

**City Council Regular Session
November 25, 2024**

The City Council of the City of Elizabeth City met in Regular Session on Monday, November 25, 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
Police Captain Darrell Felton
ECDI Director Debbie Malenfant
Assistant Public Utilities Director Raymond Staten
Fire Chief Chris Carver
Deputy Fire Chief Thomas Brooks
Interim HR Director Anna Spence
Deputy Finance Director Brian Lewis
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's Regular Session was called to order by Mayor Rivers at 7:00 p.m. Pastor Matt Harrell of Forerunner Church provided the invocation, after which Councilman Biggs led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers directed the Council's attention to the prepared agenda. She asked that several items discussed during the Work Session be added to the Consent Agenda: Consideration - Budget Amendment for Insurance Reimbursement Related to Retention Pond Damages; Consideration – Budget Amendment for Funding Transfer for Break Room Rehab; Consideration – Budget Amendment for Lead Service Line Inventory; Consideration – Budget Amendment for WithersRavenel; and Consideration – Amendments to River City Skippers Lease Pending Review by Attorney Morgan.

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence 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.

Cecil Perry – 1202 Mitchell Drive, Elizabeth City, NC (*Additional Time Provided by James Robertson of 1213 West Church Street, Elizabeth City, NC*) – Mr. Perry wanted everyone to know that he left the County Commissioners because there was no possibility of change. He is

a person who likes change. He has been here 88 years, and served with Councilors Walton, Peel and Felton. One of the reasons he came forward this evening is because General Proctor is one of his dear friends and he knows that he is the 46th quartermaster general of the US Army. No one gives the exposure that he gives. We have had opportunities to promote him but it becomes difficult when we ask certain people to move quickly. We see murals of people who only lived here until they were six painted on our buildings. What did they do to get those murals? General Proctor has done a lot for the community but when it comes to accommodating his contributions, it becomes difficult. I did not understand and still do not understand. In the community, you have unity. You have people who do certain things that need exposure and there are certain kinds of things in our community that have not been properly analyzed. I am here tonight to say to everyone that we need to learn to work together, be citizens to one another and unite. I have always been one to try as much as I could to support people from this community. I want this community to be what it can be. It can be a great community if we learn how to work together, but that's not always easy. Many times we have different ideas of what we think is right and wrong. If you're going to brighten your community, you have to do things to uplift people, even if they are people you do not agree with. I want to tell you that when you start reading the information about the 46th quartermaster general you will read about someone from Elizabeth City who went to P.W. Moore High School and who graduated with honors. I hope the Council will see that as possible progress for our entire community. It doesn't matter what you look like or where you come from. I am a person who believes in progress and I would not like to see us turn down an opportunity to make this recognition. We should make this a place we can be proud of. We are all here for a reason but my reason is to support this and recognize this. I came here in 1936. I have seen the ups and downs of this community. Having unity is one of the best things you can have. We need to stop looking at people cross-eyed and check their merit. I support the Council for promoting General Proctor for being a person who should be honored.

Karen Butler-Coup – 105 Doris Drive, Elizabeth City, NC – Mrs. Butler-Coup advised that she was a retired case manager and volunteer at SOULS. She has tried to find resources for people down on their luck. We have been able to help so many people at SOULS because we provide acceptance and value to everyone who enters our doorway. Unfortunately, our city, as are others, are setting people up for failure due to the lack of resources. Our downtown has grown and prospered and I am proud of our local people but I have also seen an enormous rise in the number of people living in their cars and couch surfing. We have one small business for job training and it is completely overrun. We have buildings that are abandoned or used for storage and people live on the outside or in the doorways for years. I realize there are zoning and legal issues but we have a bigger problem that we know nothing about because it's easier to make things look nice than to actually fix a problem. The people that I meet go back to what they did before because they have no place else to go. I have been all over the world and seen large populations of homeless, but I have also seen accommodations. We are ignoring our homeless. We have buildings and businesses not being used. We have a multi-million museum that people sleep under because they have nowhere to go. Our City can invest in these people. We need long-term programs. Instead of abused women sleeping under buildings, instead of people living in cars, we need low-income housing. Our City does have the resources to do this. For every case manager out there who is overwhelmed, there are those trying to help. For every probation officer who rolls their eyes, there are those who want these people to succeed. We need to invest in job training. These people are smart, talented and caring. I know many of them and they can contribute to this community. We have more than 40 people living outside or couch surfing right now. We need long-term programming. We need sobriety houses and controlled services. Many of these people have felony records, which put a stamp on them for life so they cannot get the help they need.

3. Public Hearings:

- a. Hold a Public Hearing – Repeal Chapter 114: Taxicabs from the Elizabeth City Code of Ordinances in its entirety, as well as the accompanying schedule of associated fees;**

Mayor Rivers declared the hearing open and inquired of the Clerk if there were persons present who wished to speak. Upon the Clerk's reply that there was one commenter, Mayor Rivers asked that they be called forward.

Tony Sawyer – 2715 West Main Street Extended, Elizabeth City, NC - Mr. Sawyer said he read that there are no longer any cabs being examined by the City and he could understand why people moved away from that. There were tremendous background checks associated

with cabs in the old ordinance. Most people have moved over to driving for Lyft or Uber and they don't have to go through those checks. When he was driving, one of his main issues was that each year the drivers had to be fingerprinted twice by the ECPD and the SBI. Once you're fingerprinted, your prints are out there forever, so he wasn't sure why it had to be done twice a year. He did not feel it was right to subject the cab drivers to that because it felt unfair. The ordinance also made it so that if you had more than \$300 worth of damage to your vehicle at any time, you had to pull your vehicle off the road. He felt that the \$300 amount was ridiculous because he had a shopping cart bump his window and the lens alone cost \$700 to fix. It seemed like the ordinance singled out cab drivers and that's probably why everyone went off on their own way with for hire services. He did not see any issue with doing away with the ordinance.

Having no other speakers, Mayor Rivers declared the public hearing closed. He asked the Council's pleasure on the proposed repeal.

Motion was made by Councilwoman Katherine Felton, seconded by Councilman Johnson Biggs to adopt Ordinance #2024-11-01 to repeal Chapter 114: Taxicabs from the Elizabeth City Code of Ordinances in its entirety, as well as the accompanying schedule of associated fees. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

**ORDINANCE # 2024 –11-01
TO REPEAL**

**Chapter 114: Taxicabs of the City of Elizabeth City Code of Ordinances in its
Entirety**

WHEREAS, for many years, the City of Elizabeth City, by way of the Elizabeth City Police Department regulated all taxicab operations situated within city limits; and

WHEREAS, regulations for taxicab operations and all application and permitting processes related to those operations were codified as Chapter 114 and entitled "Taxicabs" under Title XI: Business Regulations in the City's Code of Ordinances; and

WHEREAS, the ordinance has been determined to be antiquated as most transportation companies operate as "for hire", which is not a status regulated by municipalities; and

WHEREAS, there are no longer any operational taxi franchises operating within our municipality, the final one having retired from service some time ago.

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

SECTION I. Effective November 25, 2024, Chapter 141 "Taxicabs" is hereby repealed in its entirety.

SECTION II. CODIFICATION. The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable after its adoption.

SECTION III. SEVERABILITY CLAUSE. If any section, or part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 25th day of November 2024.

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

- b. **Hold a Public Hearing – Amendments to Section 72: Parking Rules in the Elizabeth City Code of Ordinances and all accompanying fee schedules to revise the parking fines and penalties imposed by the Elizabeth City Police Department;**

Mayor Rivers called the public hearing to order and inquired of the Clerk if there were any persons present who wished to speak. Upon the Clerk's reply that there were no commenters, Mayor Rivers declared the public hearing closed. He asked the Council's pleasure on the proposed ordinance.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Rose Whitehurst to adopt Ordinance #2024-11-02 to revise the Elizabeth City Police Department's parking fines and penalties as defined in Section 72: Parking Rules. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Morris and Walton. Against: None. Motion carried.

Ordinance #2024-11-02
An Ordinance Amending Chapter 72: Parking Rules
In the Code of Ordinances
And the
Corresponding FY 2024-2025 Fee Schedule
of the City of Elizabeth City

WHEREAS, the City Council believes that parking vehicles safely on the municipal streets is of great importance; and

WHEREAS, the intent of Chapter 72: Parking Rules as found within the Code of Ordinances and enforced by the Elizabeth City Police Department is to improve the safety, health and welfare of all citizens within the City's jurisdiction; and

WHEREAS, penalties for violations and unsafe or otherwise improper parking are addressed in 72.99; however, the fine has remained a flat \$10 for decades; and

WHEREAS, the demands and the expectations for the City of Elizabeth City Police Department have increased over the years, but the parking fees have remained the same; and

WHEREAS, after review of surrounding municipalities, it was determined that Elizabeth City's fines were significantly lower, and an increase was in order to maintain parking standards; and

WHEREAS, during the November 12th, 2024 City Council meeting, the Council called for a Public Hearing, which was subsequently advertised and held during the November 25th, 2024 regular session, at which time a quorum of the membership was present.

NOW THEREFORE BE IT ORDAINED that the City of Elizabeth City Code of Ordinances is amended to reflect the following changes:

SECTION I.

Fees

Violation	Old	New
Parking in Designated Handicap Space	50.00	100.00
Loading Zone	15.00	25.00
Excess 2 Hr. Parking	10.00	25.00
Too Close To Fire Hydrant	10.00	50.00
Parking Wrong Direction	10.00	50.00
Fire Lane	10.00	50.00
Too Close To Intersection	10.00	25.00
Obstructing Traffic Lane	10.00	75.00
Cross Walk	10.00	50.00
Parking In Alley	10.00	50.00
Double Parking	10.00	25.00
Prohibited Area	10.00	50.00
Blocking Private Driveway	10.00	50.00
Other	10.00	25.00

SECTION II. Effective November 25, 2024, Chapter 72: Parking Rules, Section 72.99 shall be modified to account for the updated fees as listed herein. Those fines shall also be published within the City of Elizabeth City FY 2024-2025 Fee Schedule for ease of reference.

SECTION III. CODIFICATION. The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances and the FY 2024-2025 Fee Schedule as soon as practicable after its adoption.

SECTION III. SEVERABILITY CLAUSE. If any section, or part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

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 25th day of November 2024.

E. Kirk Rivers,
Mayor

April D. Onley, NCCMC
City Clerk

- c. **Hold a Public Hearing – To consider the renaming of Veterans Park, as situated at 222 North Water Street to Major General Hawthorne L. Proctor (US Army Retired) Park;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers who wished to be heard. Upon the Clerk's reply that there were, Mayor Rivers asked that they be called forward for their comments.

Dan Serik VFW – 1433 North Road Street, Elizabeth City, NC – Mr. Serik said that Veterans Park was already properly named because it honored all veterans as opposed to one single veteran. We have numerous high-ranking officers in the area, some of who have received distinguished honors. The park bears a plaque for Frank Miller who was awarded the Medal of Honor. Veterans Park is a title that covers every single one of the veterans in the community. Most of the veterans are content with the current name of the park and want it to stay. He opined that if the Council would like to honor Major General Proctor, who is certainly distinguished, they could give him a plaque. He cautioned the Council that they would have to override their own naming policy in order to change the park's name since it was already dedicated with the name it has now. He noted that he was a very patriotic individual who had dedicated a lot of time to honoring veterans, and it is never customary to recognize just one single individual. We always recognize heroes, but never just one. It is for each and every one of us.

Allen Coatney VFW – 1433 North Road Street, Elizabeth City, NC – Mr. Coatney introduced himself as the commander at Post 6060. He shared that he had canvassed his comrades at the post and they all agreed the name should remain as Veterans Park. He was not against honoring anyone. Before the meeting, someone mentioned an idea that maybe once a year they could recognize one or two members of the military who have gone above and beyond and place a plaque in the park or something like that.

Michael Brooks – 119 Carver Street, Elizabeth City, NC – Mr. Brooks felt that changing the name of Veterans Park would be a grave mistake. To name it after any single person would be disrespectful to anyone who ever put on a uniform. Out of the many who served in the military, whether retired, POW or other, they all fall under the rank of veteran and are equal. To cast a vote to change the name of Veterans Park to any single name would not be proper to do to anyone who fought for your freedom. He agreed that giving someone a day or a plaque would be fine, but every veteran is just as important as every other one. If you were in the military, you would understand the passion that people are feeling tonight. You can't differentiate between veterans. A general may have had two or three thousand people under him, but when he becomes a civilian, he can't give orders any longer. All veterans are on the same playing field and it's equal.

Cecil Perry – 1202 Mitchell Drive, Elizabeth City, NC – There have been name changes all over with military personnel. Many people participate in the military. There have even been base names that have been changed recently. Some of them have been changed so people could have a better relationship with one another. If you want to improve your community, there are things that have to change. We have to change how we see each other. I have had many jobs, but a relationship is more important. Name changing is important now. What is the name of Fort Lee at this particular time? It's not Fort Lee. They changed the name for a reason. Just because people don't want to talk to one another doesn't mean they don't have a relationship. I know we would have a better relationship if we let people be involved. As far as changing the name, I came here because I felt that changing it would make the community a place for everyone. What we do is important to everyone, not just one group of people. Name changes are not unusual in this year.

Jill Reid – 577 Body Road, Elizabeth City, NC – Mrs. Reid advised that she served in the United States Coast Guard for 36 years. She would not want her own name to be on the park because she believed the park should be for all veterans. In the biblical book of Timothy, it says to honor all people. My service is of no more importance than anyone else's. If we are honoring one member of the military above others, we are being disrespectful. It is important to me as a veteran to say that we as a group served for all of you. Please leave the name of the park as Veterans Park.

Bill Hiemer – 107 Osprey Cove, Elizabeth City, NC – Mr. Hiemer stated that he strongly supported honoring Major General Proctor for his accomplishments but he also strongly opposed renaming Veterans Park. He said that he submitted a letter to The Daily Advance and he would not read it in its entirety, but he wanted to share several points from it. When discussing this prospect with a friend, he was asked if General Proctor even wanted this park named after him. That's a good question because these officers are taught to take care of their people before themselves. Does a major general really want his name above the names of his people? You have ample space in Veterans Park and you could put an acknowledgement to

tell his historic story alongside Frank Miller's piece. Please do not take Veterans Park away from our veterans and their families.

Tony Stimatz – 606 West Main Street, Elizabeth City, NC – Mr. Stimatz noted that he did not have a lot to add to what had already been addressed. He felt that Mr. Serick's earlier point was interesting in that the policy stated the name should not be changed without changing the purpose of the park. The points that people have made are very real. I have heard from a lot of veterans about this. We can easily honor people. We could put a wall up and put anyone's plaque up who wanted it there. I also think Mr. Hiemer's question is a good one – Did you ask the General? Did you ask any veterans? I don't think you did. You talk about including stakeholders but you did not include any for this. This is a big deal for any veteran who has lived here now or in the past. They come from many branches of the forces but they are all recognized equally.

Ken Weaver – 809 West Main Street, Elizabeth City, NC - Mr. Weaver said that as a veteran, there is no doubt that General Proctor was a worthy person and worthy of recognition but not at the sake of the park. He did not believe that the name of the park should be changed. He thought there could be an opportunity to erect a wall at the park and place two or three plaques honoring specific veterans, but the park itself should remain Veterans Park. He added that he spent many years in the military and another 20 years working for the military and did not believe changing the name that of a particular person is what is right or honorable in this situation.

(Clerk's Notation: One written comment for this public hearing was received. The Council's Rules of Procedure only allow written comments to be read into the record during state of emergency protocols when the public would otherwise not be allowed to physically attend the meeting. Written comments are distributed to the Council and recorded in the minutes.)

Jeffrey Troll – 810 Kyler's Way, Elizabeth City, NC – *(via email)* "Good evening Mayor and City Council members. My name is Jeff Troll and I live at 810 Kyler's Way, 4th Ward, Elizabeth City, NC. The purpose of this letter is to express my strong opposition to the renaming of Veterans Park. I served in the United States Navy from Sept 1979 to Sept 2005 and retired as a Senior Chief Petty Officer. During this time, I was stationed on six different ships and went to war three different times: Operations Desert Storm, Enduring Freedom and Iraqi Freedom. Additionally, my ships were sent to sea for numerous deterrent and training missions. Veterans Park was designed and dedicated to honor all veterans and not just one individual. Having done some research on Major General Proctor, some type of recognition is highly deserving and warranted. My photograph is proudly displayed at the Wal-Mart entrance alongside my fellow brothers and sisters. To rename Veterans Park would be like removing all the photos and replacing them with one veteran. In closing, please reconsider the renaming of Veterans Park and find another way to honor the General's life, accomplishments and legacy."

Having no other speakers, Mayor Rivers declared the public hearing closed.

Attorney Morgan addressed the concerns that the Council would be in violation of their naming policy if they renamed the park. He pointed out that paragraph #14 in the policy does say that current names for properties should remain the same unless the function of the property is changed; however, it is somewhat contradicted in paragraph #17 which says that exceptions to the policy may be made as the Council deems appropriate.

Mayor Pro Tem Spence said he was the one who brought this idea up originally and he was not a disrespectful person. We are not taking the park away. The park is still there and we are not selling anyone short. So many names have been changed and we are not trying to take anything from anyone. If my motion has been disrespectful to anyone in here, I am sorry because that was not my intent. I have had a few conversations with General Proctor. He is a very honorable man. We are not removing anything from the park. I stand by my decision to name the park after General Proctor. I would never disrespect any of you in here.

Councilman Peel said he appreciated Mayor Pro Tem Spence's comments. He pointed out that whether Mayor Pro Tem Spence intended to make anyone feel badly or not, the Council just heard many comments from veterans saying they would feel disrespected and hurt. Although the intention may not be to take it away, we have heard from numerous people who feel that this action would be the same as taking the park away.

Councilman Walton noted that his comments were not intended to be disrespectful and he hoped no one would take them as such. He said he had never been a veteran but he had been

Black all of his life. I have been disrespected many times but life went on. To the veterans in the room, I respect you because you deserve to be commended for what you have done and what you continue to do. I feel like you are honest in what you say and I try to be honest in what I say too. It's not easy because it is a black and white issue sometimes. If you don't change your perspective nothing else will change. I feel like if this name change was a white name that was brought up, there wouldn't have been as many veterans that came to speak on this issue. Imaginations make progress. Progress is made that way. To my imagination, if we do this, it's not going to sit well with a lot of people and if we don't do it, then that won't sit well either. Some people came in here and offered other suggestions. I wonder what General Proctor would think if he had a Wall of Fame at Veterans Park. An idea like that might have been swallowed a bit better. That's coming from my heart, not my head. There are too many veterans out there to be dissatisfied. They've been through a lot. One time they wouldn't even let Black people in the Army, so I guess when times get tight and they had to have numbers they said we could join and I think that's what Mr. Perry was talking about. If you include us in everything, we wouldn't have these problems. I'm trying to make it as plain as I can and I don't want to offend anyone but we need to do something special for Mr. Proctor. I bet if we had a day to honor him most of you wouldn't even show up to memorialize him. Until our mindset changes about black and white there will be uncomfortable days always. It is just whatever shoes you're wearing. I could vote for something like Proctor's Wall at Veterans Park. Hopefully, my vote will count, but like Mr. Perry said, we have to listen to one another. I bet if we did name it Proctor's Park, it would be a conversation for a long time and then people would believe that Black people are important. That's just my imagination running away. Trust me, not many things have changed for the Black male. At 15, 16, I wanted to play over there where the white guys were playing softball. When they changed that, I felt a lot better. My self-esteem was better. If we named that park after Proctor that would make me feel as important as anyone else in this whole world, but that will be a Council decision. I hope what I said didn't offend anyone but I was going to say it anyway.

Councilman Morris felt that the Council heard from a diverse group of veterans and he was thankful that everyone came out to speak. He agreed with the majority of the commenters. He shared that he'd called a few of his cousins who are veterans and they also said that they did not want to see a name change. He also spoke with a few other people about it. If you remember Rev. Charles Foster, he served during the Korean War. He was an educator; he worked at P.W. Moore High School. He was also the first Black mayor of Elizabeth City. I think it would be a mistake to single out just one person. We have so many veterans who have done great things in Elizabeth City and they all deserve praise. If there's a plaque that needs to be made and we need to revisit this, that's something I can support. I went out to Veterans Park to have a look around and the name serves it well. It means a lot to those who have served.

Mayor Pro Tem Spence pointed out that they could still have Veterans Park in the name, but he wanted General Proctor's name in there too. You could put something like General Hawthorne Proctor (US Army Retired) Veterans Park. I am okay with that.

Councilman Peel felt that one good thing that has come out of this conversation is a refocus on veterans and the role they play in this community. As Councilman Walton was saying, there were many different ideas that generated about how to focus on veterans and how we can honor others who have contributed to the community. I am not personally in favor of renaming the park. If we vote that way, I will be the first to make a motion to explore other avenues of recognition, be it the Wall of Fame that was suggested or whatever. I cannot vote to change the name of the park though.

Motion was made by Mayor Pro Tem Kem Spence to change the name of Veterans Park to "Major General Hawthorne L. Proctor (US Army Retired) Veterans Park." The motion was seconded by Councilman Javis Gibbs.

Mayor Rivers asked if the "retired" portion needed to be included. He said he was not personally a veteran so he didn't know. Mayor Pro Tem Spence replied that it did. He called for the question.

Councilman Biggs asked if the vote would require a simple majority. Even if we're acknowledging that we're going against our own policy?

Attorney Morgan advised that he felt a simple majority vote would be in order.

Those voting in favor of the motion were counted by roll call, as follows:

Councilman Johnson Biggs: No
Councilman Joseph Peel: No
Councilman Javis Gibbs: Yes
Councilwoman Rose Whitehurst: No
Mayor Pro Tem Kem Spence: Yes
Councilwoman Katherine Felton: Yes
Councilman Ronnie Morris: No
Councilman Johnnie Walton: Yes

The roll call vote revealed a 4:4 tie.

Mayor Rivers asked if Mayor Pro Tem Spence had spoken with Major General Proctor about the renaming. Mayor Pro Tem Spence advised that the motion had been made and they were in the middle of a vote, but yes, he had spoken with him several times.

Mayor Rivers stated that he was prepared to vote in favor of the motion, but after listening to the veterans, he would ask that the "US Army Retired" be removed from the name. He would also request that the name be "Major General Hawthorne Proctor at Veterans Park."

Mayor Pro Tem Spence and Councilman Gibbs agreed to the amendment to the original motion.

Mayor Kirk Rivers broke the tie in favor of the renaming. Motion carried.

4. Approval of Minutes:

a. Consideration – Approve November 12, 2024 Regular 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.

5. Consent Agenda:

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

- a. Consideration – Call for a Public Hearing – Request RZ 07-24 as filed by Michelle Moore of River City CDC to Rezone Property at 318 South Hughes Boulevard from General Business (GB) to Office & Institutional (O&I);**
- b. Consideration – Call for a Public Hearing – Request for CUP 03-24 as filed by Michelle Moore of River City CDC to Utilize Property at 318 South Hughes Boulevard as a Homeless Shelter;**
- c. Consideration – Authorize Submission of Application for NCLM Safety Grant;**
- d. Consideration – Declare Various Properties as Surplus;**

**Resolution # 2024 –11-06
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 #89230906300 and Map ID: 25-J-41 and having a physical address of 708 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 \$4,650 received from Mr. Drew Spence of Xpenceve Logistics 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 #892309063100 and Map ID: 25-J-41, located at 708 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 \$4,650.

ADOPTED, this the 25th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

**Resolution # 2024 –11-07
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 #891311763298 and Map ID: 30-A-9 and having a physical address of 406 Roanoke Avenue; 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 \$1,600 received from Mr. Drew Spence of Xpenceve Logistics 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 #891311763298 and Map ID: 30-A-9, located at 406 Roanoke Avenue 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 \$1,600.

ADOPTED, this the 25th day of November 2024.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

e. Consideration – Authorize Submission of Application for PAL Mentoring Grant;

f. Consideration – Budget Amendment for Insurance Reimbursement Related to Retention Pond Damages (Added During Agenda Adjustments);

AMENDMENT TO FISCAL YEAR 2024-2025 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2024-2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
34-8500-0400	Professional Services - Fence Repair by Seegars for Accident on 4/20/24		\$12,133.69
	Total		\$12,133.69
	Total change in Expenses		\$12,133.69

To amend Fiscal Year 2024-2025 Budget Ordinance, the estimated revenues are to

Section II.

Account #	Department/Account Title	Decrease	Increase
10-3350-8300	Insurance Reimbursement Check #7965 from Risk Management for PO #25-00173		\$12,113.69
	Total		\$12,113.69
	Total change to Revenues		\$ 12,113.69

ADOPTED, this 25th day of November 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

g. Consideration – Budget Amendment for Funding Transfer for Break Room Rehab (Added During Agenda Adjustments);

AMENDMENT TO FISCAL YEAR 2024-2025 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2024-2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
40-5800-7400	Capital Outlay Equipment - Remaining		\$10,439.78
	Balance from Purchase of 1-Ton Dump Truck		
40-5800-1700	Maintenance & Repair of Vehicles -		\$2,310.22
	Using Funds for Gap in Quoted Repair Price for Break Room		
	Total		\$12,750.00
	Total change in Expenses		\$12,750.00

To amend Fiscal Year 2024-2025 Budget Ordinance, the estimated revenues are to

Section II.

Account #	Department/Account Title	Decrease	Increase
40-5800-4500	Contracted Services - Billy's Construction		\$12,750.00
	for Break Room Repair		
	Total		\$12,750.00
	Total change to Revenues		\$12,750.00

ADOPTED, this 25th day of November 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

h. Consideration – Budget Amendment for Lead Service Line Inventory (Added During Agenda Adjustments);

AMENDMENT TO FISCAL YEAR 2024-2025 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2024-2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
31-8100-1500	Building Maintenance		\$20,000.00
31-8100-1600	Equipment Repair		\$10,000.00
Total			\$30,000.00
Total change in Expenses			\$30,000.00

To amend Fiscal Year 2024-2025 Budget Ordinance, the estimated revenues are to

Section II.

Account #	Department/Account Title	Decrease	Increase
	Reimbursed Grant Funds to Credit Back		\$30,000.00
	Funds Used from Building Maintenance		
	And Equipment Repair for Lead Service		
	Line Inventory (Phase I)		
Total			\$30,000.00
Total change to Revenues			\$30,000.00

ADOPTED, this 25th day of November 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

i. Consideration – Budget Amendment for WithersRavenel (Added During Agenda Adjustments);

AMENDMENT TO FISCAL YEAR 2024-2025 BUDGET ORDINANCE
CITY OF ELIZABETH CITY

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2024-2025, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
31-8100-7306	Capital Improvement- Flow Testing		\$196,000.00
	Project Management, Smoke Testing, CCTV Inspections by WithersRavenel		
	Total		\$196,000.00
	Total change in Expenses		\$196,000.00

To amend Fiscal Year 2024-2025 Budget Ordinance, the estimated revenues are to

Section II.

Account #	Department/Account Title	Decrease	Increase
31-3490-8100	NCDEQ Grant for Providence-Charles		\$196,000.00
	I&I Reduction Plan		
	Total		\$196,000.00
	Total change to Revenues		\$196,000.00

ADOPTED, this 25th day of November 2024

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

j. Consideration – Amendment to River City Skippers Lease Pending Review and Approval by Attorney Morgan (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, Peel, Gibbs, Whitehurst, Felton, Spence, Morris and Walton. Against: None. Motion carried.

6. Regular Agenda:

a. Any Item Removed from the Consent Agenda;

No items were removed from the Consent Agenda.

b. Consideration – Confirm Joint Re-Appointment to the Parks and Recreation Board for Shannon Baylor-Henderson (*By Motion and Roll Call Vote*);

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Jarvis Gibbs to confirm the joint reappointment of Shannon Baylor-Henderson to a two-year term on the Parks and Recreation Board, expiring December 31, 2026. 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 / Discussion – Lift Hiring Freeze;

Mayor Pro Tem Spence stated that this was made part of the agenda by his request. He felt that while the freeze had been needed, we were now at a point where we were adding extra work onto already overworked employees who were trying to bear the load. He believed it would be a good time to lift the hiring freeze.

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

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

Motion was made by Mayor Pro Tem Kem Spence at 8:12 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 9:08 p.m.

8. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 9:09 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

