

**City Council Work Session  
November 27, 2023**

The City Council of the City of Elizabeth City met in work session on Monday, November 27, 2023 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 Kirk Rivers  
Councilman Johnson Biggs  
Councilman Joseph Peel  
Councilman Jarvis Gibbs  
Councilwoman Rose Whitehurst  
Mayor Pro Tem Kem Spence (*Arrived at 5:03 p.m.*)  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: None

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

Mayor Rivers called the Work Session to order at 5:30 p.m. Councilman Gibbs provided the invocation, after which Councilman Biggs led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Rivers asked the Council's pleasure on the prepared agenda. He stated that they would need to add an item under the Parks and Recreation Committee to discuss the ECHS / ECMS lease addendum, as well as a Closed Session as Allowed by NCGS 143-318.11(a)(4) for Economic Development. Councilman Biggs requested the addition of a discussion under the Planning Committee regarding parking issues within the city.

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

**2. Committee Reports / Updates:**

**a. Public Utilities Committee – (*Walton, Biggs, Spence*)**

**i. Presentation / Update – Rural Water Study (*with Alicia Melton of NCRWA*);**

Alicia Melton joined the Council via Zoom. She advised that she was with the North Carolina Rural Water Association, which the City had chosen to complete our rate study.

They have been provided with the 2020 rate study from Raftelis as background. They will provide the City with a five-year study, which they feel is more accurate than a 10-year study. They will incorporate growth into the study at a conservative level to ensure they reflect potential revenue from customers. They have received our financial statements through 2021, and hope to receive 2022 soon. They will pull information from the utility billing system to try to recreate and anticipate the best pathways to move forward and accommodate our needs. They are in the information gathering stages of the process at this time.

Councilman Biggs asked what the estimated turnaround time for completion of the report was. Ms. Melton explained that once they receive all the information, the most challenging piece will be determining how much growth we would like to see reflected and then they'll be able to manipulate the numbers along those lines. They hope to have something by the end of December, but they are not certain that's possible. The contract runs through the end of March, but she was confident they would have it finished much sooner. Councilman Biggs asked about the capital improvement plan – how does that factor in? Ms. Melton replied that when there's a plan that's been adopted by the Council and implemented, they do work with that but she did not believe that was the case here right now. There would be a conversation in December about our immediate capital needs to make sure we have what we need to accommodate growth. Councilman Biggs asked if Rural Water tried to forecast things like repair and replacement costs or is it all calculated off today's rates? Ms. Melton said they are not engineers themselves, so they can't really determine those costs, but they can incorporate whatever financial method the City feels will be utilized, such as grants or loans to show how those payments will influence the rates.

Councilman Walton asked if the study by Raftelis was proving to be helpful. Ms. Melton confirmed that it was, and there was a lot of great guidance included in the Raftelis study for where the City was in 2020. She couldn't say that their rate study would show something similar or different because a lot of changes have taken place since that point in time. When she presents rate studies, she does like to show more than just one option. There is a true cost to operate a system and if our customers could not take the impact of the required rate increase, she likes to offer options for how to move forward over time. Councilman Walton felt that was a good idea because everyone needs more than one option. Councilman Biggs noted the Council has been trying to figure out the true cost of operations outside of capital improvement needs. He asked if they are building into the cost of operations how dire the City's need for repair and replacements is and the amount of budget being spent on emergency maintenance. Ms. Melton advised that this study does not incorporate that level of detail, but she could show a comparison of the budgetary amounts of the repairs and replacements over the last three or four years. As far as digging down into the costs, that was not included in the study. Councilman Biggs stated that we are spending a substantial amount of money on emergency repairs to a system that is way past its useful life. We do want to consider what the taxpayers can spend on rates, but the cost of not making these repairs is considerable and has much worse impacts, particularly considering that things are not getting cheaper. Ms. Melton agreed that the City will only ever have one water system and it does take investment to keep it in good shape. She will analyze how much it has depreciated and that will be included in the presentation if that is the wish of the Council.

Manager Freeman clarified that she would be able to show what the City spent in repairs to the system. Ms. Melton confirmed that she would. She said she would get that amount from the budget. Councilman Walton thanked her for the update and said they would be seeing her again soon. Manager Freeman stated that Director Bell and Deputy Director Staten are pulling information together for Ms. Melton. Councilman Walton opined that the information needed to be given to the Public Utilities Committee first before it went to her. He felt that they needed to be updated before anyone else was. He expressed concern that if she does one thing and we want something else, it adds more time onto the total process. Manager Freeman explained what Ms. Melton is talking about right now is just collecting data. They are taking the Raftelis study, what was already there and what needs to be updated. There will be several presentations to the full Council and there can

be even more to the Committee if that's the wish. Once we pass that phase, we can have a full presentation that shows what we've gathered. Councilman Walton asked how much we're paying for this revised study. Manager Freeman stated that the Rural Water update came in at \$15,000 and Raftelis would have cost us about \$25,000. The only issue with Rural Water being cheaper was that we had to wait a bit longer to be put into their lineup. Mayor Rivers asked if we budgeted that \$15,000. Manager Freeman confirmed that we did, and it was approved during the budget season.

**ii. Update – Rivershore Road – Fairfax Avenue Bridge Replacement Project Timeline / Flowchart;**

Deputy Director Staten explained that the Rivershore Road / Fairfax Avenue Bridge Project began in February 2022 when the City was awarded \$1.9 million in funding. In March 2022, the City contracted with AECOM to begin the bridge design. He stated that although it may appear to be a smaller project, there are moratoriums in place that hold it up. The Herring Moratorium stops all water work for months at a time and the Bat Moratorium stops tree removal for a lengthy period. Our hands are tied on this project except during a small window of time where we can work. Bids will be solicited in January 2024, and the entire project is expected to be completed in 2025. Councilman Biggs said he'd asked for this timeline to be compiled because this was a smaller bridge and many people didn't understand the delays associated with it. He wanted to assure everyone that the City is moving on it, but there are constraints that we have due to moratoriums. He was happy to have a flowchart to help update the public when he received calls. Deputy Director Staten noted that CAMA was going to attempt to speak with the wildlife group about the possibility of shortening the moratoriums, but he did not know what might come of those discussions.

**b. Community Development Committee (*Whitehurst, Felton, Walton*)**

Nothing to report.

**c. Public Safety Committee (*Spence, Peel, Felton*)**

**i. Update – Six-Month Follow-up on Traffic Study – West Church Street;**

Mayor Pro Tem Spence stated that the Public Safety Committee had met with Chief Webster on the speed bumps / humps recently. Chief Webster advised that the ECPD completed the follow-up reviews to two studies performed earlier in the year on West Church Street and Pritchard Street. On West Church Street, a counter was positioned at 1209 West Church Street. The average speed tracked 24.7 mph, down from 28 mph. The 85% percentile for speed was down, as was vehicle count. The total vehicle count was 20,749, down from 21,314. The traffic calming measures installed at this location have clearly done what they should do.

**ii. Update – Six-Month Follow-up on Traffic Study – Pritchard Street;**

The Pritchard Street study was originally conducted in March, from the 9<sup>th</sup> through the 16<sup>th</sup>. Traffic measures were installed in the roadway after the initial study, and the follow-up took place from October 16<sup>th</sup>-23<sup>rd</sup>. The counter for this study was positioned at 213 Pritchard Street. The speed limit on this road is 25 mph, with an average of 22 mph. The 85% percentile vehicle count measured 7,527, which was down from 9,305 in the original study. Total vehicle count was at 8,855, down from 10,947. The measures have successfully reduced traffic and speed on both West Church Street and Pritchard Street. He explained that this was just follow-up data and they were not requesting any additional action from the Council at this time.

Councilwoman Whitehurst asked if they'd had any complaints from residents who were dissatisfied with the measures. Chief Webster said he'd received complaints, but they were from people outside of the area. Councilman Gibbs asked if the complaints concerned the placement of the speed bumps or were they more product type complaints.

Chief Webster felt they were mostly complaints about the product itself. Mayor Pro Tem Spence shared that he'd gotten a couple of complaints, but they were from people who did not reside on either of those streets. The people who did live on the streets had asked the Council not to remove the speed bumps. When they were initially put down, they were supposed to be temporary, so at some point we have to look at permanent ones, but for now, we should leave them there because they are effective. The concerns that are coming in are not from the people that live on these streets. Councilwoman Felton said she also received phone calls and emails from people who did not live there but took the route that way each day. Some of these people said we were not following our own policy. She'd advised one particular individual that the Chief would be giving an update this evening and encouraged them to check in on it. Councilman Peel said he'd heard from people on the street who were glad to have the bumps, but did not particularly love the type of bump and wanted something easier on their vehicles. Mayor Pro Tem Spence noted that they'd need to get Director Bell to do some research on a permanent solution and it was definitely going to affect the budget because they were very expensive. Councilman Peel suggested that there was always the option to put stop signs up, as he felt that might accomplish the same thing. Strategically placed four-way stop signs can be useful in situations like that. Mayor Pro Tem Spence pointed out that the study was conducted with the speed bumps, so we'd have to do another study for the signage and then we'd have to go back again away. He believed they just needed to have the director look into some permanent types of speed bumps for the area and bring those ideas back to the Council for consideration. Until that time however, he did not feel that the speed bumps that were there now should be removed. Councilman Walton felt it was all about the mindset of who was looking at the situation. The "normal" before was no bumps and now the "normal" is having bumps. It's an emotional thing. The people who don't live there are coming through and hitting bumps so they complain about it. He related it to the new normal of using self-checkout registers. People are upset at first, but everything settles down after a while. He believed we were going in the right direction and we did not need to continue doing study after study. We satisfied what the purpose of traffic calming was meant to do. Those who don't like it can always take another route. Councilwoman Felton agreed and echoed Mayor Pro Tem Spence's sentiments that since they now have confirmation that the calming measures work, they should have Director Bell look into the cost of permanent solutions and go from there.

**d. Parks and Recreation Committee (*Gibbs, Baxter, Whitehurst*)**

**i. Consideration / Discussion – Addendum to ECHS / ECMS Lease Document (*As Added During Agenda Adjustments*);**

Director Malenfant reminded the Council that on June 27, 2022, the Council approved a lease with Betsy Town Flats for a period of 20 years for renovations and improvements to the gymnasium at the former Elizabeth City Middle School. The lease allowed the property owner to complete the renovations specifically to the gymnasium at a cost calculation; however, the parking lot ingress / egress was not included in the calculation and that work needs to begin. The majority of the property of the parking lot belongs to Betsy Town Flats. They are asking for an addendum to the current lease agreement to allow the property owner to complete the parking lot ingress / egress design and construction work, not to exceed \$85,000, with payment to be made in one lump sum. This will save the construction having to be bid out and will not change any current pieces of the lease agreement. The turnover date of the gymnasium is estimated by the end of the year. The parking lot will take 30 to 60 days once the design is completed, so maybe by the January timeframe. Councilman Walton asked if the \$85,000 was in the budget. Director Clark confirmed that it was in the budget. Councilman Peel pointed out that all we're really doing is approving the addendum and letting them do the work instead of the City doing the work. Mayor Rivers stated that this item could move ahead to the Regular Agenda for a formal vote if the Committee agrees

**Motion was made by Councilwoman Rose Whitehurst, seconded by Councilwoman Barbara Baxter to approve the addendum. Against: None. Motion carried unanimously by committee vote. Item moved forward to 11/27/23 Regular Session for full Council consideration.**

**e. Finance Committee (All)**

Councilman Biggs asked the manager if he had any updates to share with the Council. Manager Freeman said he was afraid to give a firm date on the audit's completion, but he was confident that we were very close. He would share a recent email he received from the auditor with him shortly. Councilman Biggs added that he'd had a meeting with members of Finance and the manager about how to generate a better, more user-friendly budget-to-actuals report, which would hopefully make items of concern stand out better. Manager Freeman reminded the Council that staff would be at the Hugh Cale building on Friday at 8:30 a.m. for the Capital Improvement Budget Retreat to discuss items they'd like included in the plan, which he would later present to the Council for consideration. North Carolina General Statute requires that we have at least five years in capital improvement and our current plan ends this year, so we need to get another one underway.

**f. Planning Committee (Peel, Walton, Biggs)**

**i. Discussion – City Parking Issues (As Added During Agenda Adjustments);**

Councilman Biggs explained that he'd requested this be added as he'd received some calls over the last few months about people parking on the sides of roadways. The concern was not about roads where it was wide enough for people to park and still have traffic move through, but roads where people are more or less parking in the actual roadway. He asked that staff look into possible ordinance amendments for adoption about parking to remedy some of this because as it stands, we are lenient to a fault. Mayor Pro Tem Spence noted that 4<sup>th</sup> Street is particularly overrun with parking problems and he'd been contacted several times about that. Councilman Biggs agreed that vehicles are stacked down the street and it makes it difficult to see around them. He didn't want us to litter the City with no parking signs, but maybe do something more along the lines of make it know that if something is not designated specifically as parking, then that means it's no parking. He felt it was not in the best interest of our community that we allowed parking wherever, regardless of whether it was impeding traffic. Manager Freeman stated that he would have Chief Webster prepared to present some new options during the work session in January.

**g. Human Resources Committee (Felton, Gibbs, Whitehurst)**

**i. Consideration / Discussion – Policy Language in Employee Manual;**

Councilwoman Felton advised that the HR Committee met and Attorney Morgan would provide an update on a concern about some language in the employee manual. Attorney Morgan stated that there was some potentially problematic language in the City's policy with regard to employees and political activity. The League weighed in and confirmed that an employee should not be an elected official, so we looked at our existing manual language in Section 6.0 and the suggested the proposed changes to the language. The primary concern was with Subsection D, but he also recommended a minor change to Subsection B to include use of City resources. In Subsection D, our existing manual provided language that was likely problematic for constitutional purposes, so that has been rewritten in such a way that would withstand a challenge if there were one. He suggested that if the Council was in agreement, they could move it forward for approval on the Regular Session.

**Motion was made by Councilwoman Rose Whitehurst, seconded by Councilman Jarvis Gibbs to adopt the policy language. Those voting in favor of the motion were: Felton, Gibbs and Whitehurst. Against: None. Unanimous approval by the committee. Item moves forward to the 11/27/23 Regular Session for full Council consideration.**

## **h. Public Affairs / IT (*Baxter, Peel, Gibbs*)**

### **i. Update – Phone System (*Director Simpson*);**

Director Simpson shared that the Tyler migration was successful and everything seemed to be working well at this time. They are now finalizing the plan to use credit card readers. The card readers have been purchased and that method of payment is expected to be available in office soon. They are also working on improving the performance of the phone system. It does appear that everything is working properly now. There was a voicemail issue, which has been corrected and now all Customer Service Reps can check voicemails via email. They also made some configurations to improve experience and are working on a way to further improve the phone system. They get about 6,000 calls a month, which has grown from previous years.

Mayor Rivers asked that they continue to check into the phone system because he did not believe it was working properly, at least not as of this afternoon. Councilman Biggs asked what we have in place as far as accountability to make sure that phone calls are being returned in the Customer Service Department. How do we know that not everyone is answering the same message or not answering at all? Manager Freeman explained that they are able to track who responds to which voicemail. This evening, the mayor performed a test and the phone rang but there was no answer. He said he would be in early in the morning to see what was happening down there. Apparently, there was a glitch in today's system that sent out a message that our offices were closed. Our IT Systems Analyst has been on the phone with our vendors to try to figure out what happened there. We do have a tracking system to see who responds to which emails but we're still working on it. Councilman Biggs felt that having the voicemails go to emails was great, but worried that we were creating our own issues due to this not working. We're spending a lot of taxpayer money for something that is not working and hasn't been working. He said the calls he was getting have slowed down a bit, but they were all stemming from Customer Service not returning phone calls.

Councilwoman Felton said she knew that everything is modernized, but we used to have a human answer every single call that came in and we did not have people complaining that no one was answering or not returning calls. I don't know how you make people call the customers back. I'm continually getting complaints about phones ringing and no one returning calls. I think someone needs to be sitting at the switchboard. I just have a problem with people saying they're too busy to answer the phone. Councilman Walton opined that you have to attack this like it's a business. If someone wants to give us some money and they can't get in contact with us, that's a problem. Those phone calls should be returned and they should be returned quickly. When no one returns a call, that's a problem.

Mayor Pro Tem Spence said he experienced it today out when he was front. Someone told him that they'd been trying to call for three days. The man called right in front of him and it rang and rang, but never even got to the point where he could leave a message. He felt we needed to go back to the basics. He noted that Director Steward has jumped right on it before for me, but that's not her job. Someone needs to be put at the desk to answer phones the way they used to. We have to do something different. We'll turn their lights off if they don't pay today, but we won't answer their calls when they're trying to give us money. Put someone at the desk to answer calls. If it's really so busy that two people constantly sitting there answering phones can't do it, then they can take a message if they have to and call them back. We have to do good business.

Councilwoman Whitehurst said they've had the same issue at her place of business and the calls go to their email. The expectation for her team is to return the calls in no more than 48 hours. If they have alerts that are not returned in 48 hours, that's a serious offence. If you have calls going to email, you should look at the data to see how long the phone rang, and so on, if that's possible. Manager Freeman confirmed that our system does give us that information and he would pull that together in the next few days

### **i. Mayor's Updates;**

Mayor Rivers said the Grand Illumination was outstanding, in spite of a technical glitch, but a press release explaining the electrical issue did go out today. He thanked ECDI and the Electric Department, as well as the downtown businesses for their participation. He congratulated NHS who are competing for the Eastern Championship in football this Friday in Clinton, NC. This Saturday is the Elizabeth City Christmas parade, which begins at 5:30 p.m. The Council will have a float in the parade. The single Council meeting in December is the swearing in, and they will not adjourn that meeting because they will reconvene on Tuesday, December 12<sup>th</sup> at 3:00 p.m. For any member of Council who is interested, they are going to have a senior bus to take them around to all the City facilities and buildings, such as the sewer plant, wastewater plant, etc. Councilman Peel said he could not do it at 3:00 p.m. Manager Freeman reminded Mayor Rivers he had to bring greetings at a 1:00 p.m. lunch function. Mayor Rivers asked if 2:00 p.m. would be better. The general consensus of the Council was that they would prefer to reconvene on December 12<sup>th</sup> at 2:00 p.m. at City Hall.

Mayor Rivers asked with the swearing in and the ceremonial meeting, would the Council like to hold that in Chambers, the Senior Center or MACU? Councilwoman Whitehurst asked if MACU had an auditorium. Mayor Rivers said they did, and it would seat about 150 people. Councilwoman Whitehurst liked the idea of MACU. Mayor Rivers stated that he would get final confirmation and get everyone's thoughts on which judge they'd like to use as well.

**3. Closed Session – As Allowed by NCGS 143-318.11(a)(4)-Economic Development(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)(4) for Economic Development at 6:50 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

The Council returned to open session at 7:10 p.m.

**4. Adjournment:**

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 7:10 p.m.

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E. Kirk Rivers  
Mayor

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April D. Onley  
City Clerk, NCCMC