at Veterans Park). The motion was seconded by Councilman Javis Gibbs.

Roll Call: In Favor: Spence, Gibbs, Walton and Felton
Against: Biggs, Peel, Whitehurst and Morris.
Mayor Rivers casts the tie-breaking vote, siding with the "nays."

Motion fails.

Motion was made by Councilman Johnson Biggs to rename Veterans Park as it was previously named (Veterans Park). Councilman Joseph Peel seconded the motion.

Councilman Gibbs asked if they needed to take this second action since the signage displaying the new name was not erected yet. Attorney Morgan replied that they did. Even if the sign is not there, the Council took official action to rename the park after General Hawthorne. If you have now rescinded that action. I think for clarity's sake, the Council should approve a motion naming it something else.

Roll Call: In Favor: Biggs, Peel, Whitehurst and Morris.
Against: Gibbs, Spence, Felton and Walton.
Mayor Rivers casts the tie-breaking vote, siding with the "ayes."

Motion carried.

Mayor Pro Tem Spence asked if the sign for the park was ever ordered. If it was, what are we going to do with it? Interim Director Williams relayed that in her research, and she did go back on this, she did not find that any sign was ever ordered. She also had some discussions with DOT and apparently, there are some right-of-way issues, which is why Veterans Park doesn't have any sign at all.

e. **Consideration – Naming of the Former National Guard Armory** *(As Added During Agenda Adjustments)***;**

Mayor Rivers reiterated that he wanted to give the Council the option to name the Armory the "General Hawthorne Proctor Community Center."

Mayor Pro Tem Spence declared that he would not be so disrespectful to do something like that. We took something from General Hawthorne and now we are trying to do this. I do not know why this has happened, but you can bury the truth on the right but it's coming up on the left. The real reason this was done will come up one way or another.

Councilman Walton agreed that this was the ugly part of politics. This is the mayor's Council. The mayor is the Council of Elizabeth City. The mayor made a motion, but he can't make a motion. Go back to your charter. The mayor is telling people, "This is how I want it". He is telling people to fall in line. Follow your charter. He can't make motions. (*To Mayor Rivers)* What Biggs is trying to do is the part you were trying to do, because you're into it together. If you can't make the motion, you've got other people around the board who will do it for you. You have to show people out there that this is your Council and you control it, but that's not the way it's supposed to be. It's supposed to be a council-manager form of government. We've now got down to the king's rules. This is not right. Sooner or later I guess someone will stand up and let the Council be what they're supposed to be, and the City will be run by the Council and City manager. The City manager will fall in line with you too. He doesn't ever talk to me. People are starting to talk more about the news because it's newsworthy. This Council is newsworthy too. We're becoming just like it.

8. <u>Adjournment:</u>

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 7:36 p.m.

_____
E. Kirk Rivers
Mayor

_____
April Onley, NCCMC
City Clerk