

**City Council Regular Session
November 12, 2024**

The City Council of the City of Elizabeth City met in Regular Session on Tuesday, November 12, 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 Rose Whitehurst
Councilwoman Katherine Felton
Councilman Ronnie Morris
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Reggie Goodson
City Attorney Bill Morgan
Chief of Staff Monica Cole
Electric Superintendent Donnell White
Interim Chief of Police James Avens
ECDI Director Debbie Malenfant
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Deputy Fire Chief Thomas Brooks
Deputy Finance Director Brian Lewis
Parks and Recreation Director Sean Clark
Chief Building Inspector, Alvin Lawrence, Jr.
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 6:56 p.m. Pastor Daniel Spence of Victory Praise & Worship Center provided the invocation, after which Councilwoman Whitehurst led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers directed the Council's attention to the prepared agenda. Staff had provided an item on the dais, which would require consideration and addition to the Regular Agenda – Accept Construction Bid for Rivershore Road Bridge Replacement Project. Mayor Pro Tem Spence requested a discussion on Veterans Park also be added to the Regular Agenda.

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

2. 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.

Naomi Gordon – Elizabeth City, NC – Mrs. Gordon advised that she was trying to start the Hometown Heroes Veteran Banner Program in Elizabeth City. This initiative recognizes the service of those who have served or are serving in the Armed Forces. Personalized banners will be sold to commemorate each individual with their name, photo and military branch. The banners will be 30x60 in size and will hang on utility poles. Checks will be made out directly to the banner company, so neither the VFW nor anyone else will be profiting from the sales. The price

of each banner is \$210, which includes shipping costs and the hardware needed to hang them. She said she originally spoke with former Manager Freeman back in August and he told her the Electric Department would be able to hang banners up for her, but now she was told she needed to present to the Council.

Markie Riddick – Elizabeth City, NC - Mr. Riddick told the Council he had been a citizen of Elizabeth City for 44 years. He is certified in BPI with energy auditing and is interested in working to help lower utility bills for customers with either the County or the City. He is an HVAC technician as well. He can help with sealing up homes and finding hairline cracks that are responsible for energy losses. He has a machine that depressurizes the entire house so he can then repair any leaks or cracks. Generally, after he performs these services, he has seen utility bills lowered by as much as half. Heat and AC is lost through the cracks in the ductwork. If a customer does not want him to perform these repairs personally, he can also provide any information he collects to another local business. Mayor Rivers requested that he leave his business card or contact information with ICM Goodson.

3. Approval of Minutes:

a. Consideration – Approve October 28, 2024 Work Session Minutes;

Motion was made by Councilman Johnson Biggs, seconded by Councilwoman Katherine Felton 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.

b. Consideration – Approve October 28, 2024 Regular Session Minutes;

Motion was made by Councilwoman Katherine Felton, seconded by Councilman Joseph Peel 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.

c. Consideration – Approve October 31, 2024 Special Session Minutes;

Motion was made by Councilwoman Katherine Felton, seconded by Councilman Joseph Peel 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.

d. Consideration – Approve November 1, 2024 Emergency Meeting Minutes;

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

4. Consent Agenda:

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

a. Consideration – Call for a Public Hearing – Repeal Taxicab Ordinance;

b. Consideration – Call for a Public Hearing – Amendment to Code of Ordinances for Parking Fines;

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

Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to approve the Consent Agenda. Those voting in

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

5. Regular Agenda:

a. Consideration – Accept Construction Bid for Rivershore Road Bridge Replacement Project *(As Added During Agenda Adjustments)*;

Interim City Manager Goodson advised that this item had been brought before the Public Utilities Committee last week; however, Mayor Pro Tem Spence was the only member who was able to attend the meeting. Director Bell reported that staff opened the sealed bids received on the project last week, and ST Wooten came in as the apparent low bidder. Unfortunately, the Public Utilities staff did not receive all the documentation they were waiting on until very late Friday, which is why this item is appearing as an addition to the prepared agenda.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to award the Rivershore Road Bridge Replacement Project to ST Wooten, in an amount not to exceed \$918,442, and authorize execution of all necessary contractual documents. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

b. Consideration – Appointment to the Planning Commission – Vatará Copeland Slade *(By Motion and Roll Call Vote)*;

Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to appoint Vatará Copeland Slade to a four-year term on the Elizabeth City Planning Commission, expiring November 30, 2028. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton, Against: None. A roll call vote followed, which yielded the same results. Motion carried.

c. Consideration – Authorize ECPD Promotions / Hiring;

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to authorize the Police Department to conduct assessment centers with the goal of promoting existing personnel into the empty ranks left by vacancies, and to hire and additional Crime Scene Investigator.

Mayor Pro Tem Spence stated that with the many openings in various departments and the ongoing hiring freeze, staff had stopped him several times to inquire how long the freeze would continue. He wanted to know how much longer they intended to keep the freeze in place or if there was a time in mind when it could be lifted. Additionally, does the freeze have to be lifted by the same members who made the motion to put it in place? Mayor Rivers replied that it did not; any member of the Council could make the motion to remove it. He advised that they could place it on the next agenda for consideration.

Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton and Morris. Against: Walton*. Motion carried.

(Clerk's Notation: Councilman Walton advised that he wished to vote "nay" not because he was against the hiring but because the Council should not oversee employee hiring.)

d. Consideration – Approve Updated Policy for Surplus Property;

Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to adopt the changed to the surplus property policy, including the addition of an opening bid floor equating to 10% of a parcel's total assessed property value and requirements for structure entry and review by Building Inspections. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

e. Consideration – Declare 103 Harding Street as Surplus;

Motion was made by Mayor Pro Tem Kem Spence to adopt Resolution #2024-11-01 declaring the property identified as 103 Harding Street, PIN #891315641378 and MAP 55-F-6 as surplus property.

The Clerk inquired whether the Council wished to set the opening bid at the newly updated policy rate or the offer received in July from Mr. Edward Williams. Mayor Pro Tem Spence replied that he felt they should open the bid with the offer submitted by Mr. Williams since that had come in several months prior and was not substantially less than the policy rate.

Mayor Pro Tem Kem Spence amended his motion to include that the opening bid should be set at \$2,000. The motion was seconded by Councilman Jarvis Gibbs.

Councilman Biggs asked when the Council sells property in poor shape, what are the next steps? Is it just sold as is? Can it remain like this? Mayor Rivers explained that the property is sold as is, but the upkeep becomes the property owner's responsibility. These properties are within City limits, so the Code of Ordinances regulates them. They will have to keep it up to code.

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

**Resolution # 2024 –11-01
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891315641378 and Map 55-F-6 and having a physical address of 103 Harding Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$2,000, as received from Mr. Edward Williams via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891315641378 and Map 55-F-6, located at 103 Harding Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$2,000.

ADOPTED, this the 12th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

f. Consideration – Declare Various Properties as Surplus;

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Biggs to adopt Resolution #2024-11-02 declaring 00000 Culpepper Street (PIN #891307689406 Map ID: 32-G-16) as surplus; Resolution #2024-11-03 declaring 00000 Shannon Street (PIN #892309058830 Map ID:22-F-3) as surplus; Resolution #2024-11-04 declaring 405 North Martin Street (PIN #891420808573 Map ID: 12-G-21); and Resolution #2024-11-05 declaring 706 Park Street (PIN #892309062130 Map ID:25-J-12B) with opening bids of \$1,000 per parcel. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

**Resolution # 2024 –11-02
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN #891307689406 and Map ID: 32-G-16 and having a physical address of 00000 Culpepper Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. Mitchell Ramseur of MRA via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN #891307689406 and Map ID: 32-G-16, located at 00000 Culpepper Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 12th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

**Resolution # 2024 –11-03
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN #892309058830 and Map ID: 22-F-3 and having a physical address of 00000 Shannon Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. Mitchell Ramseur of MRA via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN #892309058830 and Map ID: 22-F-3, located at 00000 Shannon Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 12th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

**Resolution # 2024 –11-04
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN #891420808573 and Map ID: 12-G-21 and having a physical address of 405 North Martin Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. Mitchell Ramseur of MRA via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN #891420808573 and Map ID: 12-G-21, located at 405 North Martin Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 12th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

**Resolution # 2024 –11-05
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN #892309062130 and Map ID: 25-J-12B and having a physical address of 706 Park Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. Mitchell Ramseur of MRA via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN #892309062130 and Map ID: 25-J-12B, located at 706 Park Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 12th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

g. Discussion – Veterans Park *(As Added During Agenda Adjustments);*

Mayor Pro Tem Spence advised that he added this item because he wanted to bring the Council’s attention to a valuable and important veteran from the Elizabeth City area. Major General Hawthorne Proctor was from Newland, and both the first African American and the first North Carolina native to serve as quartermaster general in the US Army. We have named nearly every park in Elizabeth City that falls under our purview, and due to Major General Proctor’s history, he suggested that Veterans Park bear his name.

The Clerk advised that based on the City’s Naming Policy, the Council would need to call for a public hearing, which could be held during the November 25, 2024 Regular Session if that was the pleasure of the Council.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to call for a public hearing to be held on Monday, November 25, 2024 during the 7:00 p.m. Regular Session to consider the renaming of Veterans Park to General Hawthorne Proctor L. Park. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

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

Motion was made by Councilwoman Katherine Felton at 7:19 p.m. to enter Closed Session as allowed by NCGS 143-318.11(a)(6) for the Discussion of Personnel. The motion was seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, 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 8:58 p.m.

7. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 8:59 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

