

**City Council Regular Session  
September 26, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, September 26, 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  
Councilman Johnson Biggs  
Councilman Joe Peel  
Councilman Jarvis Gibbs  
Councilwoman Rose Whitehurst  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: Mayor Pro Tem Kem Spence

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  
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 recognized Pastor Keith Smith of Grace and Truth Community Church to give the invocation. 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 reminded the Council that they had items coming forward from the Work Session for consideration, including a Call for a Public Hearing on the CDBG-CV Amendment, which would be before item F on the Regular Agenda. Councilman Peel added another item discussed during the Work Session, a Call for a Public Hearing on the Emergency Management Ordinance, which would become item G on the Regular Agenda.

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

**2. Proclamations:**

**a. Alpha Delta Kappa Month**

**PROCLAMATION**  
*International Alpha Delta Kappa Month*  
*October 2022*

**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 2022 as "*International Alpha Delta Kappa Month*" in Elizabeth City; and I further encourage all citizens to join me in saluting this organization for its fine record of service to our community.

**PROCLAIMED**, this the 26<sup>th</sup> day of September 2022.

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E. Kirk Rivers  
Mayor

*Attest:*

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April D. Onley, NCCMC  
City Clerk

**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 were individuals present, Mayor Rivers asked that they be called to the podium in the order that they'd signed in.

**Stephan Wenninger, 1016 Bateman Drive, Elizabeth City, NC** – Mr. Wenninger said he and his wife have been volunteering as crossing guards at JC Sawyer because they do not have a guard there, and there are a lot of children that walk to school through that area. He said he understands that the Police Department is supposed to handle this role, and there is an opening for the position, but it's been posted for years and the posting is poorly presented and misspelled. He stated that the Police Department sends someone maybe one day a week and they usually don't get there until 7:35 a.m., and only remain in place for about 10 minutes until they leave. He indicated that he's trying to find a way to have the role filled as expeditiously as possible. He suggested maybe the advertisement should be re-posted to get more interest. He provided the Council with some information in a handout that he'd compiled.

**Christina Corbo – River City CDC – Elizabeth City, NC** - Ms. Corbo advised that she was the Vice President of Programs at River City CDC. She introduced Michelle Moore and Dr. Bell from the organization, who were present with her as well. She said she had a few comments from the work session presentation. Dr. Bell extended his thanks for the City allowing River City the opportunity to participate in this process. Ms. Corbo said she realized this was just discussed, but she felt there's still a few gray areas they're not sure about. "I know it was presented to Council about the different amounts for the different agencies and it was presented \$500,000 would be available total for the assistance program and the remainder would be for the Food Bank. It's unclear what's remaining of the \$500,000 because there's not \$500,000 remaining in the funding. How many households have been served so far? We want to go into it knowing what the expectations are for us so we know how to proceed because we're basically having to share funds. With the proposed new loosened requirements, what does that look like?"

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

##### **a. Hold a Public Hearing – Text Amendment 01-22 Signs in the Public Right-of-Way;**

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

### **Attachment A**

## **ARTICLE XI DEVELOPMENT STANDARDS**

### **11-1 SIGNS**

The purpose and intent of this Section is to recognize that signs serve a legitimate public service and that they complement and support trade, tourism and investment within Elizabeth City. These regulations are intended to establish standards which maximize the effectiveness of permitted signs while limiting visual distraction to motorists and preserving the land values and natural attractiveness of the area.

All signs except those specifically listed in Section 11-1.3 shall be erected, installed, or modified only in accordance with a duly-issued and valid sign permit issued by the Zoning Administrator. Sign permits shall be issued in accordance with the requirements and procedures of Article IV, Permits and Procedures, and the submission requirements of Appendix 1. If plans submitted for a zoning, special use, or conditional use permit include sign plans in sufficient detail, as determined by the Planning Director, that the permit issuing authority can determine whether the proposed sign(s) comply with the provisions of this Section, then issuance of the requested zoning, special use, or conditional use permit shall constitute approval of the proposed sign(s).

#### **11-1.1 Definitions**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section should have the meaning indicated when used throughout Section 11-1.

#### **(A) Sign**

Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.

#### **(B) Advertising Signs (Billboards)**

A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

**(C) Animated Sign**

Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

**(D) Banner**

A sign of light weight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

*(Section 11-1.1(D) amended by City Council 02/07/2000.)*

**(E) Building Marker**

A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

**(F) Canopy Sign**

Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

**(G) Changeable Copy Sign**

Any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. Poster panels and painted boards are not changeable copy signs.

**(H) Commercial Message**

Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.

**(I) Construction Sign**

A sign on a construction site during the period of construction on which is printed or written the name of the owner, developer, contractor, architect, planner, engineer, or development title.

**(J) Entry Marker (Halstead Overlay District only)**

A sign identifying primarily the name of commercial and residential developments or subdivisions, or an office, industrial or business park with a minimum of 10 acres or developments with at least four buildings with a total of over 150,000 square feet. The entry marker is permitted to contain logos,

trademarks or other identifying symbols for up to three individual properties, tenants, or information relating to a permanent leasing office. The entry marker is not intended to be used for a single business. Message Area on an entry marker is the advertising surface (or area) devoted to the name of the development, logos, trademarks or other identifying symbols. *(Amended 3/10/08)*

**(K) Electronically Controlled Message Sign**

A sign on which the copy changes automatically on a lamp bank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.

**(L) Feather Signs**

A form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting or similar

messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products or services.

**~~(M)~~ ~~(L)~~ Flashing Sign**

A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.

**~~(N)~~ ~~(M)~~ Freestanding Sign**

Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

**~~(O)~~ ~~(N)~~ Governmental Sign**

Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

**~~(P)~~ ~~(O)~~ Identification Sign**

A permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, multifamily or townhouse development, planned unit development, church, school, park or quasi-public structure or facility, and uses permitted in residential zoning districts.

**~~(Q)~~ ~~(P)~~ Incidental Sign**

A sign which provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.

**~~(R)~~ ~~(Q)~~ Menu Sign**

A permanent on-premises sign located at businesses which provide drive-up or drive-through services such as fast food restaurants, banks, laundries, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.

**~~(S)~~ ~~(R)~~ Noncommercial Sign**

A sign that carries no commercial message, statement, or expression. Non-commercial signs include signs expressing political views, religious views, or signs of for-profit organizations related to their tax-exempt purposes.

**~~(T)~~ ~~(R)~~ Nonconforming Sign**

Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

**~~(U)~~ ~~(S)~~ On-Premises Sign**

A sign which publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.

**~~(V)~~ ~~(T)~~ Political Sign**

A sign relating to the election of a person to public office, relating to a political party, or relating to a matter to be voted upon at an election called by a public body.

**~~(W)~~ ~~(T)~~ Portable Sign**

A sign not permanently attached to any surface. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels.

**~~(X)~~ ~~(U)~~ Portal Monument (Halstead Corridor Overlay Only)**

A cohesively designed element(s) to a subdivision or development of at least 150 acres,

intended to create a unique, identifying entrance area with the expressed purpose of identifying or drawing attention to the development and/or exercising control of ingress and egress to the development. There shall be only one portal monument per subdivision or development.

*(Section 11-1.1(U) amended by Council on 3/10/08)*

### **M ~~(V)~~ Professional or Occupational Sign or Name Plate**

A sign which publicizes and directs attention to a home occupation or to a profession.

### **Z ~~(W)~~ Projecting Sign**

Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

### **~~(AA)~~ ~~(X)~~ Real Estate Sign**

A sign which advertises the sale, rent, or lease of property.

### **BB ~~(Y)~~ Sandwich Board Sign**

Sandwich Board signs are self-supporting A-frame freestanding moveable signs with only two visible sides.

### **CC ~~(Z)~~ Sign Area**

The area of a sign shall be measured in conformance with the following:

- (1) The area of the face of a sign shall be calculated to include the outermost part which forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.
- (2) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
- (3) In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
- (4) Back-to-back and V-type signs mounted so as to be connected and not spread more than 15 feet will be considered as one sign location when calculating horizontal separation between signs. Advertising signs

(billboards) shall not be stacked, horizontally or vertically.

### **DD ~~(AA)~~ Sign Height**

The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent street, the height of a sign shall be measured from the street elevation of the adjacent street at the edge of the pavement.

### **EE ~~(BB)~~ Special Event Sign**

A sign which relates to such events as grand openings, closeout sales, fund raising membership drives, or events of civic, fraternal, philanthropic, educational, or religious organizations. After the issuance of a special event permit, the following signs may be erected: on-premise portable signs, banners, and windblown signs such as pennants, spinners, flags, and streamers for a period not to exceed thirty days. Signs with blinking lights are prohibited. This permit is limited to a maximum

of two per calendar year per premise.

*(Section 11-1.1(Y) amended by City Council 02/19/2001.)*

### **(FF) ~~(CC)~~ Temporary Signs**

Temporary signs are those signs which relate to such events as ~~elections~~, farm auctions, yard sales, agricultural production sales, horse shows, festivals, and home show openings.

### **(GG) ~~(DD)~~ Wall Sign**

A sign which is attached to a wall or facade of a building or canopy.

### **(HH) ~~(EE)~~ Warning Sign**

Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives.

## **11-1.2 Sign Standards**

- (A)** All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code. Sufficient documentation shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued. Such documentation shall be signed and sealed by a registered North Carolina Architect or Engineer.
- (B)** All signs shall be installed and maintained in compliance with the North Carolina State Building Code and the National Electrical Code and shall have appropriate permits and inspections. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.
- (C)** All signs shall be maintained in a state of good repair, in compliance with all building and electrical codes and this Ordinance, and shall present a neat, well-kept appearance.
- (D)** All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. The Zoning Administrator shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.
- (E)** No illuminated sign, other than professional or occupational signs or nameplates, on-premises signs, incidental signs, back-lit awnings or identification signs shall be permitted within 100 feet of any residential zone. Illuminated signs other than those listed above which are located within 300 feet of a residence or residentially zoned district shall not be illuminated between the hours of 12 midnight and 6 a.m.
- (F)** The Zoning Administrator or his authorized representative shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign (excluding billboards) or its support structure with no message display for a period of 90 days, shall be justification to declare the sign abandoned and require its removal.
- (G)** Any sign erected without proper permits or in violation of this Ordinance shall be brought into compliance within 7 days of notification by the Zoning Administrator or said sign shall be removed immediately.
- (H)** Any permitted sign projection over a public sidewalk shall be no lower than 10 feet above the level of the sidewalk or lower than 15 feet above the level of a vehicular driveway. An encroachment agreement must be obtained from the City of Elizabeth City or the NC DOT, as applicable.

## **11-1.3 Exempt Signs**



The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and street rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements, except that any illuminated sign shall require an electrical permit. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs which are found to be in violation shall be ordered corrected or removed.

- (A) Any directional, instructional or warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs provided such signs contain no commercial message except for a business logo or name.
- (B) Any sign that is required by law or erected at the direction of a governmental agency.
- (C) Signs erected to regulate traffic.
- (D) Mailboxes, house numbers, nameplates, and building markers not exceeding 4 square feet in area.
- (E) Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.
- (F) Construction signs having a maximum area of 32 square feet and a maximum height of 6 feet and limited to one sign per construction site per street frontage. Exempt construction signs must be removed within 15 days following the completion of the project.
- (G) Real estate signs having a maximum area of 4 square feet and a maximum height of 3 feet in residential districts and 32 square feet in other districts and a maximum height of 6 feet. Real estate signs are limited to one per site or one per 300' of street frontage. Real estate signs shall not be placed in NC DOT or City maintained right-of-ways at any time, including directional signage for a real estate listing.
- (H) Temporary real estate signs associated with the marketing of a subdivision shall be limited to one sign per subdivision entrance and 32 square feet in area and 6 feet in height. This type of sign must be set back a minimum of 2 feet from all exterior property lines of the subdivision and shall remain clear of the roadway sight distance easement. An additional directory-type sign of the same dimension, height and setback requirements may be located within the interior of a subdivision. Real estate signs must be removed within 30 days following completion of the project or transaction.
- ~~(I) ——— Temporary signs shall not be placed more than 30 days prior to the event or election and must be removed within 10 days following the event or election. Such signs are limited to 32 square feet in area and 6 feet maximum height.~~
- (J) Works of art with no commercial message.
- (K) Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- (L) Hand-carried signs.
- (M) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of such structures.
- (N) Flags of the United States, State of North Carolina, local governmental jurisdictions, foreign nations, and any other flags adopted or sanctioned by the City. No more than six flags per premise.
- (O) Signs affixed to vehicles and trailers used in the normal transport of goods or



persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

- (P) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.
- (Q) Historical or memorial plaques, tablets, or markers.
- (R) Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- (S) Window signs painted on the inside of a window.
- (T) Changing copy of existing sign(s) without enlarging; however, a drawing of the new sign face must be submitted to the Planning Department prior to changing the sign face.
- (U) Banners on or across public streets upon the approval of the City Manager.
- (V) Portable signs subject to the following conditions:
  - (1) The sign shall not be placed within the site triangle (this will prevent visual obstruction);
  - (2) The sign must be properly maintained at all times;
  - (3) There shall be only one (1) portable changeable copy sign per premise;
  - (4) The sign face shall be secured to the frame of the sign so as to sustain winds up to 30 miles per hour as determined by the Code Enforcement Officer;
  - (5) Flashing lights are prohibited in accordance with Section 11-1.4;
  - (6) All commercial banners must be located on the premises of the business it is advertising;
  - (7) Banners, Spinners permitted. Non-commercial event banners shall only be displayed within 30-days prior to the event and shall be removed within seven (7) days after commencement of the event; and
  - (8) Violations of this section will be fined according to Article V-Enforcement.

(Section 11-1.3 (U) (1-8) added by City Council 02/19/2001.)

- (W) Political Signs in State and City maintained right-of-ways shall be subject to the following conditions according to GS 136-32.:

Political signs on privately owned properties are exempt from these regulations.

1. Political signs shall not be placed more than 30 days prior to the beginning date of "one-stop" early voting and must be removed within 10 days following the election.
2. Political Signs in City and State maintained right of ways must be placed in compliance with the following conditions as indicated in GS 136-32.
  - a. No sign shall be permitted in the right-of-way of a fully controlled access highway.
  - b. No sign shall be closer than three feet front the edge of the pavement of the road.
  - c. No sign shall obscure motorist visibility at an intersection.
  - d. No sign shall be higher than 42 inches above the edge of the pavements of the road.
  - e. No sign shall be larger than 864 square inches.

- f. No sign shall obscure or replace another sign.
- g. The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.

#### 11-1.4 Prohibited Signs

The following signs shall not be permitted, erected or maintained within the Elizabeth City planning and zoning jurisdiction.

- (A) Signs with moving, revolving or rotating parts, optical illusions or movement or mechanical movements by any description or other apparent movement achieved by electrical, electronic or mechanical means, except for time, temperature, date signs; traditional barber poles; three (3) message displays on billboards, and electronically controlled message signs.
- (B) Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, except for: time, temperature, date signs; traditional barber poles; and electronically controlled message signs.
- (C) Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations, during the appropriate holiday period.
- (D) Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign in residential districts, shall be prohibited except that portable signs used as temporary signs as defined in 11-1.1(Z) and in compliance with 11-1.3(H) are permitted.
- (E) Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.
- (F) Signs attached to a building which extends vertically above the highest portion of the roof of any structure. Signs on roofs are permitted; however, they shall not exceed the maximum height requirement for the applicable zoning district.
- (G) Signs which obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress or signs which interfere with any opening required for ventilation.
- (H) Signs which imitate traffic control devices or interfere with any warning or instructional sign.
- (I) Signs which project over a public right-of-way, except that wall signs may project up to 18 inches over a public right-of-way in zoning districts which permit structures to be built at the property line adjoining the street.
- (J) Commercial signs located temporarily or permanently in any State or City maintained right-of-ways within the City of Elizabeth City's municipal limits. Non-commercial signs excluded from this ordinance include any sign that carries no commercial message, statement, or expression. Non-commercial signs include signs expressing political views, religious views, or signs of for-profit organizations related to their tax-exempt purposes.
- (K) Any bills, posters, signs or advertisements on any telegraph, telephone, electric, light, or other pole, along any of the streets of the City; provided that, this ordinance shall not be construed to include street signs and other required signage placed on poles by a City or State official or employee in the performance of their public duty.
- (L) Any bills, posters, signs or advertisements fix upon any traffic control device, street sign, hydrant, fence, or guardrail located within the State or City maintained right of ways within the City of Elizabeth City; provided that this ordinance shall not be construed to include required signage placed on these devices by a City or State official or employee in the performance of their public duty.

## 11-1.5 Sign Placement, Size, Height, Setback, Separation, Clearances and Construction by Sign Type

### (A) Advertising Signs (Billboards) (Reference also Section 11-4.3.1)

- (1) Maximum height: 30 feet. (In the event that unique conditions exist on a site which renders the 30-foot maximum height requirement impracticable, the Board of Adjustment may, upon proper finding of facts, grant a height variance not to exceed a maximum height of 40 feet.)
- (2) Minimum separation from another billboard: 300 feet measured along the same side of the street and 100 feet radius along an intersecting or adjacent street.
- (3) Billboards shall maintain a minimum separation of 150 feet from any residence as measured along the street beginning at a point projected perpendicular from the near side of an existing residence to the street right-of-way and 150 feet from any residential zoning district boundary. Billboards can be located within 150 feet of a residence if the property owner of the residence gives consent.
- (4) Maximum sign size:
  - (a) 320 square feet in area on streets with four or more lanes and 200 square feet in area on streets with less than four lanes.
  - (b) Top outs and side outs are permitted in addition to the above sign area dimensions. Top outs and side outs shall be confined to the immediate plane of the sign and may extend above and/or to the side of the sign face a maximum of two feet. Top outs and side outs shall not exceed a total of 32 square feet in area.
- (5) There shall be a minimum setback of 10 feet from the street right-of-way of all streets. However, there shall be a minimum setback of 50 feet at the intersection of major thoroughfares.
- (6) Minimum separation from other structures and side or rear property lines: 10 feet, except that a billboard shall be set back 150 feet from any residential use.
- (7) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
- (8) All structures, blank surfaces, backs and supports shall be uniformly painted in a neutral finish when exposed to any street and shall be maintained in good repair.

Minimum requirements contained within the North Carolina Outdoor Advertising Control Act (North Carolina General Statute 136-126 et seq.) which are more stringent or in addition to those contained in this Section shall apply.

### (B) On-Premises Signs (freestanding pole or ground mounted on-premises signs)

- (1) Maximum height and area: For businesses that have 100 or less linear feet of property frontage facing a public street, a sign may not exceed 15 feet in height and 100 square feet in area. For businesses that have more than 100 linear feet of frontage facing a public street, a sign may not exceed 20 feet in height and 150 square feet in area.
- (2) Maximum number of freestanding or ground mounted on-premises signs per parcel: 1 sign per adjoining public street frontage.
- (3) Minimum separation from rights-of-way, property lines and structures: 10 feet.

- (4) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
- (5) No unfinished surfaces or structures shall be exposed on on-premises signs.

**(C) Wall Signs (including canopy, awning and building facade signs)**

- (1) Maximum area: 2 square feet of sign area per linear foot of building frontage (facing a street) if the parcel is not permitted a free standing sign, and 1.5 square feet of sign area per linear foot of building frontage (facing a street) if the parcel is permitted a free standing sign.
- (2) Minimum guaranteed wall signage area at any individual premises is 40 square feet.
- (3) The maximum projection of a wall sign shall not exceed 18 inches.
- (4) The height of a wall sign shall not exceed the height of the building or canopy facade.

**(D) Professional or Occupational Name Plates and Incidental Signs**

- (1) Maximum sign area: 6 square feet.
- (2) Maximum height: 30 inches if ground mounted, signs in this category may also be mounted against the structure.
- (3) Minimum setback from all property lines: 2 feet.
- (4) Maximum number of signs per business establishment: 1

**(E) Identification Signs**

- (1) Maximum sign area: 32 square feet.
- (2) Maximum height: 6 feet.
- (3) Minimum setback: 10 feet from all property lines.
- (4) Maximum number of signs per adjoining street frontage: 1.

**(F) Menu Signs**

- (1) Maximum sign area: 45 square feet.
- (2) Maximum height if ground mounted: 8 feet.
- (3) Minimum setback from all property lines: 10 feet.
- (4) Maximum number of signs per business establishment: shall be limited to two (2) each per drive-thru aisle and/or station.

**(G) Construction Signs**

- (1) Maximum sign area: 16 square feet in residential zoning districts and 64 square feet in nonresidential zoning districts.
- (2) Maximum height: 6 feet in residential zoning districts and 10 feet in nonresidential zoning districts.

**(H) Multi-establishment Signs**

To achieve a congruity, unity of development, and to avoid conflicts within any premise with more than one principal building, no sign permit shall be issued to any development containing more than one establishment until a set of written unified sign criteria is submitted to and approved by the Planning Director or his designee. No permit will be issued in violation of the adopted sign

criteria. Such criteria shall be as follows:

- (1) Specified allowed type of script which shall be observed.
- (2) Maximum and minimum letter height which shall be observed.
- (3) Specified allowed sign types; all other signs are prohibited.
- (4) Sign placement by specifying sign panel location or elevation.
- (5) Specified maximum of three colors to be applied to the sign and its background which shall be observed. Notwithstanding the three color limit, such criteria may allow the use of one additional color of either black or white or a color that matches the building material color of the wall on which it is attached. Federal and state registered trademarks or service marks may employ additional colors, provided that they do not exceed twelve and one-quarter feet in any dimension. Only those signs which are erected or altered after the unified sign criteria are established shall be affected by the adopted unified sign criteria. The unified sign criteria can be amended by the owner of the multi-establishment property. However, any sign that does not comply with the revised sign criteria must be removed within 30 days of adoption of the revised sign criteria.

#### **(I) Changeable Copy Signs**

*(Section 11-1.5 (I) Changeable Copy Signs deleted by Council 08/06/2001)*

#### **(J) Sandwich Board Signs**

Sandwich board signs shall only be allowed for use in conjunction with retail stores or shops, and on-premises eating or drinking establishments within the Central Business District and General Business district. Sandwich boardsigns to be located in the Central Business District that are also within the local historic district, do not require a Certificate of Appropriateness.

*(Section 11-1.5 (J) Sandwich Board Signs amended by Council on 9/28/09)*

- (1) The maximum display area shall be eight (8) square feet per side of sign. The display width of the sign shall not exceed two (2) linear feet. The maximum display height shall be four (4) feet. The maximum exterior dimensions of a sandwich board sign shall not exceed thirty (30) inches in width by fifty-four (54) inches in height
- (2) Only one sandwich board sign per business establishment shall be permitted. Sandwich Board signs shall be placed directly in front of the associated establishment. In cases of commercial buildings with multiple tenants, the primary entrance to the building may be considered for sign placement. The sign shall be placed on that part of the sidewalk closest to the associated business at a right angle to the building façade in order to reduce visibility from the adjacent roadway.
- (3) A sign permit is required prior to the installation of a sandwich board sign. Only one permit for a sandwich board sign is allowed per business and such permit may be transferred with the sale of the business. Premises with more than one business establishment are encouraged to apply for a Multi-Establishment sign permit as per § 11-1.5(I). Permits are valid for one year. Annual renewals and inspections are required by September 1, but without additional fees or assessments.
- (4) Any person erecting a sandwich board sign shall indemnify and hold harmless the City and its officers, agents, and employees from any liability or claim arising from the presence or placement of the sandwich board sign on City property or public rights-of-way. The person placing the sandwich board sign shall sign an indemnification agreement, approved by the City Attorney, prior to the issuance of a sign permit. The indemnification agreement shall be accompanied by evidence of insurance covering the liability assumed in this subsection and the agreement.



Sandwich Board		X	X							
<u>Feather Signs</u>			X	X	X	X		X	X	
<u>Political Signs</u>	X	X	X	X	X	X	X	X	X	X

**Notes:**

**X** = Indicates permitted with sign permit.

**S** = Indicates permitted by Special Use Permit (See Section 11-4.3.1).

**Blank** = Indicates not permitted.

\* Advertising signs in this category shall also comply with the permit procedures contained in the current edition of the North Carolina Department of Transportation outdoor advertising manual.

**b. Hold a Public Hearing – Renaming of Sunset Park;**

Mayor Rivers declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk replied that there was one speaker and called her to the podium.

**Motion made by Councilman Javis Gibbs, seconded by Councilwoman Katherine Felton to rename Sunset Park as Sunset at Walton Park.**

Councilman Gibbs said that although people who lived in that ward certainly would know the “Walton” in reference, he thought we should make the name more identifiable. He suggested instead of “Sunset at Walton Park” the name be “Sunset at Johnnie B. Walton Park.”

**He offered an amendment to his original motion, which was accepted by Councilwoman Felton.**

Councilman Walton said he played ball with his sons at Sunset Park. His grandsons played there too. Back in the day, there was no fence around the basketball court. The ball would end up in the swamp. He remembered worked on having the fence put up there because going down into the swamp was not easy.

Mayor Rivers said he was proud to make sure we recognized someone who had given so much to the community. He stated that Councilman Walton has done a lot for our community. In his senior year, he was MVP. In 1969, he signed with the Los Angeles Rams. In 1979, he retired from the Philadelphia Eagles. In 1980-83, he was head coach at ECSU. In 1983, he played with the United States football league and was voted MVP. In 1986, he was inducted into the Elizabeth City Hall of Fame. He coached at Perquimans, he coached at EC Middle and he has been a 4<sup>th</sup> Ward City Councilor since 2003. He cited some of Councilman Walton’s numerous awards and achievements, including being inducted into the CIAA Legends Hall of Fame. Mayor Rivers asked that on October 29, 2022, we have a ceremony at Sunset Park to officially dedicate the park at 10:00 a.m.

**Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, 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 Contract for Lobbyist;**
- b. Consideration – Authorize Application for Technical Rescue Team Grant;**
- c. Consideration — Authorize Submission of Water and Sewer Asset and Inventory Assessment (AIA) Grants;**

**Resolution # 2022 –09-03  
Resolution by the City of Elizabeth City  
For Sewer AIA**



**WHEREAS**, the City of Elizabeth City has need for and intends to plan or conduct a study in a project described as the Providence/Charles Inflow and Infiltration Reduction Plan; and

**WHEREAS**, The City of Elizabeth City intends to request State loan and/or grant assistance for the project, and is the sole Applicant for said 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 E. Kirk Rivers, Mayor, the **Authorized Official**, 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 study of the project described above.
- That the **Authorized Official**, 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, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

**ADOPTED**, this the 26<sup>th</sup> day of September 2022.

---

E. Kirk Rivers  
Mayor

---

April D. Onley  
City Clerk, NCCMC

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Elizabeth City does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Elizabeth City City Council, duly held on the 26<sup>th</sup> day of

September, 2022, and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of September, 2022.

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(Signature of Recording Officer)

City Clerk

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(Title of Recording Officer)

**Resolution # 2022 –09-04**  
**Resolution by the City of Elizabeth City**  
**For Water AIA**

**WHEREAS**, the City of Elizabeth City has need for and intends to plan or conduct a study in a project described as the Lead Detection and Replacement Plan, Phase 1; and

**WHEREAS**, the City of Elizabeth City intends to request State loan and/or grant assistance for the project, and is the sole Applicant for said 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 E. Kirk Rivers, Mayor, the **Authorized Official**, 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 study of the project described above.
- That the **Authorized Official**, 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, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

**ADOPTED**, this the 26<sup>th</sup> day of September 2022.

---

E. Kirk Rivers  
Mayor

---

April D. Onley  
City Clerk, NCCMC

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Elizabeth City does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Elizabeth City City Council, duly held on the 26<sup>th</sup> day of September, 2022, and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of September, 2022.

---

(Signature of Recording Officer)

City Clerk

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(Title of Recording Officer)

**d. Consideration - Submission of Tiber Creek Flooding Reduction Project;**

**Resolution # 2022 –09-05  
Resolution by the City of Elizabeth City  
For Tiber Creek Flooding Reduction Project**

**WHEREAS**, the City of Elizabeth City has need for and intends to construct a project described as the Tiber Creek Flooding Reduction Project; 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 any potential 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 E. Kirk Rivers, Mayor, the **Authorized Official**, 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 Official**, 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, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

**ADOPTED**, this the 26<sup>th</sup> day of September 2022.

---

E. Kirk Rivers  
Mayor

---

April D. Onley  
City Clerk, NCCMC

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Elizabeth City does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Elizabeth City duly held on the 26<sup>th</sup> day of September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of September, 2022.

---

(Signature of Recording Officer)

City Clerk

---

(Title of Recording Officer)

- e. **Consideration – Approval of August 22, 2022 Regular Session Minutes;**
- f. **Consideration – Authorize One-Year Renewal for Tetra-Tech Debris Monitoring Contract;**
- g. **Consideration – Budget Amendment for ARPA Grant Project Ordinance;**

**ORDINANCE #2022-09-01  
AMENDMENT TO CAPITAL PROJECT ORDINANCE # 2022-06-04  
AMERICAN RESCUE PLAN ACT OF 2021  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS  
CITY OF ELIZABETH CITY**

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

**SECTION I.** To amend the Grant Project Ordinance, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
60-5700-6000	Unassigned	\$5,657,198.33	
60-5300-7400	Portable Radios		\$259,782.00
60-5100-1000	Salary Expense to Police Salaries		\$442,000.00
60-6200-1000	Salary Expense to P&R Salaries		\$365,000.00
60-4400-1000	Salary Expense to Finance Salaries		\$320,000.00
60-6900-1000	Salary Expense to IT Salaries		\$150,000.00
60-8100-1000	Salary Expense to Public Utilities Salaries		\$4,120,416.33
	<b>Total</b>	<b>\$5,657,198.33</b>	<b>\$5,657,198.33</b>

**ADOPTED, this 26th day of September, 2022.**

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

*Attest:*

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

Attorney Morgan asked that on Item A, the lobbyist's contract include a pre-audit certification prior to approval. Councilman Walton asked that it be removed at this time because he'd like to see it in its final form before voting on it. Mayor Rivers agreed that it could be removed to the next agenda.

Mayor Rivers requested the Council's pleasure on the Consent Agenda, minus Item A.

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

**6. Regular Agenda:**

**a. Any Item Pulled from the Consent Agenda**

There were no items pulled from the Consent Agenda.

**b. Consideration – Appointment to the Planning Commission (*By Motion and ROLL CALL VOTE*);**

Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to appoint J. Cameron Reynolds to the Planning Commission. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

**c. Consideration – Service Contract for Rivershore Road Bridge Replacement;**

Motion to approve the service contract from AECOM in the amount of \$282,016.50, authorize necessary signatures and further authorize subsequent amendments as necessary and appropriate was made by Councilman Joseph Peel, seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

**d. Consideration – Service Contract for Water-Church Street Bridge Replacement;**

Motion to approve the service contract from AECOM for the Water-Church Street Replacement Project Phase 1 in the amount of \$570,500 was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

**e. Consideration - Budget Amendment for Emergency Management Capital Grant Projects;**

Motion to approve the budget amendment for emergency management grant capital project was made by Councilman Joseph Peel, seconded by Councilwoman Rose Whitehurst. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.

**ORDINANCE 2022-09-02  
AMENDMENT TO CAPITAL PROJECT ORDINANCE # 2022-07-04  
RIVERSHORE BRIDGE REPLACEMENT PROJECT  
CITY OF ELIZABETH CITY**

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

**SECTION I.** To amend the Capital Project Ordinance for the Rivershore Bridge Project, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
68-5600-7300	Planning and design		\$697,000
68-5600-7301	Construction and Inspection		\$880,000
68-5600-7302	25% Contingency		\$394,000
	<b>Total</b>		<b>\$1,971,000</b>

**Section II.** To amend the Capital Project Ordinance, the estimated revenues are to be changed as follows:

Account #	Account Name	Decrease	Increase
68-3490-8280	NCEM Grant Revenue		\$1,971,000

		<b>Total</b>	<b>\$1,971,000</b>

**ADOPTED**, this 26th day of September, 2022.

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

*Attest:*

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

**ORDINANCE #2022-09-03  
 AMENDMENT TO CAPITAL PROJECT ORDINANCE # 2022-07-05  
 WATER-CHURCH STREET PUMP STATION REPLACEMENT PROJECT PHASE 1  
 CITY OF ELIZABETH CITY**

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

**SECTION I.** To amend the Capital Project Ordinance for the Water-Church St Pump Station Replacement Project, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
68-5600-7305	Planning and design		\$348,008
68-5600-7306	Construction		\$248,008
68-5600-7307	15% Contingency		\$74,484
	<b>Total</b>		<b>\$570,500</b>

**Section II.** To amend the Capital Project Ordinance, the estimated revenues are to be changed as follows:

Account #	Account Name	Decrease	Increase
<b>68-3490-8280</b>	<b>NCEM Grant Revenue</b>		<b>\$570,500</b>
	<b>Total</b>		<b>\$570,500</b>

**ADOPTED**, this 26th day of September, 2022.

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

*Attest:*

\_\_\_\_\_



April Onley, NCCMC  
City Clerk

**f. Consideration – Call for a Public Hearing – CDBG-CV Amendment (*Added During Agenda Adjustments and Approval*);**

**Motion to call for a public hearing on October 10, 2022 at 7:00 p.m. was made by Councilman Joseph Peel, seconded by Councilman Johnson Biggs.**

Councilman Walton said it sounded like there hasn't been a collaboration between the two agencies yet based on what Ms. Corbo was saying in her comments earlier. Mr. Hawley stated that he'd attempted to clarify the matter this morning when he emailed River City. He's suggested the \$500,000 threshold but if that's not satisfactory, it can be changed. Until these items are determined, he can't submit an amendment request. In regards to how much has already been expended, we have allocated around \$300,000. If the \$500,000 moves forward, \$455,000 would be for assistance and the other would be for administrative purposes. Nothing goes to City staff. The Food Bank amendment moves on a separate track from what River City is pursuing. He explained that if you want to take more time to look at the \$500,000, you could do that because they're not directly dependent on each other.

Ms. Corbo asked exactly how much funding they'll be able to provide in assistance to the community. She said the United Way has been conducting the program so they've already used some of the money, so how much is left? Ms. Moore said they didn't feel that it was their responsibility to figure out how much they should be getting. They didn't agree to it because they didn't feel that it was up to them to agree to it.

Councilman Walton asked how many families River City is involved with? Ms. Corbo said they don't currently have any funding to provide help for families in need, but they do have other programs that help people. They do get a lot of inquiries though. She said they have 12 or 15 clients that she believed would qualify and be eligible for the program and they weren't able to get assistance from the United Way.

Mayor Rivers said the grant was for \$765,000, and the Council needed to decide how much should go to housing and how much should go to food. "Right now, we've got \$265,000 to the Food Bank. Do you have the breakdown? \$500,000 of which \$455,000 would be for housing assistance and \$45,000 would be for administrative. Has \$300,000 of that already been spent?" He asked if that then meant only \$155,000 was left? Councilman Peel asked when the program started. Mr. Hawley replied that the program started in May 2021. He said that we already had people in the queue at that time.

Councilman Peel noted that we have to have this money committed by March 17<sup>th</sup>. In 16 months, we've spent roughly \$300,000. We have a little more than half that to spend in the next five months. Mayor Rivers said if the regulations are loosened, which Mr. Hawley is going to try to get the Department of Commerce to do, that money might move a lot faster. Mr. Hawley said whatever number we select is kind of going to be a shot in the dark, regardless. Ms. Corbo said River City serves a very different customer base than the United Way does. She said she felt the original spirit of the grant was to provide housing assistance, which is something that they do.

Councilman Walton clarified that there would be a way to make sure that the agencies collaborated to keep from double dipping. Mr. Hawley explained the state database that multiple nonprofits would be able to check into to make sure that wasn't happening.

Councilman Peel said, "We're talking about the United Way like they're a giant monolith, but they feed several other agencies and they try to find the right fit." He said he was trying to get a handle on how many people are out there in need. "If you've got 20 agencies feeding into this pot of money for 16 months and we're going to add one more, I don't know how much money you're going to need." Mr. Hawley noted that the first two motions are independent.

Mayor Rivers said we go ahead and can call for the public hearing. If the Department of Commerce denies the City the right to amend the grant for the Food Bank, then basically all

the money will have to go with our original grant. Mr. Hawley said that was absolutely correct. In order to run a proper notice for the hearing, he had to have numbers.

Councilman Biggs said he knew a lot of staff time had been put on this and a lot of community outreach. He was comfortable with where the numbers are. He reiterated that we've got five months left to spend this money. He just wanted to make sure it's moving the process forward. "If we kick the can again, we're further down the road and no one's using the pot of money. Every time we delay action, we're losing more and more time. I just want to benefit for all parties." Ms. Moore said it's not so much about separating the money, they just wanted to know how much money there really was because it's not \$500,000. She said she believes they can apply for an extension.

Councilman Gibbs said his understanding is that River City is just trying to see how much money they'd be able to use. Mayor Rivers said it sounds like \$155,000 for River City from what he's hearing. Then \$265,000 would go to the Food Bank. Councilman Biggs asked if you have River City and United Way both being recipients do they just split it? Mr. Hawley explained that they're sharing the total balance and there would have to be a lot of communication and constant knowing of how much each entity has spent.

Councilman Peel said he wanted to leave the number where it was. The Food Bank item was important because it was something that would service our community for years. Mayor Rivers agreed that the van and refrigerators were very important. Councilman Walton said the Food Bank is going to be a long-range thing and therefore, we might be able to cut back on it. How many freezers are they talking about? Mr. Hawley said he didn't remember, but he thought there were five or six food pantry locations where they'd be putting refrigerators.

**Mayor Rivers asked the Council's pleasure on the motion to establish an agreement with River City CDC, which had been made and seconded. Those voting in favor of the motion were: Biggs, Peel Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.**

**Motion to submit a project revision request was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.**

**Motion was made by Councilman Joseph Peel to call for a Public Hearing to consider allotting \$190,000 to housing for River City and \$230,000 in funding for the Food Bank from the grant money. The motion was seconded by Councilman Johnson Biggs. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.**

**g. Consideration – Call for a Public Hearing – Emergency Management Ordinance (*Added During Agenda Adjustments and Approval*);**

**Motion was made by Councilman Johnson Biggs, seconded by Councilwoman Rose Whitehurst to call for a public hearing on October 10<sup>th</sup>, 2022 at 7:00 p.m. on amendments to the Emergency Management Ordinance. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.**

Mayor Rivers advised that October 4<sup>th</sup>-8<sup>th</sup> River Splash will be happening. On Tuesday, September 26<sup>th</sup>, A Healthy City is a Wealthy City will be happening at the Senior Center at 6:00 p.m.

**7. Closed Session – As Allowed by NCGS 143-318-11(a)(3) Consultation with City Attorney**

**Motion to enter closed session was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel at 8:12 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter and Walton. Against: None. Motion carried.**

**8. Adjournment:**

The Council returned to open session at 8:54 p.m.

**Motion was made by Councilman Johnson Biggs to authorize the City Attorney to execute the necessary documents to close out the agreement between the City and the Airport Authority to convey the properties in question to them. The motion was seconded by Councilman Joseph Peel. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Felton, Baxter. Against: Walton. Motion carried.**

Having no other business to discuss, Mayor Rivers declared the meeting adjourned at 8:55 p.m.

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E. Kirk Rivers  
Mayor

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April Onley, NCCMC  
City Clerk

