

**City Council Regular Session  
October 10, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, October 10, 2022 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor E. Kirk Rivers  
Mayor Pro Tem Kem Spence  
Councilman Johnson Biggs  
Councilman Joe Peel  
Councilman Jarvis Gibbs  
Councilwoman Rose Whitehurst  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Montique McClary  
City Attorney Bill Morgan  
Interim Electric Department Bob Vannoy  
Interim Chief of Police J. Phillip Webster  
Deputy Chief of Police James Avens  
Interim Human Resources Director Monica Cole  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
Finance Director Alicia Steward  
Assistant Finance Director Brian Lewis  
Public Utilities Director Dwan Bell  
Assistant Public Utilities Director Ryan Howell  
Parks and Recreation Director Sean Clark  
Parks and Recreation Superintendent Darris Sawyer  
Community Development Director Kellen Long  
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 provided 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.

Mayor Rivers requested the Council remove item D – Consideration / Discussion – Capital Project Items from the Regular Agenda and add closed sessions for business expansion and property acquisition, as allowed by NCGS 143-318-11(a)(4) and NCGS 143-318-11(a)(5).

**Motion was made by Mayor Pro Tem Kem Spence, 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, Baxter, and Walton. Against: None. Motion carried.**

**2. Mayoral Recognition:**

**a. Chamber of Commerce;**

Mayor Rivers presented the Elizabeth City Area Chamber of Commerce with a mayoral certificate of recognition on behalf of the Council with thanks for their partnership for the first Bra-ha-ha in Elizabeth City, NC. Representatives from the Chamber said it was an honor that

they were able to do the event and partner with Chesapeake Regional Healthcare. They noted that they'd raised \$16,100 during the event, and looked forward to doing it again next year. They thanked the Mayor and Council for acknowledging them for their efforts. Mayor Rivers said he always wore pink during the month of October because it was important to bring awareness to breast cancer. He wanted it known that we stand with our survivors in Elizabeth City, that we are here with them and we support them.

#### **b. Chesapeake Regional Healthcare;**

Mayor thanked Chesapeake for stepping in and partnering with the Chamber and for having the event here to bring support to our area. Representatives from Chesapeake Regional said they will always cross state lines for the purposes of love and support, and hoped it would create a long-lasting tradition in our city. They noted the Bra-ha-ha not only creates awareness of good breast health, but also raises funds for those in need.

#### **c. Department of the Month – Fire;**

Mayor Rivers gave an overview on the City's Fire Department. The Elizabeth City Fire Department is made up of two divisions with a total of 46 personnel. The Fire Prevention Bureau which is responsible for fire inspections, investigations, planning reviews and public education, while the Suppression Division responds to emergencies, installs smoke detectors, checks car seats, trains for all types of emergencies and assists with public education events.. Each division has been hard at work this year and proudly serves the citizens of Elizabeth City daily.

#### **d. Department Head of the Month – Chief Chris Carver**

Mayor Rivers provided the Council with background on Chief Carver, including that he is originally from Elizabeth City, and attended Northeastern High School. He graduated from COA with an Associate's Degree and went on to attend Elizabeth City State University where he graduated in 1994 with a Bachelor's Degree. He began his fire service career in 1998 with the Inter-County Volunteer Fire Department, of which he is still a member. He started with the Elizabeth City Fire Department in the year 2000 and has worked his way up through the ranks where he was named Interim Fire Chief in 2019 and became the Fire Chief in March 2020. Chief Carver holds certifications as Fire Instructor, Live Fire Instructor with LP gas, Emergency Vehicle Driver instructor, Fire Officer, CPS technician and Haz Mat Technician. He is also a member of the Regional Response Haz-mat team based in Williamston.

Mayor Rivers also announced that Paint the Waterfront Blue would not be happening this Thursday due to an event at the Fine Arts Center at ECSU, so there was a conflicting schedule. It would resume the following week. He encouraged everyone to support ECSU as Homecoming was fast approaching.

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

Mayor Rivers inquired of the Clerk whether there were any persons present who wished to speak before the Council. Upon the Clerk's reply that there was one, Mayor Rivers asked that they be called to the podium.

**Bill Hiemer - 107 Osprey Cove, Elizabeth City, NC** – Mr. Hiemer advised that he'd asked several weeks ago about the City's financials and Councilman Biggs had reached out to him and explained quite a few things, which he appreciated. He still would like to know how many more hours will we be paying the Greg Isley Firm? When would our own employees be able to handle this work? How does the City payroll compare to what we've paid the firm? How did we get into this mess, and specifically who made the decision to stop the reconciliations? Was the manager informed? He said he'd read in the paper about the LGC's financial agreement and that the City had agreed to enter into it, but he was told it was discussed in Work Session, which was not televised. He felt that deserved a full discussion during a televised meeting. He noted that many councilors ran their campaigns on the grounds of transparency, but this was certainly something that needed to be made transparent and was not. He asked that updates be made on the City's financial position regularly, whether good or bad.

### **4. Public Hearings:**

**a. Hold a Public Hearing – Update Emergency Management Ordinance;**

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

**PASQUOTANK COUNTY, CAMDEN COUNTY and CITY OF ELIZABETH CITY  
EMERGENCY MANAGEMENT ORDINANCE**

- WHEREAS,** The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled “North Carolina Emergency Management Act”, which revises and recodifies and sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and
- WHEREAS,** G.S. §166A-19.15, which is part of the North Carolina Emergency Management Act, assigns to Counties responsibility for emergency management within the geographical limits of such county; and,
- WHEREAS,** G.S. §166A-19.22, which is part of the North Carolina Emergency Management Act, authorizes cities and counties to declare a state of emergency under conditions and procedures contained in G.S. §166A-19.22; and,
- WHEREAS,** G.S. §166A-19.31 authorizes counties and cities to enact ordinances to empower their Boards, to exercise certain powers and authorities to deal with states of emergency; and,
- WHEREAS,** due to changes in the relevant General Statutes and the greatly expanded operations and capabilities of emergency management, the existing County and City ordinances on Civil Emergencies need to be significantly revised and replaced.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Pasquotank County, Board of Commissioners of Camden County, and the City Council of the City of Elizabeth City, that:

Section 1: The following Ordinances are hereby repealed:

1. The Elizabeth City-Pasquotank County Emergency Management Code dated July 1, 1985;
2. The State of Emergency Ordinance for Elizabeth City dated June 6, 1988, the State of Emergency Ordinance for Pasquotank County dated September 19, 1977 and the State of Emergency Ordinance for Camden County dated September 3, 1985.

Section 2: The following Ordinance is HEREBY ADOPTED:

**ARTICLE 1 – GENERAL**

**Section 1. SHORT TITLE**

This ordinance shall be known as the Emergency Management Ordinance for Pasquotank County, Camden County, and the City of Elizabeth City. This ordinance is adopted under the provisions set forth above and in accordance with North Carolina Emergency Management Act of 1977.

**Section 2. PURPOSE**

- a. Establish an emergency management agency to ensure the complete and efficient utilization of all resources of Pasquotank County, Camden County, and the City of Elizabeth City in the event of an emergency or disaster.
- b. The Pasquotank-Camden Emergency Management Agency shall be the coordinating agency for all activity in connection with Emergency Management. It will be the instrument in which the Pasquotank and Camden County Board of Commissioners and the City of Elizabeth City, within their jurisdictional boundaries, may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- c. The Pasquotank-Camden Emergency Management Agency shall be the coordinating agency for activities and programs relating to emergency and disaster prevention, protection, mitigation, response, and recovery among agencies and officials of Pasquotank County, Camden County, the City of Elizabeth City, and similar agencies and

officials of other counties, the state and federal agencies; and with other private and quasi-official organizations responding to assist within our jurisdictional boundaries.

### **Section 3. DEFINITIONS**

The following definitions shall apply in the interpretation of this Article:

**Coordinator** refers to the Coordinator of Pasquotank-Camden Emergency Management, the individual with direct responsibility for the development, organization, administration, and operation of the Pasquotank-Camden Emergency Management Agency as provided by this Ordinance.

**Disaster** represents the degree and severity of an emergency's impact as declared by the Governor.

**Emergency** is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.

**Emergency Management** includes those measures taken by the populace and governments of federal, state, and local levels to minimize the adverse effect of any type of emergency, which includes the never-ending preparedness cycle of planning, prevention, mitigating, warning, movement, shelter, emergency assistance, and recovery.

**Emergency Management Agency** refers to the Pasquotank-Camden Emergency Management office, the local government agency charged with coordination of all emergency activities for its jurisdiction.

**Emergency Operations Plan** refers to the document, developed by Pasquotank-Camden Emergency Management that assigns responsibilities to organizations and individuals for carrying out specific actions in an emergency/disaster that exceeds the capability or routine responsibility of any one agency and establishes lines of authority and organizational relationships.

**Mutual Aid Agreements** are defined to include but not be limited to agreements related to the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as may be needed with provisions for the reimbursement of costs and expenses for equipment, supplies, personnel and similar items upon such terms and conditions as may be necessary.

**Volunteer** shall mean personnel and agencies contributing a service, equipment, or facilities to the emergency management agency without remuneration.

### **Section 4. PRESERVATION OF AUTHORITY**

- a. This ordinance does not:
  - a. relieve any county or city department or agency of the responsibilities or authority given to it by state law or by local chapter, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations.
  - b. abridge or modify the authority of emergency medical services personnel, law enforcement, firefighters, or other relevant public officers and agencies from exercising their authority to protect the public health and safety, as that authority is established by state and local law.
  - c. abridge or modify the authority of the governor or their delegates to implement emergency measures during declared states of disaster or emergency.

### **Section 5. VIOLATIONS**

- a. Violations of any provision of this Ordinance or declaration enacted or declared under this chapter shall be punished in accordance with N.C.G.C §14-288.20A.
- b. Any person interfering with, or obstructing, hindering, or delaying any public officer in performing their duties under the provisions of this ordinance, or any declaration, regulation, or plan issued thereunder shall be punished in accordance with N.C.G.S. §14- 223.
- c. It shall be a Class 2 misdemeanor, punishable upon conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days for any person to willfully obstruct, hinder or delay any other emergency management forces in the enforcement of the provisions of this chapter or performing their duties pursuant to any plan or restriction issued thereunder and upon conviction, shall be punished in accordance with N.C.G.S. § 14-4.

## **ARTICLE 2 – PASQUOTANK-CAMDEN EMERGENCY MANAGEMENT AGENCY**

### **Section 1. ORGANIZATION AND APPOINTMENTS**

The Pasquotank-Camden Emergency Management Agency shall consist of the following:

- a. An agency of Emergency Management within the executive department of Pasquotank County, with contracted services to Camden County and the City of Elizabeth City, under the direction of the County Manager, through the Board of Commissioners and the City Mayor, as authorized by N.C.G.S. §166A-19.15(2).

- b. A Coordinator of the emergency management agency will be appointed by the Pasquotank County Manager. The Coordinator will be a person well-versed and trained in emergency management processes and procedures involving the activities of various agencies that serve to protect public health, safety, and welfare in the event of an emergency.
- c. The Coordinator shall designate and appoint an Assistant Emergency Management Coordinator to assume the duties of the Coordinator in the event of their absence or inability to act. The Coordinator and all other employees shall meet all requirements of state law to serve in emergency management.
- d. The employees and resources of all county and city departments, boards, institutions, and councils will participate in the emergency management activities. Duties assigned to the county and city departments shall be the same or similar to the normal duties of the department, where possible.
- e. Volunteer personnel and agencies offering service to, and accepted by the County and City.

**Section 2. DUTIES AND RESPONSIBILITIES OF THE COORDINATOR**

- a. The Coordinator shall be responsible for the organization, administration, and operation of the Emergency Management Agency. The Coordinator shall coordinate the activities, services, and programs for emergency management and disaster response and recovery within Pasquotank County, Camden County, and the City of Elizabeth City and shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions to ensure the most effective operation and implementation of the emergency management plans.
- b. The Coordinators duties shall include, but not limited to, the following:
  1. Manage a comprehensive emergency management program for Pasquotank County, Camden County, and the City of Elizabeth City pursuant to Chapter 166A, including, but not limited to elements addressing prevention, protection, mitigation, response, and recovery from emergencies.
  2. Compel and coordinate the activity of all other public and private agencies engaged in any emergency management activities within Pasquotank County, Camden County, and the City of Elizabeth City.
  3. Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack, terrorism, or disaster, either impending or present.
  4. Manage exercises to ensure the efficient operation of the emergency management forces and familiarize residents, businesses, educational institutions, and partner agencies with emergency management regulations, procedures and operations.
  5. Monitor and advise the Pasquotank and Camden County Commissioners, Pasquotank and Camden County Managers, and City of Elizabeth City Manager and Council of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Pasquotank County, Camden County, and the City of Elizabeth City and propose solutions for their decision on how best to protect people and property from imminent danger or from further damage.
  6. Procure supplies and equipment, institute training programs, public preparedness information and education programs, manage and coordinate disaster drills and exercises in accordance with county-wide emergency plans.
  7. Manage the Pasquotank-Camden Emergency Operations Center as the central coordinating entity during emergencies or disasters.

**Section 3. EMERGENCY MANAGEMENT PLANS**

- a. A countywide, all-hazard, emergency operations plan shall be adopted and maintained by the Board of Commissioners of Pasquotank County and Camden County and City Council of the City of Elizabeth City. In the preparation of this plan, the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plan is approved, each department or agency shall perform those functions assigned to it by the plan and shall maintain a current state of readiness at all times. The emergency operations plan shall have the full effect of local law whenever an emergency or disaster occurs.
- b. Supporting plans shall be maintained by the Emergency Management Agency to ensure coordinated activities in the prevention, protection, mitigation, responses, and recovery from emergencies phases. In the preparation of these plans, the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plans are published, each department or agency shall perform those functions assigned to it by the plans.

- c. The Emergency Management Agency shall describe in emergency plans those positions for which lines of succession are necessary. In each instance, the responsible person within the cognizant department or agency shall designate and file with the Emergency Management Agency a current list of three persons to be successors to each key position. The list shall be in order of succession and shall designate persons most capable of carrying out all duties and functions assigned to the position.
- d. Each department or agency designated in emergency plans shall be responsible for carrying out all designated duties and functions designated by the plan. Duties will include organization and training of assigned employees and volunteers. Each department shall formulate procedures to implement the plan for the organization.
- e. When a skill required for response or recovery from a declared emergency function is not available within local government, the Emergency Management Coordinator shall be authorized to seek assistance beyond local government resources.

**Section 4. NO GOVERNMENTAL OR PRIVATE LIABILITY**

- a. This Ordinance is an exercise by Pasquotank County, Camden County, and the City of Elizabeth City of its governmental functions for the protection for the public peace, health, and safety, and neither agents nor representatives of same, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage or injury sustained to persons or property as the result of said activity. Specifically, governmental immunity is not waived by Pasquotank County, Camden County and/or the City of Elizabeth City.
- b. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants Pasquotank County, Camden County, and/or the City of Elizabeth City the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of any person.

**Section 5. PLANNING RELATED TO SPECIAL FACILITIES**

- a. Special facilities are those institutions or organizations whose populations are dependent upon the institution for transportation or care.
- b. Special facilities are required to have a plan in place to be self-sufficient in an emergency that would require the evacuation of their facility due to a natural or technological disaster.
- c. These institutions include, but are not limited to, assisted living facilities, hospitals, schools (public and private), day-care centers, elderly centers, or other similar organizations.
- d. The institutions shall submit copies of their disaster plan to the Emergency Management Agency for review on an annual basis as defined by Pasquotank-Camden Emergency Management.

**ARTICLE 3 – STATE OF EMERGENCY**

**Section 1. DELEGATION OF AUTHORITY TO DECLARE A STATE OF EMERGENCY**

- a. In the event of an existing or imminent emergency endangering the lives, safety, health and welfare of the people within Pasquotank County, Camden County or the City of Elizabeth City, or any part thereof, or threatening damages to or destruction of property, the Chairperson(s) of the Board of Commissioners and the City Mayor are hereby authorized and empowered under N.C.G.S. §166A-19.31 to issue a public declaration of the existence of such a state of emergency and, in order to more effectively protect the lives and property of people within the city and counties, to place in effect any or all of the restrictions and prohibitions hereinafter authorized. The Chairperson(s) and Mayor shall fully utilize all available emergency service and management agencies and shall consult with appropriate subject matter experts in deciding to issue a declaration and in determining the appropriate restrictions and prohibitions to impose during the term of any such declaration.
- b. In case of the absence or disability of the Chairperson(s) or Mayor, the Vice-Chairperson(s) of the Board of Commissioners, or Mayor Pro Tempore of Elizabeth City shall have and exercise all of the powers herein given the Chairperson(s).
- c. In case of the absence or disability of the Vice-Chairperson of the Board of Commissioners or Mayor Pro Tempore of Elizabeth City, the longest-serving Commissioner or City Council Member, or such other person as may be designated by the Board of Commissioners and City Council, shall have and exercise all of the powers herein given to the Chairperson and Mayor.

**Section 2. DECLARATION IMPOSING PROHIBITIONS AND RESTRICTIONS**

- a. The Chairperson of the Board of Commissioners of Pasquotank and Camden County and/or the City of Elizabeth City Mayor by proclamation may impose the prohibitions and restrictions specified in Sections 3 through 8 of this Ordinance in the manner described in those sections. The Chairperson(s)/Mayor may impose as many of the Emergency Management specified prohibitions and restrictions as he/she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services; and to protect lives, safety, and property. The Chairperson(s)/Mayor shall recite his/her findings in the proclamation.
- b. The proclamation shall be in writing. The Chairperson(s)/Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the respective County Courthouse and the City of Elizabeth City City Hall. The Chairperson(s)/Mayor shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The Chairperson(s)/Mayor shall retain a text of the proclamation and furnish upon request certified copies of it.
- c. All prohibitions, restrictions, and amendments imposed by declaration pursuant to ordinances adopted under this section shall take effect in the emergency area immediately upon publication of the declaration, unless the declaration sets a later time. Publication shall include at minimum, posting of a signed copy of the declaration on both of these:
  - a. Websites of the County(s) and/or City
  - b. North Carolina Department of Public Safety WebEOC critical incident management system

**Section 3. EVACUATION**

The Chairpersons(s) and/or Mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the county or city; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent declaration which shall be well publicized and meets requirements of Article 3, section 2c.

**Section 4. CURFEW**

- a. The declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies.
- b. Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson(s) and/or Mayor by declaration removes the curfew.

**Section 5. RESTRICTION OF ACCESS TO AREAS**

- a. The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.
- b. Areas to which access is denied or restricted shall be designated by the Pasquotank or Camden County Sheriff, Elizabeth City Police Chief, his/her subordinates or other law enforcement officers when directed in the proclamation to do so by the Chairperson(s) and/or Mayor. When acting under this authority, the Sheriff(s) and/or Police Chief and his subordinates may restrict or deny access to any area, street, highway or location within the county or city if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.
- c. During a declared emergency, and within the emergency area, the Sheriff of Pasquotank County, the Sheriff of Camden County, and the Police Chief of Elizabeth City are delegated authority to close streets, roads, highways, bridges, vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency. When the Sheriff(s) or Police Chief so act, they are to provide prompt notification to the Emergency Operations Center.

**Section 6. RESTRICTIONS ON ALCHOLIC BEVERAGES**

The declaration may prohibit the possession or consumption of any alcoholic beverage, including beer, wine, and spirituous liquor, other than on one's own premises. It may prohibit the transfer, transportation, sale, or purchase of any alcoholic beverage within the area of the county or city described in the declaration. The prohibition, if imposed, may apply to the transfer of alcoholic beverages by employees of alcoholic beverage control stores as well as by anyone else within the geographic area described.

**Section 7. RESTRICTIONS ON DANGEROUS WEAPONS AND SUBSTANCES**

The declaration may prohibit or restrict the possession, transportation, sale, purchase, storage, and use of gasoline and any dangerous weapon or substance, except for lawfully possessed firearms and ammunition.

- a. "Dangerous weapon or substance" means:
  1. Any item described as a "Dangerous weapon or substance" as defined in N.C.G.S. §14-288.1.

2. Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property when the circumstances indicate that there is some probability that such instrument or substance will be so used.
3. Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
4. "Firearm" has the same meaning as the term is defined in N.C.G.S. §14- 409.39(2).

**Section 8. OTHER RESTRICTIONS**

The following activities or conditions may be prohibited or restricted:

1. Movement of people in public places;
2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
3. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency within the area designated in the proclamation.

**Section 9. REMOVAL OF PROHIBITIONS AND RESTRICTIONS**

The Chairpersons and/or Mayor shall by declaration terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them or when directed to do so by the Board of Commissioners or City Council. Requirements of publication in Article 3, section 2c must also be followed for termination.

**Section 10. SUPERSEDING AND AMENDING DECLARATIONS**

The Chairpersons and/or Mayor may, in their discretion, invoke the prohibitions and restrictions authorized by this article in separate declarations and may amend any declaration by means of an amendment to or superseding declaration. Requirements of publication in Article 3, section 2c must be followed for superseding and amending declarations.

**Section 11. TERRITORIAL APPLICABILITY**

The Pasquotank-Camden Emergency Management Agency shall perform emergency management, mitigation, preparedness, disaster response, and recovery functions within the territorial limits of both Camden and Pasquotank County to include the City of Elizabeth City, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of North Carolina Statutes, mutual aid agreements, and in accordance with State and Pasquotank and Camden County comprehensive emergency management planning.

**Section 12. PENALTY FOR VIOLATION**

Except as provided in Section 7, any person violating any prohibition or restriction imposed by a proclamation authorized by this Ordinance shall be guilty of a Class 3 misdemeanor, punishable upon conviction by a fine not exceeding fifty-dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by N.C.G.S. §14-4.

**Section 13. SEVERABILITY**

Should any provisions of this chapter be declared invalid for any reason by any court of competent jurisdiction, such declaration of invalidity shall not affect the validity of the provisions or of this ordinance as a whole.

**Section 14. ADOPTION**

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASQUOTANK COUNTY**

\_\_\_\_\_  
**Lloyd E. Griffin, III**  
 Chairman, Pasquotank County Board of Commissioners

ATTEST:

\_\_\_\_\_  
 Lynn B. Scott  
 Clerk to the Board

(SEAL)



This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

DRAFT

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CAMDEN COUNTY**

\_\_\_\_\_  
**Ross B. Munro**  
Chairman, Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Karen Davis  
Clerk to the Board

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF ELIZABETH CITY**

\_\_\_\_\_  
**E. Kirk Rivers**  
Mayor, City of Elizabeth City

ATTEST:

\_\_\_\_\_  
April Onley  
City Clerk

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

**b. Hold a Public Hearing – Amendment to CDBG-CV for Food Bank;**

Mayor Rivers called the hearing to order and inquired of the Clerk if there were any speakers. The Clerk replied that there was one, and called them to the podium.

**Liz Reasoner – Food Bank of the Albemarle** – Mrs. Reasoner advised that she was present on behalf of the Food Bank. She apologized that she wasn't present for the last meeting, but she thought the conversation was settled. She said the Council changed the disbursement during the last meeting, which while she had no problem with housing, the request had come down from \$340,000 to \$230,000. She felt that food needed to be prioritized; however, food was cut. They have since learned that there's a significant decline in USDA commodities, which our constituents rely on for food. There's a 58% reduction in food due to supply chain issues. She asked that instead of appropriating funding for equipment, they be able to purchase food instead. Locally, they would have acquired a million pounds of food this time last year and they are down that amount this year. The van and food are critically important as they look at work on the horizon for their agency.

Councilwoman Whitehurst asked if they'd be sharing the grants at the morning meeting. Ms. Reasoner responded that they would be. They would provide details on the funding cycle and how they'd be assisting their partner agencies. She thanked the Council for coming out to serve during Empty Bowls as well.

Mayor Rivers noted that knowledge was important in making these decisions and he didn't realize how important the food issue was; they were mostly considering that probably they'd need the equipment during the last meeting, which was why they prioritized that. Mrs. Reasoner said these things had happened quickly and had only recently been shared about how dire the supply situation is. She noted that these people also supply schools as well. Vendors are often signed up in March for the next year. This year, they didn't even have anyone available to provide fruits and vegetables for the school systems, must less the food insecurity programs.

Mayor Rivers closed the public hearing.

**Motion was made by Councilman Joseph Peel to amend the proposal and reallocate the \$55,700 for refrigeration equipment to food, and schedule a public hearing for the regular session of October 24, 2022. The motion was seconded by Councilman Johnson Biggs.**

Councilman Walton asked if the whole thought process had changed since the last meeting? Mayor Rivers agreed that it had after the explanation. Mrs. Reasoner said the knowledge about the grant opportunities and funding equipment was not originally known and they also did not know how dire the food situation was. They felt moving the funds to food instead of the refrigeration equipment would be better because they believed they might be able to get a grant for the equipment. Councilman Walton noted that food has never run out before. Mrs. Reasoner pointed out that we are down a million pounds of food. "No one has the product to give us, so food banks across the nation are buying more food. We are in the retail and wholesale market buying food now because there's no donated food." Councilman Walton asked if we usually donate to single families or are there big suppliers we supply to? Mrs. Reasoner explained that we provide to 15 counties and 155 inventories who give food to households. They provide over a million and a half pounds of food to residents in Pasquotank County each year; 41% of that food is gone now. Councilman Walton clarified that we're just changing that the money is going to food and not refrigeration, this is not technically a different amount? Mrs. Reasoner said that was correct. She thought they could secure the equipment funds elsewhere.

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

## **5. Consent Agenda:**

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

### **a. Consideration – Approve Ordinance for Street Closing – Veterans Day;**

#### **ORDINANCE #2022-10-01**

#### **AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ELIZABETH CITY VETERANS DAY EVENT**

**WHEREAS**, the City Council of Elizabeth City acknowledges a long tradition of providing community-wide events for the pleasure of its citizens; and

**WHEREAS**, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding community-engaging events; and

**WHEREAS**, the City Council of Elizabeth City acknowledges the festival event requires approximately one hour to install signing and traffic control, amusement and entertainment structures and equipment, food and other retail vendors, and other attractions, and also requires approximately one hour for removing same, and litter;

**NOW THEREFORE BE IT ORDAINED**, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during

the day(s) and times set forth below on the following described portion of a State Highway System route:

**Date:** Thursday, November 10, 2022  
**Time Duration:** 11:00 a.m. until 2:00 p.m.  
**Route Description:** North Water Street from the East Colonial Avenue intersection, eastward to the corner Elizabeth Street

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

**SECTION I. EFFECTIVE DATE:** This Ordinance, as revised herein shall take effect immediately upon adoption.

**SECTION II. SEVERABILITY CLAUSE.** If any section, or part of 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 10<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
E. Kirk Rivers  
Mayor

*Attest:*

\_\_\_\_\_  
April D. Onley, NCCMC  
City Clerk

- b. Consideration – Approval of September 12, 2022 Regular Session Minutes;**
- c. Consideration – Authorize Execution of Contract for Field Use with Old North State League**

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

**Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to approve the consent agenda. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**6. Regular Agenda:**

- a. Any Item Pulled from the Consent Agenda;**
- b. Consideration – Appointments to NCEMPA (By Motion and ROLL CALL VOTE);**

Mayor Rivers said he'd like to recommend the Mayor be appointed as the primary and the Mayor Pro Tem as the alternate for this board.

**Motion was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence to approve the NCEMPA appointments. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. A roll call vote followed, which yielded the same results.**

**c. Consideration – Upcoming Potential Amendments to Traffic Calming Policy;**

Community Development Director Long distributed the City's current traffic calming policy. She stated that this has been a topic of discussion due to the installation of speed bumps on West Church Street and Main Street. She did not have an edit of the new draft yet, which would be supplied during the next work session. She said it was hard to find another municipality our size that had an ordinance that went as in depth as ours did. One of the best documents she found was from federal DOT, even though they were not on local streets and roads. She was working with Chief Webster and Director Bell on the process. Generally, our traffic calming process is kicked off by the petition declaring that there's an issue and then we have to collect the data to determine if there really is an issue. She noted that the City did not have a lot of the data collection equipment, so they're looking into the cost of the data collection equipment. She just wanted to Council to be aware that this item was being worked on and would be appearing at the next work session.

Mayor Pro Tem Spence asked Director Bell if he'd mentioned engineers before. Director Bell said he had, as he thought they would be helpful to put a scope together for us in order to expedite the process because we did not currently have the data collection equipment, as Director Long mentioned.

**d. Consideration / Discussion – Capital Items** *(Removed from Agenda During Agenda Adjustments and Approval)*

**7. Closed Session – As Allowed by NCGS 143-318-11(a)(6) for Personnel, NCGS 143-318-11(a)(4) for Business Development and Expansion and NCGS 143-318-11(a)(5) for Property Acquisition**

**Motion to enter closed session was made by Councilwoman Katherine Felton, seconded by Mayor Pro Tem Kem Spence at 7:50 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**8. Adjournment:**

The Council returned to open session at 9:18 p.m. Mayor Rivers announced that the meeting would be recessed until Wednesday, October 12<sup>th</sup>, 2022 at 6:00 for a continuation of the closed session for personnel.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

