

**City Council Regular Session
September 25, 2023**

The City Council of the City of Elizabeth City met in regular session on Monday, September 25, 2023 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 Jarvis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Katherine Felton
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: Councilman Joseph Peel

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Electric Superintendent Donnell White
Chief of Police J. Phillip Webster
Human Resources Director Montique McClary
Fire Chief Chris Carver
ECDI Director Debbie Malenfant
Finance Director Alicia Steward
Assistant Finance Director Brian Lewis
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

The City Council regular session was called to order by Mayor Rivers at 7:00 p.m. He asked that there be a moment of silence for the passing of Ms. Doretha Harrell, who we'd lost last Tuesday. Following that, he welcomed everyone to the meeting and recognized Councilman Gibbs to provide the invocation, after which Councilman Biggs led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers advised there would be several adjustments to the agenda. Under Proclamations, there would be two additional proclamations, one for Councilman Johnnie Walton and one for Councilwoman Katherine Felton. For the Consent Agenda, consideration for the Dawson-Hunter Stormwater Improvement Study as discussed during the Work Session would become item B and consideration for the ECDI banners from Work Session would become item C. Additionally, a discussion on the Hugh Cale building was also carried over from the Work Session and placed on the Regular Agenda, as was a Closed Session for Personnel.

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

2. Proclamations:

a. Alpha Delta Kappa Month;

PROCLAMATION

International Alpha Delta Kappa Month

October 2023

WHEREAS, Alpha Delta Kappa, an International Honorary Sorority for Women Educators, is observing Alpha Delta Kappa Month during the month of October; and

WHEREAS, women in education constitute a great portion of the nation's working force, and are constantly striving to serve their communities and nation in educational, cultural, and charitable programs leading to harmony, happiness and peace among all people; and

WHEREAS, Alpha Delta Kappa is dedicated to educational excellence, leadership, altruism and world understanding, and recognizes outstanding women educators who are actively engaged in teaching, administration or in some specialized field of the teaching profession; and

WHEREAS, the local Gamma Iota Chapter of Alpha Delta Kappa is engaged in promoting education and charitable projects and activities, sponsoring scholarships, and furthering and maintaining worthy standards in the field of education on the local and state level.

NOW, THEREFORE, I, E. Kirk Rivers, Mayor of the City of Elizabeth City, do hereby proclaim the month of October 2023 as "**International Alpha Delta Kappa Month**" in Elizabeth City; and I encourage all citizens to join me in saluting this organization for its fine record of service to our community.

PROCLAIMED, this the 25th day of September 2023.

E. Kirk Rivers
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

The proclamation was received by Emily Lewis and Mary Lee Kosik.

b. Jamie "JT" Turner;

PROCLAMATION HONORING JAMIE "JT" TURNER

WHEREAS, Jamie "JT" Turner has served with the Elizabeth City-Pasquotank County Parks and Recreation Department for 24 years; and

WHEREAS, JT is one of the City’s most talented, hardworking and dedicated employees, a favorite of everyone who has ever worked alongside him; and

WHEREAS, before JT ever became a champion in the public service sector, he was making a name for himself as an unstoppable athlete, and a force to be reckoned with on the basketball court; and

WHEREAS, JT boasts an illustrious basketball career from his time on the court, scoring double-digit points per game and at times leading the CIAA ranks with his free throw percentages; and

WHEREAS, JT has also gone on to share his talent and knowledge with the next generation as a coach and mentor, which impacted the lives of many of our up-and-coming youth; and

WHEREAS, on September 29th, 2023, JT will be inducted into the ECSU Athletic Hall of Fame, taking his place there amongst our hometown heroes and superstars, solidifying him as one of the best of the best; and

WHEREAS, the City of Elizabeth City is extraordinarily proud of JT for all of his accomplishments and everything he has contributed to our City and community, and we wish to congratulate him on this momentous occasion.

NOW, THEREFORE, I, E. Kirk Rivers, by virtue of the authority vested in me as Mayor and on behalf of the entire City Council and all our citizens, do hereby tender to Jamie “JT” Turner on this, the **25th day of September, 2023**, this proclamation of public recognition, extending to him our deep appreciation for his service and our pride for his remarkable accomplishments.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

JT thanked the Council, the Parks and Rec staff and his friends and family. He appreciated the recognition.

c. Katherine Felton;

***PROCLAMATION HONORING
KATHERINE FELTON***

WHEREAS, Katherine Felton, a pillar of the City of Elizabeth City, worked for our organization for 35 years before retiring and eventually rejoining us as an elected official; and

WHEREAS, throughout our nation’s history, women have been pioneers in all areas of society, and Mrs. Felton is proof positive of that fact; and

WHEREAS, Mrs. Felton has significantly influenced our policies and contributed to the building of the City of Elizabeth City as a viable institution and organization that continues to support our community; and

WHEREAS, her knowledge, skills, and abilities have contributed to a more robust and prosperous workforce; and

WHEREAS, from championing basic human rights to ensuring access and equal opportunity for our employees and citizens, Katherine Felton has led the way in establishing strong principles; and

WHEREAS, on September 1st, 2023, it was announced that Katherine Felton was named Mrs. ECSU Alumni Queen for 2023-2024, a title certainly befitting of her; and

WHEREAS, through her unyielding passion for ECSU and desire to help the next generation, she successfully raised more than \$26,000 for the cause; and

WHEREAS, on September 28th, Katherine Felton will be crowned in her coronation ceremony, officially assuming the title of the queen that she has long been; and

WHEREAS, in that very spirit of leadership and achievement, the City of Elizabeth City is proud to recognize Katherine Felton, our long-serving and endlessly knowledgeable HR great, our Third Ward Councilwoman, and now our queen, and we take great pleasure in the knowledge that she serves as a beacon and trailblazer for our employees, our citizens and for many others to come.

NOW THEREFORE, I, Mayor E. Kirk Rivers, on behalf of the City Council of the City of Elizabeth City, do hereby issue this proclamation in honor of Katherine Felton and we ask everyone to issue a particularly gracious “thank you” for her service.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Elizabeth City to be affixed this 25th of September 2023.

E. Kirk Rivers

Mayor

April D. Onley, NCCMC
City Clerk

Councilwoman Felton thanked Mayor Rivers for the recognition. She said the acknowledgement as queen would not have been possible without many of the people in the

room tonight. She owed ECSU for molding her into the woman that she is today and without incentive scholarships and grants, she would not have been able to attend ECSU. For that reason, she took the challenge to raise funds for other students. She thanked everyone who helped her raise more than \$26,000 for scholarships. Together, the royal court raised more than \$62,000. This Thursday night at K.E. White is the official crowning of the queen and the court and she encouraged everyone to come out for the celebration.

d. **Johnnie Walton;**

PROCLAMATION IN RECOGNITION OF JOHNNIE B. WALTON

WHEREAS, today the City Council and the City of Elizabeth City knows Johnnie Walton as a distinguished public servant and elected official of the people, but we have not forgotten his time as a tremendous and formidable athlete, one who put Elizabeth City in the history books with his numerous contributions; and

WHEREAS, Johnnie Walton was formally recognized by the CIAA with induction into the John B. McLendon Hall of Fame on February 26, 2021, which spurred the City Council to declare the date thereafter as "Johnnie B. Walton Day" in Elizabeth City in recognition and support of his achievements; and

WHEREAS, Johnnie Walton is a man who has dedicated his life to enriching the lives of others through his love of sports and encouraged many of our young people to do great things; and

WHEREAS, his presence as a professional in the game of football paved the way for many of the young African American men who are part of the game today; and

WHEREAS, his lifelong dedication to the game has been of great influence to others, not just in our community, but across our state and the country as a whole; and

WHEREAS, on June 10th, 2023, Johnnie Walton was inducted into the Black College Football Hall of Fame in Atlanta, Georgia as part of the 14th annual ceremony, a huge and deserved accomplishment; and

WHEREAS, the City of Elizabeth City is extraordinarily proud and ever thankful to Johnnie Walton for everything he's given our community by way of his talent and expertise, as he has helped us to grow and thrive as a diverse and inclusive community.

NOW, THEREFORE, I, Mayor E. Kirk Rivers, on behalf of the entire City Council and all our citizens, do hereby tender to Johnnie B. Walton this proclamation of public recognition, extending to him our deep appreciation for his distinguished service and honoring him for his achievements and accomplishments both on and off the field.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

Councilman Walton thanked everyone for the recognition. He said that he was so proud to be a Viking. Everyone is given certain gifts and if you find yours and polish it up consistently, you will become what you were meant to be. Education is important and he hoped we could do more for the system as we went along. The weekend after homecoming when ECSU plays Virginia Union, they will be officially recognizing him and he encouraged everyone to attend.

3. Comments from the Public:

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

Trey Rogers – 404 Spinnaker Street, Elizabeth City, NC - Mr. Rogers stated that he came forward a few weeks earlier about trying to make his community a golf cart community. He did read the memo that was supplied with the agenda and was confused about whether they were looking at moving forward with low speed vehicles or golf carts. He felt that low speed vehicle manufacturers are not local and therefore harder to access. The newer golf carts already have headlights and seatbelts installed on them. He did agree that safety equipment should be in golf carts, but he hoped some of the stipulations could be lessened somewhat for those who were just interested in driving in residential areas or neighborhoods.

4. Public Hearing:

a. Hold a Public Hearing - Elizabeth City Pasquotank County Parks and Recreation Fee Schedule - Athletic League & Golf Fees;

Mayor Rivers declared the hearing open and inquired if there were speakers present who wished to be heard. Upon the Clerk's reply that there were none, the mayor closed the hearing.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to adopt the ordinance amending the FY 2023-2024 fee schedule for Parks and Recreation's athletic league and golf fees. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

Ordinance #2023-09-01 An Ordinance Amending the FY 2023-2024 Fee Schedule of the City of Elizabeth City

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

WHEREAS, the City Council adopted the FY 2023-2024 Budget and Fee Schedule on June 26, 2023; and

WHEREAS, Parks and Recreation has requested adjustments for athletic league and golf fees, which had not been analyzed since 2011; and

WHEREAS, the demands and the expectations for the City of Elizabeth City Parks and Recreation Department have increased over the years, but many of our fees have remained the same; and

WHEREAS, after review and discussion with the County, it was determined that an increase in certain fees was in order; and

WHEREAS, during the September 11th, 2023 City Council meeting, the Council called for a Public Hearing, which was subsequently advertised and held during the September 25th, 2023 regular session, at which time a quorum of the membership was present.

NOW THEREFORE BE IT ORDAINED that the City of Elizabeth City Fee Schedule for FY 2023-2024 is hereby amended to reflect the following:

SECTION I.

Athletic Fees

Youth Sport	New Fee EB/Fee/Late
Volleyball	\$40 / \$50 / \$60
Basketball	\$40 / \$50 / \$60
Baseball	\$40 / \$50 / \$60
Tee Ball	\$40 / \$50 / \$60
Flag	\$40 / \$50 / \$60
Soccer	\$40 / \$50 / \$60

Golf Fees:

GOLF	New Fee
9 holes	\$10.00
9 holes – Sr.	\$5.00
18 holes	\$15.00
18 holes- Military, Sr., 1st Responder	\$10.00
City/County Employees	\$10.00 (Annual Fee)
Membership	
Single	\$300.00
Senior	\$200.00
Family <i>*2 adults and up to 4 children 17 and under in the same household</i>	\$350.00
Junior <i>*Age 24 and under / 12 and under free with adult</i>	\$100.00
Tournaments	Proposed Fee
Member	\$20.00
Non-Member	\$40.00

Updated Info:

Family - **2 adults and up to 4 children 17 and under in the same household*

Junior - **Age 24 and under / 12 and under free with adult*

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

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

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

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

ADOPTED this the 25th day of September, 2023.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

5. Approval of Minutes:

a. Consideration – Approve September 11, 2023 Regular Session Minutes;

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

6. Consent Agenda:

Manager Freeman read the Consent Agenda items into the record, as follows:

- a. Consideration – Accept Historic Preservation Fund Grant for Old Oak Cemetery;**
- b. Consideration – Dawson-Hunter Stormwater Improvement Study (As Added During Agenda Adjustments);**
- c. Consideration – ECDI Banner Installation (As 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 Councilman Javis Gibbs to approve the Consent Agenda. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

7. Regular Agenda:

a. Any Item Removed from the Consent Agenda;

There were no items removed from the Consent Agenda.

b. Consideration - Appointment to the Board of (Zoning) Adjustment (By Motion and Roll Call Vote);

Mayor Rivers said there are currently two vacancies on the BZA. This appointment is for Ulysses Bell.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnnie Walton to appoint Ulysses Bell to the Board of (Zoning) Adjustment for a three-year term. A roll call vote was required and yielded the following results:

Biggs: Yes
Gibbs: Yes
Whitehurst: Yes
Spence: Yes
Felton: Yes
Baxter: Yes
Walton: Yes
Motion carried.

c. Consideration - Grant / Loan Application for Main Street Basin Rehabilitation – Phase 1;

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to authorize submission of the Main Street Basin Rehabilitation Phase 1 application to the Clean Water State Revolving Fund Program and adopt the resolution. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

**RESOLUTION #2023-09-01
MAIN STREET BASIN REHABILITATION PHASE I**

WHEREAS, The City of Elizabeth City has need for and intends to construct a project described as the Main Street Basin Rehabilitation, Phase I, and

WHEREAS, The City of Elizabeth City intends to request State loan and/or grant assistance for the project,

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

That the City of Elizabeth City, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for

proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Elizabeth City to make a scheduled repayment of the loan, to withhold from the City of Elizabeth City any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** confirms here the project is not regional in scope, and will not require or involve partnerships with other units of local government or utilities.

That Kirk Rivers, Mayor, the **Authorized Representative** and successors so titled, are hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Representative**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 25th day of September, 2023, at 306 E. Colonial Ave., Elizabeth City, North Carolina.

E. Kirk Rivers
Mayor

April D. Onley, NCCMC
City Clerk

d. Discussion – Hugh Cale Building *(As Added During Agenda Adjustments);*

Mayor Rivers reminded the Council that this item was carried over from the Work Session. Director Clark explained that over the past few months, Hugh Cale has become a facility that Parks and Recreation has looked into establishing a proposal for rentals while still providing overhead and utilization of certain areas that have increased for the past few years. There are still several rooms in the building that can be used by 501c3s. The back portion is occupied by Legal Aid and River City CDC and they will still be able to use those via the sub-recipient agreements that are in place. Parks and Rec will be able to open the building for City-County services. They will be able to comprehensively cover community services, local groups as well as our own services and have a means to support the overhead with this new application process.

Motion was made by Councilman Javis Gibbs, seconded by Mayor Pro Tem Spence to authorize the application process for the Hugh Cale facility. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

Manager Freeman said he had a few comments before moving into Closed Session. He told the Council that last week was the most difficult part of his entire career as we lost Doretha Harrell. City staff stuck together and were very supportive and he thanked Mayor Rivers, Mayor Pro Tem Spence and Councilwoman Felton for presenting a proclamation and flag during the funeral service.

8. Closed Session- As Allowed by NCGS 143-318.11(a)(6) – Discussion of Personnel
(As Added During Agenda Adjustments);

Motion was made by Councilman Johnson Biggs, seconded by Mayor Pro Tem Kem Spence to enter Closed Session as allowed by NCGS 143-318.11(a)(6) for Discussion of Personnel at 7:43 p.m. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.

Mayor Rivers announced there would be a five-minute recess prior to entering Closed Session in order to clear Chambers.

The Council returned to open session at 7:56 p.m.

9. Adjournment:

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 7:56 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

