

**City Council Regular Session
March 27, 2023**

The City Council of the City of Elizabeth City met in regular session on Monday, March 27, 2023 in Council Chambers, located on the 2nd 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
Councilwoman Rose Whitehurst
Councilman Jarvis Gibbs
Councilwoman Katherine Felton
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: Councilman Joseph Peel

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

1. Agenda Adjustments and Approval:

Mayor Rivers requested the Council's pleasure regarding approval of the prepared agenda. He noted that there would be two items added on the Consent Agenda, approval of the resolution in support of Harbor Town and approval of the expansion of the Downtown Garbage District. He also stated that item D on the Regular Agenda would become the update by Tina Cannon of DMS. Councilman Biggs stated that we needed to pull the closed session for consultation with city attorney since we'd covered that during the Work Session.

Motion was made by Mayor Pro Tem Kem Spence to approve the agenda with the requested adjustments. The motion was seconded by Councilman Jarvis Gibbs. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton Against: None. Motion carried.

Before moving forward to the next item, Mayor Rivers and Mayor Pro Tem Spence praised Director Clark and Parks and Rec for the excellent work they'd done for the CIAA tournament. Mayor Rivers said he'd also like to announce that the City won the St. Patrick's Day bowling tournament. Councilman Walton noted that Corrina Ruffieux used to have a way to determine the economic impact for things like the CIAA tournament. Mayor Rivers pointed out that everyone was here for three days, so there was definitely an effect on our hotels and restaurants. He asked the manager to get with Tourism to see if we could get those numbers.

3. Comments from the Public:

Bob Spack – 1200 West Church Street, Elizabeth City, NC – Mr. Spack thanked the Council for putting the Pritchard Street study on the agenda. He pointed out that the Police Department had counted 11,000 cars on that street, which was excessive. He felt the only way to stop traffic on that street would be one-waying it. There are many people moving into that area, many of whom had children. It's not a matter of if something is going to happen, it's when. He felt that with the new developments going up, the traffic is going to double. He said he also wanted to address the amount of trash everywhere. He felt that many people have no respect for anything, and they'll throw their trash right out of their car windows.

4. Public Hearings:

a. Hold a Public Hearing – Amendment to Electric Fee Schedule – Transformers;

Mayor Rivers opened the public hearing and inquired of the Clerk if there were any speakers. Upon the Clerk's reply that there were none, Mayor Rivers closed the hearing.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to adopt the ordinance amending the electric fee schedule. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton, Against: None. Motion carried.

Ordinance #2023-03-02 An Ordinance Amending the FY 2022-2023 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 2022-2023 Budget and Fee Schedule on June 30, 2022; and

WHEREAS, on March 27th, 2023, the Council approved adoption of an amendment as recommended by the Electric Department to add fees for the purchase of transformers by commercial customers, which had never existed in the schedule prior to this point; and

WHEREAS, the demands and the expectations of the Elizabeth City Electric Department have increased over the years, and our costs have drastically risen, yet we have never charged the necessary fees for transformers for our commercial customers; and

WHEREAS, after review and discussion, it was determined that adding this fee into the schedule was in order; and

WHEREAS, during the March 13th, 2023 City Council meeting, the Council called for a Public Hearing, which was subsequently advertised and held during the March 27th, 2023 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 2022-2023 is hereby amended to reflect the following:

SECTION I.

Electric Service Rates and Costs:

- The City of Elizabeth City will carry out transformer setting and installation for our commercial customers and the customer shall incur the cost of the transformers. The transformers shall be charged at market rate, which may vary depending on size of the pole.

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 27th day of March, 2023.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

b. Hold a Public Hearing – Amendment to Fee Schedule – Increase of Water and Sewer Rates;

Mayor Rivers opened the public hearing and inquired of the Clerk if there were any speakers. The Clerk advised that there was one and called him forward.

Bill Hiemer – 107 Osprey Cove, Elizabeth City, NC - Mr. Hiemer said he supported the water and sewer rate increase. He thanked Mayor Pro Tem Spence for suggesting these rates and believed he could have gone higher on the sewer rates. He hoped this would be enough to at least keep up with inflation. He opined that repairs to our water and sewer system were not optional. He stated that when he was listening in the audience a few weeks ago, he'd had trouble following because the Council received a handout that he was not privy to. He emailed Manager Freeman the following day and was sent the handouts by the Clerk, and he was then able to follow the discussion. He sent Mr. Freeman a follow-up email and asked if we were sure that the majority of our residents pay the base rate of 1,000 gallons or less. The County indicated that most of their residents use about 3,000 to 4,000 gallons. He questioned the decision to use the rates based on the Raftelis study. He noted that he'd sent his questions to Mr. Freeman from the viewpoint of an interested outsider looking in.

Having no further speakers, Mayor Rivers closed the public hearing.

Motion was made by Mayor Pro Tem Spence, seconded by Councilman Johnson Biggs to adopt the ordinance amending the fee schedule to increase water and sewer rates.

Councilman Walton noted that he'd missed one of the meetings due to illness so he might be out of the loop, but he felt Mr. Hiemer's comments sounded like the LGC. He thought Mr. Freeman had done a good job presenting. He felt the Council made it more difficult for Mr. Freeman. The first rates the Council asked for were at least three meetings ago. He asked Mr. Freeman if he knew what those numbers were. Mr. Freeman said the original numbers were based on the Raftelis study, and then the Council began looking at 2%, 3%, 4% and so on. He

said that what each member had tonight was what the numbers would be based on 1,000 gallons and 5,000 gallons. Councilman Walton stated that he'd given them what they asked for and then they always ask for something else. That's what the LGC does to them all the time. Why do they keep asking him to repeat something over and over? Why did the man come up tonight acting like he's not doing his due diligence? There was a newspaper article about the LGC and the figures we'd used. They made a statement that said the LGC said most municipalities use 3,000 to 4,000 a month for residential so it's unclear why the City chose to use 1,000 gallons instead. Whatever we send them is never enough. You have to be careful because racism is still living. It's alive and well. Not just in Raleigh, it's in Elizabeth City. I always like what Mrs. Felton said when she'd ask if we treated our other city managers like that. Someone always says we need more. Something that didn't happen more than 15 minutes ago, someone said Mr. Freeman wasn't clear. You ought to be able to figure out what he gives you if you have a little bit of math in you, so why do we keep doing this? He stated that he was not going to blame everyone because you're not aware you're doing it, but if you do one manager one way and one another way, it's systemic racism. He told Mr. Freeman that when he does his evaluation, he'll say he adapted. He told the Council that they have to change some of the things they're doing.

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

**Ordinance #2023-3-03
An Ordinance Amending the FY 2022-2023 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 2022-2023 Budget and Fee Schedule on June 30, 2022; and

WHEREAS, within the FY 2022-2023 Budget, the Fee Schedule reported a current residential base charge for water of \$23.35 both inside and outside of the city, with all volume above 1,000 gallons beginning at \$6.90. The schedule reports a commercial base charge of \$23.35 for 3/4-inch meter; \$38.69 for a 1-inch meter; \$54.07 for a 2-inch meter; \$61.73 for a 3-inch meter; and \$69.39 for 4-inch meters and above inside of the city, with a volume charge beginning at \$6.90 for 1,000 gallons. Commercial meters outside of the city are listed as \$35.03 for 3-4 inch; \$50.39 for 1-inch; \$65.73 for 2-inch; \$73.40 for 3-inch; \$81.80 for 4-inch; and \$104.09 for 6-inch, with volume charges beginning at \$13.86 for 1,000 gallons; and

WHEREAS, within the FY 2022-2023 Budget, the Fee Schedule reported a current residential base charge for sewer of \$22.22 inside the city, with a volume fee beginning at \$5.99 for above 1,000 gallons, and a base charge of \$33.41 for outside of the city, with the volume charge of \$11.97 for above 1,000 gallons. The schedule reports a commercial base charge of \$22.22 inside of the city for a 3/4-inch meter; \$47.10 for a 1-inch meter; \$71.87 for a 2-inch meter; \$84.31 for a 3-inch; and \$96.74 for a 4-inch meter and over, with a volume charge of \$5.99 for all usage. Outside of the city, the base charge is \$33.48 for a 3/4-inch meter; \$58.29 for a 1-inch meter; 83.07 for a 2-inch meter; \$95.48 for a 3-inch meter; \$107.89 for a 4-inch meter; and \$145.01 for a 6-inch meter, with a volume charge for all usage of \$12.07.

WHEREAS, the Council is aware that the City is experiencing increasing costs due to our aging infrastructure and that there are many needed repairs; and

WHEREAS, during the March 13, 2023 City Council meeting, the Council called for a Public Hearing, which was subsequently held during the March 27, 2023 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 2022-2023 is hereby amended to include the following:

SECTION I:

- All residential water rates shall increase by 7.5%.

- All commercial water rates shall increase by 8%.
 - All residential sewer rates shall increase by 4%
 - All commercial sewer rates shall increase by 6%
- I. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
 - II. 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.
 - III. 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.
 - IV. 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 Hearing for a 1-s associated with such decisions.

ADOPTED this the 27th day of March 2023.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

5. Consent Agenda:

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

- a. **Consideration – Authorize Live Burn Request for 320 Holly Street;**
- b. **Consideration – Adopt Budget Amendment for Grace Street / Herrington Village Pump Station Project;**

AMENDMENT TO FISCAL YEAR 2023 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 2023, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
60-5700-6000	ARPA Unassigned		\$500,000
31-8280-7308	Grace St./Herrington Village Pump Station Project	\$500,000	
31-8280-7308	Grace St./Herrington Village Pump Station Project		\$500,000
	Total	\$500,000	\$1,000,000

Section II. To amend Fiscal Year 2023 Budget Ordinance, the estimated revenues are to be changed as follows:

Account #	Account Name	Decrease	Increase
60-3490-5166	ARPA/CSLFEF Funds		\$500,000
31-3490-3200	ARPA Fund	\$500,000	
31-3990-0000	Retained Earnings Appropriated		\$500,000
	Total	\$500,000	\$1,000,000

ADOPTED, this 27th day of March, 2023.

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

c. Consideration – Adopt Budget Amendment for PAL Mentoring Grant;

AMENDMENT TO FISCAL YEAR 2023 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 2023, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
10-5100-3303	PAL Expenses		\$16,200
	Total		\$16,200

Section II. To amend Fiscal Year 2023 Budget Ordinance, the estimated revenues are to be changed as follows:

Account #	Account Name	Decrease	Increase
10-3490-5150	PAL Mentoring Grant		\$16,200
	Total		\$16,200

	Total	\$500,000	\$1,000,000
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ADOPTED, this 27th day of March, 2023.

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

- d. Consideration – Adopt February 27, 2023 Work Session Minutes;**
- e. Consideration – Adopt February 27, 2023 Regular Session Minutes;**
- f. Consideration – Approve EDC Contract;**
- g. Consideration – Approval of Resolution in Support of Harbor Town *(Added During Agenda Adjustments)*;**

**RESOLUTION OF PARTICIPATION AND REGIONAL SUPPORT
FOR HARBOR TOWNS, INC. #2023-03-01**

WHEREAS, Harbor Towns Inc. has commissioned and accomplished a review of our town’s existing waterfront and dock infrastructure assets and the waterfront and dock infrastructure current conditions and assets of the four other Albemarle Sound Harbor Towns to identify needed and appropriate improvements to our respective town waterfront and dock infrastructure and needed and appropriate improvements for other towns; and

WHEREAS, having these waterfront and dock infrastructure improvements and assets in place would be beneficial to our residents, local boaters and water enthusiasts, statewide boaters and water enthusiasts, many of the Atlantic Intracoastal Waterway vessels annually traveling north and south along the eastern end of the Albemarle Sound, and other tourists and visitors across North Carolina and beyond who do and will come to our town and use and enjoy our town waterfront and docks; and

WHEREAS, having these waterfront and dock infrastructure improvements and assets at all five Harbor Towns – Elizabeth City, Hertford, Edenton, Columbia, and Plymouth – would be beneficial throughout the Albemarle Sound region as doing so would enable the Albemarle Sound region to become the first North Carolina destination harbor similar to the best of Padanaram Harbor, Massachusetts; Fort Myers, Florida; Gowanus Bay, New York; Hilton Head Harbors, South Carolina; and Charleston Harbor, South Carolina; and

WHEREAS, increased boat traffic and additional tourists and visitors coming to our towns and the entire Albemarle Sound region will result in significant regional economic benefits including, but not limited to, additional direct employment and career opportunities, additional indirect employment, increased tourism spending, greater sales tax revenue, and other benefits and opportunities for our towns, our citizens, our businesses, and our entrepreneurs; and

WHEREAS, Harbor Towns Inc. has offered to respectfully assemble and submit a regional grant proposal to the Golden LEAF Foundation for funding to pay for these waterfront and dock infrastructure improvements at all five Harbor Towns,

NOW BE IT RESOLVED THAT:

Our town wishes to participate and be included in the regional Golden LEAF grant proposal being assembled and submitted by Harbor Towns Inc., and

Be it further resolved that our town supports and encourages the participation of the other four Harbor Towns in the Albemarle Sound region in the Golden LEAF grant proposal being assembled and submitted by Harbor Towns Inc. for funding to also accomplish the needed waterfront and dock infrastructure improvements.

ADOPTED this the 27th day of March 2023.

E. Kirk Rivers,
Mayor

April Onley, NCCMC
City Clerk

**h. Consideration – Approval of Expansion of Downtown Garbage District
(Added During Agenda Adjustments);**

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

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

6. Regular Agenda:

a. Any Items Pulled from the Consent Agenda;

There were no items pulled from the Consent Agenda.

b. Presentation - Water Street Road Diet Plan;

Ms. Malenfant advised the Council that they had seen this presentation before and it was always presented as a concept, but no funding was identified. In 2018, Kimley-Horn was hired to discuss the feasibility of making Water Street one-way to get more parking. Follow the study, they realized they'd only get five more spaces, so they went back to the drawing board and decided to reduce the lanes on Fearing Street going south. Also as part of the plan was to identify and more clearly line parking spaces on Water Street from Main Street going northward. The price tag was estimated between \$200,000 and \$600,000. The study landed on a shelf due to there being no money to fund it. In discussions about the Rural Transformation Grant, DOT pulled the study back down to look into it. Initially DOT found funding in 2024 budget, but now they've notified us that they've found funding in this budget, so this may happen sooner rather than later. Mayor Rivers noted there was no official action needed, beyond support. He asked if the Council supported the idea for implementation.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to send a letter of support for the plan. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

c. Presentation – Pritchard Street Traffic Update;

Interim Chief Webster stated that they'd had a number of residents of Pritchard Street and Church Street come forward to the Council requested that a traffic study was conducted in that location. The speed limit on Pritchard Street is 25 mph and the average speed was estimated at 26 mph. The total count of vehicles for the period looked at was nearly 11,000. Southbound

traffic was heavier traffic than northbound traffic travel. They do believe that delivery trucks also use this as a cut-through. He explained the 85% percentile, which is the speed limit that 85% of drivers will not exceed even if there are no stop signs or stop lights, which was 34 mph on Pritchard Street. He noted that there are two issues on Pritchard Street, one was the speeding of about six mph over the limit, although they do not usually enforce six mph over. The second issue was volume, which was the main problem. Pritchard is a cut-through from North Hughes to Ehringhaus. The traffic calming policy indicates several treatments, and speed lumps would be the most suited to the road. Lumps still allow for emergency vehicles to travel without impediments.

Councilwoman Felton asked if the next step would be installing the lumps before going drastic and making it one-way? Interim Chief Webster said following our policy, lumps would be next, but they could also use lines to narrow the roadway. There was a lot we could do, but he felt narrowing the roadway was more of a speed issue and he did not believe that was our main issue, it was the volume. Councilwoman Felton asked if once the lumps were placed down, could another study be done to see if deterred the volume? Chief Webster said yes, that was in the policy. After the treatment was done, they were supposed to go back and reassess.

Mayor Pro Tem Spence said he felt all the people complaining about Church Street are going around now. We have speed bumps and they're removable, why don't we put those down? He said he thought the community had to sign off to make a street a one-way and there's a lot of rental property on that street. His suggestion was to put down the speed bumps because we already had them and then do another study. If they weren't working, we'd have to do the petition to get it signed off on. We could start that while the bumps are down. Our employees can put the bumps down and remove them as well. He felt they needed to be put down as soon as possible. Chief Webster asked if we had humps or bumps in stock?

Director Bell said we technically had humps. Mayor Pro Tem Spence stated that if we have them, we should put them down. Then we need to reach out to the property owners to get the petition signed to do the one-waying if the humps don't work, so we're ready to go with that. Councilwoman Whitehurst asked what's down on Church Street, is that a hump? Director Bell replied that it was. Councilwoman Whitehurst said she recalled that some of the complaints were that that type of device was not made for that. Director Bell said it would be a Council decision what was placed down, but the speed humps that were on Church Street were the lowest pitch available in something sustainable. It's the raise that makes everyone think it's a bump, but it's a hump.

Councilman Gibbs thanked the Police Department for getting us the data we needed. He felt something needed to be done as soon as possible. He said he'd gone out there for a few hours and the volume was terrible. The whole end of Church Street from Pritchard down to the end of Church by the 7-11 is dangerous. We need to be strategic where we place the traffic calming devices. Chief Webster said they've also done a study on the portion of Church to Hughes and he did not have the data tonight, but he would get it for the Council.

Mayor Rivers asked if our policy would allow us to put speed humps down there since it suggested speed lumps. Chief Webster advised that the policy would let us put humps, but he'd personally suggested lumps because of emergency vehicles. Councilman Biggs said if he lived on the street with two children, he would be here every time worried for their safety as well. He appreciated the work the PD had done. He agreed with the mayor that whatever we did, we must do it within the policy. What's the thought process of the traffic going down Pritchard - if we put a device there, will it just transfer down to Harrell or the next street down? He noted that he didn't want to stop it on one and then just have it flow to the next one. Chief Webster agreed that that's always a possibility. They'll always find another way. Councilman Biggs suggested that we may want to set up speed monitoring on Harrell before they go down and then again after we put them down because we could just be pushing the problem down a few streets.

Councilman Gibbs said he thought part of the issue was that Pritchard Street was where the light was. He said he hadn't received any calls from any other streets except for Pritchard. Chief Webster agreed that the way Pritchard was designed was unique and that was part of the issue. It's being used to avoid lights for sure. Councilman Walton stated that we needed to do something and told the Police Department they should keep collecting data until we get it right.

Motion was made by Mayor Pro Tem Kem Spence to use the speed humps that we have in stock for Pritchard Street and continue to perform a study to determine they have any effect on traffic. He added that while the study is being conducted, they should begin a petition to get approved for one-waying of the street. The motion was seconded by Councilman Johnnie Walton.

Mayor Rivers asked if we needed to submit letters to everyone on the street and let them know what was going on? Also, how many speed humps are we putting down? And where will they go on the street? We want to make sure we're sticking to what we say and we're going by policy.

Chief Webster noted that there were a few ways to initiate a traffic calming study and the proper next steps would be a meeting with the residents of Pritchard and the Police Department. He said he didn't want to drag it on, but that would technically be the next phase according to the policy. Mayor Pro Tem Spence asked if we'd be going against our policy if we put the humps down now? He asked Attorney Morgan for his opinion. Mr. Morgan said based on the established policy, it sounded like we would be in violation of our policy if we tried to put humps or any other device down first. Mayor Rivers stated that it sounded like we would need the Police Department to meet with the residents of the Pritchard Street community as step one. We've covered everything else. Director Bell noted that's what we did that for Church Street. Mayor Rivers agreed, but said it had not yet been done for Pritchard Street. He reminded everyone that before, the Council did not go by their own rules and this was a new policy and we needed to make sure we followed our own rules. Councilwoman Felton said we definitely need to let the residents know that traffic deterrents are going out. Even if we just put door knockers out for common courtesy, we need to do that.

Mayor Pro Tem Spence asked if he should withdraw his motion. Mayor Rivers said the motion was okay, but we needed to direct city staff on the meeting first.

Mayor Pro Tem Kem Spence withdrew his motion to have speed humps placed on Pritchard Street. Councilman Johnnie Walton withdrew his second.

Motion was made by Mayor Pro Tem Kem Spence to direct staff to have a meeting with the residents of Pritchard Street as soon as possible.

Attorney Morgan stated that he didn't think they even needed a motion for that part, just direction to the manager to have staff do that. Mayor Pro Tem Spence said he would like the meeting to be done as soon as possible. If the meeting has been conducted, he'd like the humps request brought back to the next meeting.

Mayor Rivers advised that there were a few additional speakers present who had not been able to sign in for public comment, so he'd like to reopen the floor at this time.

Return to Public Comments:

LaShona Hunter - 1003 Walker Avenue 802B, Elizabeth City, NC – Ms. Hunter stated that she'd been to a previous meeting to speak with the Council about her issue. Her situation with her apartment had been going on for seven months. So far, she has received two notices to vacate the apartment. No mold remedy had happened as of yet. All of her valuables are contaminated and will have to be replaced. The company is still being paid rent as if she's staying there and she's not. She expressed concern that nobody is trying to do anything to correct the situation. She stated that she's just asking to be moved to a mold-free apartment or somewhere to stay while this is happening. She noted that where things have been repaired, they're already growing mold again. She said she's hoping the Council can help move the situation along, as her children now have health issues because of this.

Eldris Venus Hunter - 107 Juniper Landing, Elizabeth City, NC – Ms. Hunter advised that she was the cousin of LaShona Hunter and wanted to vouch for a what has taken place in her apartment. It was very demeaning and belittling. She said her cousin has four children under the age of nine. She moved into the apartment complex and was relocated to this apartment as of last year. They will not respond to her. She stated that she has assisted her in contacting the governor twice. They have contacted HUD in person. The inspector found the water was underneath the new flooring so they're doing superficial maintenance. She purchased the mold

test out of her own pocket. Everything that was even stored in containers is covered in mold and she has not been in that apartment since September. She has to wear masks to go into the apartment for more than five minutes because your eyes and breathing will be affected. Management will come out and spray the outlines of the windows but when it comes down to this, they are entirely negligent. She has been made homeless because of this and yet they are still collecting rent.

c. Update – DMS – Tina Cannon *(Added During Agenda Adjustments);*

Mrs. Cannon stated that last week, her team had the pleasure of meeting the owner of Rivers Landing and were able to point out some of the issues. The owner of Rivers Landing is now doing all he can and spending a ton of money to get the complex up to the state that it needs to be in. It is an honor to have been able to help these people. They are now doing all kinds of reconstruction that has nothing to do with mold remediation. Her company is trying to find a cost-efficient way to work with him as well. He has new maintenance people because he fired his old staff. The new maintenance people are tearing up the walls so her company can do mold remediation. They did go into the one apartment that had the sewer backup that was classed as an H-8 Hazmat, which we are not classified to treat, but someone is coming in to take care of that. They are going to treat all the others though. They have an HVAC company coming in to work on those on well. The flooring that was installed 12 years ago was not up to standard and the owner will be working on that too. She noted that he was wonderful for them to work with. They went into several homes and everyone was very appreciative. He had no idea that the units were this way. He thinks that what happened was when COVID was here that the maintenance stopped and maybe people didn't want anyone in their homes. Now he has good staff and good maintenance people and everyone is working together to fix this.

Councilwoman Felton said the good news was great news and this problem has existed for so long. She thanked the city manager for doing whatever he did to get the ball rolling. She asked if he could do something similar to get Walkers Landing in motion. Manager Freeman thanked Tina for all her hard work. Councilwoman Baxter advised Councilwoman Felton that she had everything that they needed for Walkers Landing as far as the owners name, number, website and related information to get them started. She noted that Rivers Landing's owner showed a considerable amount of concern when he was brought into the loop, and when he put DMS on the same team, it made her feel good. He was transparent and took accountability for not being aware of the issues. Councilwoman Baxter noted that these issues have been going on for nearly 20 years and it took getting on a platform to get this done. She added that it does not stop here and she's not done.

7. Closed Session As Allowed by NCGS 143-318.11(a)(6) for Discussion of Personnel

Motion to enter closed session for personnel as allowed by NCGS 143-318.11(a)(6) was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Felton at 8:27 p.m.

Mayor Rivers announced that we would have to also add consultation with City Attorney back to the closed session reasons, as it had been removed earlier.

Motion was restated to enter closed session for NCGS 143-318.11(a)(6) for personnel and NCGS 143-318.11(a)(3) for consultation with City Attorney by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried. The time was 8:31 p.m.

8. Adjournment:

The Council returned to open session at 9:06 p.m.

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 9:07 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

