

**City Council Work Session  
October 23, 2023**

The City Council of the City of Elizabeth City met in work session on Monday, October 23, 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 5:35 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 Superintendent Donnell White  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
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. The mayor provided the invocation, after which Councilwoman Whitehurst led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Rivers asked the Council's pleasure on the prepared agenda. Councilman Biggs requested to add a brief discussion on the General Assembly appropriations under the Public Utilities Committee as he'd received several calls about how the City intended to spend that money. Mayor Rivers asked if he'd prefer to do that during the Regular Session since we're not streaming right now? Councilman Biggs agreed that would be fine.

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

**2. Committee Reports / Updates:**

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

**i. Call for a Public Hearing – Garbage and Recycling;**

Councilman Walton said the Committee did have an opportunity to meet and he'd like to bring the public up to speed on some of their discussions. Manager Freeman advised that they'd circled back to the curbside recycling topic and what happens next after the vote earlier in the year to stop offering it. The proposal is to allow the orange cans to be repurposed as a secondary trash can for interested customers for a \$5 monthly fee.

Customers will need to contact the Customer Service Department who will then issue a work order to Public Works, who will in turn tag the cans. Councilman Peel stated that we need to make sure that people understand that they have only ever had one garbage can up until this point. He'd been approached by people who think that both cans were for trash and want to know why they can't just keep both as they are now. We need to make it clear they've only had one can for trash unless they specifically purchased another. Councilman Gibbs asked if there's a plan at this time about the orange cans because he'd been riding around and had seen them sitting on the curbside since last week. What are we doing with what's sitting out there at the curb now? People keep saying they didn't know, but we've been talking about it for months. Director Bell agreed that the cessation has been heavily publicized. Manager Freeman suggested that we could offer trash amnesty for 30 days or so, but it's up to the Council. Councilman Walton felt that to break up confusion, we needed to make a decision so it would be clear to everyone and we'd go forward with whatever was decided at that point.

Mayor Rivers noted that they're moving down the bullet points and the Council can decide on the policy they want to put together because it will need a public hearing as it involves fees. Councilman Peel said he understood the information has been out there, but communicating with the community is sometimes difficult. When we decide what we're going to do, we need to put a memo in our electric bills that clearly says this is what we're going to do and when we're going to do it. Manager Freeman explained that we did have a note in the electric bills as of August, but a lot of people just look at the amount due and don't read anything. A separate notice may help.

Mayor Pro Tem Spence said he was curious about what kind of second memo we were going to put out because we were putting this information out in several ways for months. Director Bell agreed that it's not on the City that no one will read their bill. Mayor Pro Tem Spence noted that both he and Councilwoman Felton had received calls, but this information is online, it's been discussed during the meetings, it's in the bills. He didn't know what else we could send or do or say to make the public aware. Councilman Biggs said he was probably guilty of just looking at the bottom number on the bills himself. He wasn't against putting a separate notice in the bills in maybe another color. He didn't know if it would work or if they'd look at it. He felt that maybe for the next two weeks or so, if Public Works saw orange cans out there, they could pick them up because we don't want them falling over and having trash all over the city.

Councilwoman Felton said she was also guilty of not reading her bill, but we did put a stop date of October 15<sup>th</sup>. If we pick it up this time, what stops us from picking it up the next time and the next time? There are a lot of full orange cans out there, full of recycling or otherwise. She had to instruct her own family to stop doing it. Where does it stop? At some point, we're either going to finally cut it off or we'll just keep going and going. Councilman Biggs stated that if we decide on what we want to do, they can either use the extra can or not.

Councilman Gibbs opined that right now, part of the problem is that everyone still has an orange can. He agreed with Councilwoman Felton about if we go ahead and pick it up this time, we'll have to do it again and again. Councilwoman Whitehurst said she hadn't seen the bill personally, but wanted to make sure we'd put enough information on it. She shared that she'd seen something online that said recycling would resume on October 16<sup>th</sup>, which was confusing. We needed to make sure we were doing a good job with the information.

Councilwoman Baxter asked if we had a plan for collecting the actual cans? Manager Freeman replied that they have a potential plan to present this evening, but they didn't get that far before. Director Bell said those who don't want to pay the additional money for the service will get their cans collected and removed. Mayor Rivers noted that the people who have their orange cans out right now who obviously haven't read or listened to what's happening, the solution may be to put something on the trash can that says we will not be picking this up again and for further info, go to the website or whatever and they can get the information. If the orange cans are out and full, we'll pick it up, but we will tag them and say they will not be picked up any longer.

Mayor Pro Tem Spence disagreed. He pointed out that the first time this was discussed, we said we were going to stop on one date, but now we've gone to the 15<sup>th</sup>, and now

we're stretching it out even longer. They're testing the water over and over. Director Bell stated that the Public Works admins are getting calls from people who are saying, "Well, I don't go online. I don't read my bill." Mayor Pro Tem Spence pointed out that they'll likely just keep saying what they don't do regardless of what methods we use to get the message out there. Manager Freeman advised that if we mail separate notices, we're looking at about \$1,200. Mayor Pro Tem Spence felt that would be the City spending \$1,200 just to give people more and more leeway.

Councilman Walton thought maybe having a car go behind the trash truck was a good idea, but once the public hearing was held and the fee was in place, that was it. Whatever was decided at that point was going to be what they went with. Councilman Biggs pointed out that we said we were going to end recycling, but we didn't have a plan in place. We should have had a plan ready when we did that. Most people need both cans, so they'll probably opt in. Instead of going through all this effort and we're going to vote on this, why not just put the stuff in the can and pick it up until after the hearing? The truck is going by there anyway, so he's going to pick it up and go on. Then we can be done and we don't have to worry about it anymore.

Councilwoman Whitehurst felt that Mayor Rivers made a good point. There are different mailing cycles. How long does it take to completely cover the whole city? Manager Freeman said it takes over a month because there are four different cycles. The notices started going out on bills at the end of August, so notices went out on bills for about two months. We do have the ability to ride behind if that's what you want us to do. Councilman Biggs felt that was going to be time consuming and costly too. He reiterated that we should continue picking the orange cans up until the hearing and then move on. Councilwoman Whitehurst noted that it's going to take time to transition to a new process.

Mayor Pro Tem Spence said listening to Council, it's safe to say that if we're going to have to notify everyone by mail, we're looking at January 1<sup>st</sup>. Can we just say that we're going to do such and such for this fee effective January 1<sup>st</sup>? We have to have a public hearing. Councilman Biggs stated that once the public hearing is done, it's over. We wouldn't have to notify further after that. If we hold the hearing in two weeks, we can collect trash for the two weeks in between now and the hearing and then go on.

Mayor Rivers asked if the Council was happy with allowing the trash trucks to pick up the orange containers right now if they're at the road until after the hearing? The general consensus of the Council was that it was.

Manager Freeman explained that the \$5 fee would be on the bills monthly for customers who decided they wanted to keep the orange cans and use them as a secondary trash container. The other related item here was that the purchase price for our 95-gallon black cans is listed at an antiquated purchase price and we'd like to raise that from \$60 per can to \$85 per can. Mayor Rivers asked the Council if they felt that was acceptable? The Council concurred that was a reasonable rate.

**Motion was made by Councilman Johnson Biggs to move this item forward to the Regular Session to call for public hearing on November 13<sup>th</sup>. The motion was seconded by Mayor Pro Tem Kem Spence. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote and moved forward to 10/23/2023 Regular Session for full Council consideration.**

**ii. Consideration – Award Force Main Relocation – Rivershore Road / Fairfax Avenue Bridge Project;**

Director Bell explained that this item had been slowly moving along since 2022, and they were now ready to award the contract, which required approval from the Council.

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to move the item forward to Regular Session to award and employ the contract to Eastern Carolina Construction. Those voting in favor of the motion were: Walton, Biggs and Spence. Against: None. Motion carried unanimously by committee vote and moved forward to 10/23/2023 Regular Session for full Council consideration.**

**iii. Consideration – Adopt Resolution of Commitment to Implement a Compliant NPDES MS4 Program;**

Director Bell explained that there was an audit by the state a few months ago. We will now be responsible for a lot of our own permitting, fines and so on. The purpose of the audit was to show us where we were and where we need to be. We are prepared to respond to that within 120 days. An ordinance is attached for adoption. Councilman Biggs asked what our deficiencies were and did the state make any specific comments? Director Bell replied that some items were as simple as making sure we knew where our flooding areas were, and places that could more easily be improved. They also talked about outreach, which the City was engaging in at one point, but then it fell by the wayside. They were also thinking of tagging the cans with the “no clutter in the gutter” signs as part of the compliance piece. There was nothing big identified, just areas for improvement. We also have to form a committee for stormwater compliance. The City will have to have staff that’s dedicated to stormwater only, so that will be a discussion during budget time. Manager Freeman noted that those discussions started around restructuring and this change would be major. The state is pushing this all down to the municipalities. Mayor Rivers asked if the Council received a copy of the audit. Manager Freeman said he didn’t think they had, but he had a copy and he would forward it on to each of them.

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to adopt the resolution of commitment for implementation of the NPDES MS4 Program. Those voting in favor of the motion were: Spence, Biggs and Walton. Against: None. Motion carried unanimously by committee vote. Item moved to 10/23/2023 Regular Session for full Council consideration.**

Director Bell stated that he had one other item to report on, as the mayor had asked for an update on Grace Drive. They had to account for all of the \$3.6 million on the upgrades, and it came in at around \$3.1 million. Now they’re working on the I&I side of what feeds that station to verify that the capacity is where it needs to be. Mayor Rivers asked when he expected it to be finished. Director Bell projected sometime in December, with the project going out to bid in 2024. Councilman Biggs asked for a rough estimate on the project’s timeline and scope. Director Bell explained they’d be putting a new level in the pump station, a dry well and a different style of pump than what’s currently there. The design is 100% complete and they’re working on the pipe rehab of the area now. He anticipated a little less than two years for completion of the full project.

Additionally, the Find and Fix It project is nearly finished. The last piece they’re working on is located on Main and Pearl, around Water Street. Water Street requires camera cleaning and flow testing and then they’ll be coming back with construction items that will need to be worked on. For the time being, the project is on track.

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

**i. Discussion – City Cleanliness / Temporary Signs;**

Manager Freeman pointed out that in terms of temporary signs, Code Enforcement had been sent out last week to perform another sweep of the city. They went out on Wednesday and then again on Friday, and some of the areas they already cleared were full again. Code Enforcement stays on top of keeping the temporary signs removed. If you go to the Midgett Building, you will see a large collection of signs they’ve pulled up down there. Mayor Rivers asked that Code Enforcement please continue performing these sweeps weekly. Manager Freeman said he has them doing it twice a week right now and would try to keep it there until the issue calmed down.

**ii. Update – Ice Plant;**

Manager Freeman stated that the gentleman who owns the facility has had surgery and will be back in touch after he’s doing better. Councilman Peel asked why we’re discussing this topic; is something going on with the facility? Mayor Rivers relayed that he’d gotten a lot of complaints about the location due to the overgrown grass and the state of disrepair

that the building was in, so he'd asked staff to get in touch with the owner about getting it cleaned up. He was being very responsive and working with us.

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

**i. Update – Elizabeth City Police Department Staffing;**

Chief Webster advised that the Elizabeth City Police Department is budgeted to have 66 full-time sworn positions and 10 full-time civilian positions. We froze eight sworn positions this year. At this time, we have 35 full-time sworn officers, two part-time sworn officers and are fully staffed with non-sworn civilians. He stated that we have 22 vacancies in sworn staff, plus the eight frozen positions, which gives us 30 total unfilled positions. We are only staffed at 40%. Of the 22 vacancies, we have six on the payroll working through BLET. Upon successful completion of the program, they'll go on to fill vacant positions. They will take the state exam in January and be on solo patrol in mid to late summer. Currently, they are recruiting for the spring class, which starts in January 2024. Of the 39 who applied, 13 went beyond the original application, and now they are down to four. There are two out-of-state employees who are going to come in and be partial BLET recruits. They'll be able to come in, we'll take their training from out-of-state and they'll tell us what they need from BLET. One of the applicants is from Virginia and the other is from Alaska. With the four applicants who will be going to the next class, they will be ready for solo patrol this time next year.

The current org chart reflects a minimal crew. Jim Bray is the only member of Community Policing. They are using all avenues for recruiting, but there is a downward trend both across the state and nationally for law enforcement officers. Councilman Biggs noted that in the General Assembly this session, they passed something about municipalities being able to use non-sworn personnel for certain things. Have we looked into this at all, like maybe on adding it for crash investigations? Chief Webster said we have not considered it for crashes because we're actually very fortunate in traffic regards, but he had looked at it as far as call takers. So if we had a call come in, we could have non-sworn civilians take those calls and take a load off of our patrol. Councilman Biggs asked if there was anything the Council could do to help him in the recruiting area? It was frightening to him that the sheriff's office could put people out there with a badge and a gun prior to sending anyone to school. Chief Webster felt that we were going to have to look at pay. We pay our recruits \$33,000 per year to go to BLET, but they're sitting there with a deputy who is making \$10,000 more. If the sheriff's office has an opening, it's very attractive to them to jump ship. We are the busiest agency in this area, which is attractive to some officers, but some people would rather go somewhere else and do less work for more money. We are going to have to make it really attractive for people to police our city and it's hard to do that without money. Manager Freeman noted that he was talking about pay for recruits specifically because they did increase pay for our officers. We are not coming back to ask for more pay for sworn officers right now because they've been taken care of, but this is for those recruits coming in the door.

Mayor Rivers mentioned that he often saw Chief Webster at different recruiting events and appreciated that he was always out there trying to beef up our force and it did not go unnoticed.

**ii. Update – Fire Station One Front Ramp;**

Chief Carver stated that the Public Safety Committee met on the 12<sup>th</sup> to discuss various things happening in the Fire Department and there were some concerns about a few big ticket items. Many of these items had been asked for in the past, but had ended up cut from the budget. The three topics they discussed were a generator at Station One that they can no longer get parts for; a leaking roof in the engine bay; and the concrete on the front ramp at Station One. The ramp has been cracking over the years and is becoming a concern. After the conversation, he did get an estimate to see how much it would cost. They had requested \$100,000 last year to replace it, but it was cut from the budget. Now they're looking at a price tag of \$50,000 as concrete has come down a bit, but that does not include any excavation if it's necessary. He also had an engineer come out and look at it. The engineer did not have any major concerns at this time, but did say that in the next few years we would need to replace it because it will only continue to get worse. There is an area we could look at doing a repair. It's something we'll have to have a discussion about in the upcoming year. He noted that we need a third fire station and

we're working on some things to bring that to the Council in the near future, so that will be forthcoming.

Mayor Rivers asked if he'd gotten a quote now for the concrete repair or just in years prior? Chief Carver said he did not get one now, as the engineer who looked at it did not see a major concern. Mayor Rivers worried about the heavy fire trucks going across it and possibly damaging the truck. He felt it should be looked at sooner rather than later. He asked that Council begin thinking about what we might need to do in the future or have some way of diverting the truck. Chief Carver stated that the engineer was very confident that the concrete was not just going to fall out, but agreed that it has well exceeded its life span. The station was built in 1974. Mayor Rivers felt that was good information to have for the budget. Mayor Pro Tem Spence said he would like for the Chief to get a figure on repairing the bad section. When you have concrete starting to collapse and break, something under there is allowing it to happen, so the support under that slab is getting weak. We don't want an 80,000-pound truck to run across the ramp and hit it the wrong way and have it go out during a fire and you can't get out. Chief Carver confirmed that he would check into it first thing in the morning and provide a follow-up memo to the Council. Councilman Biggs said he would also like to see funding identified for how we'd pay for it as well. Councilman Peel opined that if we were looking at the price for repairing a small area, we should look at the cost for repairing the whole thing. He'd rather spend a bit more and repair the entire ramp than just a piece of it. Chief Carver noted that he didn't know what might happen when they opened the concrete up, but he would work on getting a price for them this week and send it back over to the Council.

Mayor Rivers stated that the remainder of the Work Session items would need to be moved forward to the Regular Session as it was approaching the 7:00 p.m. hour.

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

**i. Update – Pickleball;**

Councilman Gibbs noted that everyone around the dais has probably had 10 or 12 conversations with the community about pickleball lately. Director Clark stated that Councilman Gibbs has been a great go-between between the community and staff about pickleball. Staff reached out to some agencies and groups who might be able to repave and give estimates on creating pickleball courts. We do have a plan in place, but we want to get some information from those people who are playing on a daily basis. We have submitted a grant and we will have information back on it around December 15<sup>th</sup>. We do have money set aside that was provided by Sentara as well. A plan to install independent pickleball courts is coming. We're looking at the Elizabeth Street – Sheep Harney area and the Enfield Area as possible locations for courts. Our players would like to see six courts and we'd like to get there as well, but we're likely going to be at four courts for a while. We may also be able to do some tournaments out there and maybe train some new people in the sport.

**e. Finance Committee (All)**

**i. Update – Audit;**

Councilman Biggs advised that the only item for Finance this evening was an update on the audit. Manager Freeman said he'd gotten a final update on Friday that the audit should be in the portal by November. There were a few things that came up that Alicia has already signed off on concerning some escrow accounts. The auditor is thinking first of November, but it may be mid-November if the other municipality they're working with goes ahead of us. We're 90% finished though. Councilman Biggs noted that we've done everything we can do on our part and it's in the auditor's hands now. There may be some last minute testing or clarification, but it's on them to get it over the final hurdle. He felt confident with the percentage that was communicated to the manager that we were in a good place and it was important to remember that next week was already November. There is a light at the end of the tunnel. Councilman Walton asked if we still won't be totally caught up because 2023 is due, is that right? Councilman Biggs said that's correct. Manager Freeman explained that the process is that we collect and send information to the Isley Firm, they create our financials and then it goes over to PB Mares. There's been some frustration there because the date has changed four times, but some of it is pulling samples and that dictates if we're good or if they need to pull more samples. We are

officially late as of December 1, 2023 for the next one. Councilman Walton felt the next one should be faster and easier, so why does it take so long to move to the next step? Manager Freeman said he couldn't answer that, but this one did move a lot faster than the last one. It took 10 months to do 2021 and now this most recent one took four months. Councilman Walton pointed out that we are doing our part. Manager Freeman agreed that was correct and he had been in constant communication with the LGC so they were aware of what was happening.

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

**i. Consideration – Call for a Public Hearing – Rezoning RZ-01-23;**

Councilman Peel advised that this item had been voted on by the Planning Commission 2-1 in favor, but staff recommended against approval; however, we would still need to hold a public hearing. They could either call for it tonight or wait until the next meeting to call. The property in question is being asked to be rezoned to General Business, but it does not meet size requirements and would spill General Business into Residential. Councilman Biggs requested that when the Planning Committee has these items, he'd like to have the full write-ups with the maps of the properties, the application and everything so he could see the whole picture. Mayor Pro Tem Spence asked if this is the lot over by Firehouse Subs? Kelly confirmed that it was and said she would be happy to send out the full staff report prior to the hearing. This specific lot is bordered on three sides by R-8 Residential, but Ehringhaus is General Business. This particular property is the only O&I. They're asking to go down to General Business. Councilman Biggs pointed out that that's technically a downgrade, right? Do we know what's going on? I know we can't approve it based on the intended purpose. Councilman Peel said he saw they were talking about building a warehouse for storage and the lot size was much smaller than recommended. Mayor Pro Tem Spence clarified that according to the memo, the Planning Commission voted in favor of it but City staff recommend against it, is that correct? Kelly said that was correct. It does fit with the Future Land Use Map, but based on the recommended usage in the area, staff is against the rezoning. One adjacent property owner who came to the meeting expressed concern about the rezoning.

Councilman Peel asked if they should move the call to the Regular Session this evening or wait until the next meeting? Councilman Biggs noted that things normally are set to go to the following meeting, but he understood if this was time sensitive. Every other item tonight had needed to be moved to the Regular Meeting. If this one could wait, he felt they should follow procedure since this did not appear to be in as much of a time crunch. Councilman Peel agreed that they would wait and call for the hearing on November 13<sup>th</sup> for the November 27<sup>th</sup> meeting.

**Motion was made by Councilman Johnson Biggs, seconded by Councilman Johnnie Walton to move to item forward for full Council consideration to call for a hearing during the November 13<sup>th</sup> Regular Session. Those voting in favor of the motion were: Biggs, Peel and Walton. Against: None. Motion carried unanimously by committee vote. Item moved to 11/13/2023 Regular Session.**

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

**i. Discussion – Manager's Plan for Customer Service;**

Councilwoman Felton stated that the Committee had a very successful meeting. The worker's comp audit was successful based on the results that came in on the 16<sup>th</sup>. Due to frozen positions, the City got back more than \$86,000. The other great news is that they will also receive a wellness credit of \$36,000, which will be spent on keeping employees healthy. The annual Bra-ha-ha will be on October 30<sup>th</sup> at Knobbs Creek. A benefits fair will be held on November 8<sup>th</sup> at Knobbs Creek. The Christmas parade is December 2<sup>nd</sup>, and December 22<sup>nd</sup> is the City's Christmas party at Seven Sounds, which will be held from 7:00 p.m. to 11:00 p.m.

Mayor Rivers announced that as it was nearly time for the Regular Session to begin, he'd have to push the Manager's Plan for Customer Service over to that meeting, as well as the Closed Session.

**3. Adjournment:**

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 6:54 p.m.

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E. Kirk Rivers  
Mayor

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April D. Onley  
City Clerk, NCCMC