

**City Council Emergency Meeting  
April 23, 2021**

The City Council of the City of Elizabeth City held an emergency meeting on April 23, 2021, 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 Bettie Parker  
Councilman Kem Spence  
Mayor Pro Tem Johnnie Walton  
Councilman Michael Brooks  
Councilman Darius Horton  
Councilman Gabriel Adkins

MEMBERS ABSENT: Councilman Chris Ruffieux  
Councilman Billy Caudle  
Councilman Jeannie Young

OTHERS PRESENT: City Manager Montre' Freeman  
Finance Director Evelyn Benton  
Chief of Police Eddie Buffaloe  
Fire Chief Chris Carver  
Interim Electric Superintendent Bob Vannoy  
Parks and Recreation Director Sean Clark  
Assistant City Manager Angela Judge  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
IT Director Matthew Simpson  
Deputy City Clerk Doris Walton

*(Clerks Notation: This meeting was conducted remotely due to the COVID-19 pandemic. Councilors met in Chambers and staff members participated remotely through Google Meet. The meeting was live streamed on Channel 11 and the City's website for the public, who were not allowed to attend the meeting.)*

The City Council emergency meeting was called to order by Mayor Bettie Parker at 3:30 p.m. Mayor Parker welcomed everyone to the meeting and recognized Councilman Adkins to give the invocation, followed by the Pledge of Allegiance.

**1. Agenda Approval:**

Motion to approve by Councilman Kem Spence, seconded by Councilman Gabriel Adkins. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton and Adkins. Against: None. Motion carried.

**1. Consideration / Discussion – Directive to City Attorney to File Petition for Body Cam Footage from April 21<sup>st</sup> Shooting Incident;**

Mayor Parker announced there would be a brief recess while Mayor Pro Tem Walton brought Councilman Horton back into the room so they could carry on with the discussion. The time was 3:34 p.m.

Mayor Parker called the meeting back to order at 3:35 p.m. She asked if the City Attorney would provide the Statement of Disclosure, which he did.

She directed the Council's attention to the matter at hand. Councilman Horton stated this was a County-involved matter, but as City Council, they have a voice and have listened to the concerns of their constituents. He'd asked the manager if the members of the immediate family could come and be part of the meeting and was told that they could. He

introduced the son, mother and fiancé of Andrew Brown. Even though we are not the governing body that has answers for them, they would like us to make a request for us officially asking, as we asked unofficially that a record be given of that recording. He said he'd met with the Sheriff who told him that his hands are tied because of the local DA. He urged the Council to make an official request to release the body camera footage.

**Motion was made by Councilman Horton to allow for the entry of the three family members, Gerard Ferebee, Mia Ferebee and Arthur Alston, the second oldest child, mother of the second oldest child and fiancé. The motion was seconded by Councilman Gabriel Adkins**

Mayor Pro Tem Walton said he'd like to know information like this before he showed up at a meeting. He was not aware these things would have been happening. Councilman Spence said last week we wouldn't let the news media in, but now we're letting certain people in, he just didn't want to get us in trouble.

Councilman Adkins encouraged the Council not to argue amongst themselves about these things. The family is present and they should get on. Mayor Parker noted that she was not informed they would be present and she was the leader of the meeting. She stated that it was of the utmost importance that they remained fair, although they did give their highest condolences to the family. Councilman Horton said he'd invited the family and with them grieving, he refused to have this discussion.

**Motion was made by Councilman Horton to call for the question.**

Mayor Parker said she understood where everyone was coming from, but it was extremely important that the full Council knew what was happening, not just certain members and the manager. She did not want news reporters or anyone else to say that the mayor allowed certain people in and others not. She asked if Councilman Horton told them to they could sit in or speak? Councilman Horton said he'd told the manager he wanted some family members present because he was being an advocate for the family and working for them. The manager could have sent an email out. This was not the time for this discussion. He told the mayor he felt she was now going in the wrong direction. Mayor Parker reminded him that the full Council would be held accountable for decisions made by few and that was something to remember.

Councilman Brooks said he didn't know they were coming. He just thought we were going to discuss the action. He didn't have a problem with them sitting here. He noted that this meeting was being live-streamed and recorded so everyone knew they were here. He just wanted to call a meeting so the public could see the City was accountable. He didn't want to keep backtracking and discussing moot points.

Mayor Pro Tem Walton reminded the Council that if we don't go through our own protocol, how can we expect anyone else.

**Motion was made by Mayor Pro Tem Walton to call for the question, seconded by Councilman Darius Horton.**

Mayor Parker returned the Council's attention to the original motion and asked the Council's pleasure.

**Those voting in favor of the original motion were: Spence, Brooks, Walton, Horton and Adkins.**

Councilman Horton reiterated that he called the manager about this and he didn't have the time to call everyone. The manager could have called everyone. He stated that he had nothing else to say about it. Mayor Parker said she was the leader of the Council and had to be extremely careful to make sure she followed the rules and be informed what was happening in Chambers prior to meetings. Whether he called or the manager called, someone should have. Councilman Adkins reminded the body that there were 6,000 people watching and they were making fools of themselves.

Manager Freeman stated there was a meeting in his office this morning and a request for this emergency meeting to request the body camera footage. He informed the Council that the request needed to be in writing. They'd reached out to Attorney Morgan, who'd told him that that was not his area of expertise. He would need a vote from this Council

on whether or not we should make a request to the Sheriff's Department. If denied, do we have the Council's consent to petition the Superior Court to release the body camera footage to this Council and the public? Councilman Spence asked if we do the motions at two separate times or all at once?

Mayor Pro Tem Walton asked Attorney Morgan if he was in agreement. Attorney Morgan said he'd looked into the relevant general statute, which was lengthy. He recommended that the request go to several agencies if it does go out. The individual in charge of the law enforcement agency has three days to act on the request. There are six issues the Sheriff must consider, and he felt that at least two of them will be thrown back at us as reasons not to release the footage, including the necessity for confidentiality. If the request is denied, the only recourse the City has is to make a request that the release is necessary to advance public interest, but he thought we'd have an issue with standing. He didn't know where the City would be a party to any lawsuit with what happened earlier this week as there were no city officers involved. Mayor Pro Tem Walton asked if it's out of our jurisdiction, that maybe a family member should do this? Attorney Morgan said that absolutely, a family member should do that as executor. If Mr. Brown had a last will, that would name an executor, but if he did not, that would usually be petitioned by an adult child or a spouse.

Councilman Horton asked if the first step was not to request the footage then. Attorney Morgan said he felt that we'd be hard pressed to fit into one of the standings to request the footage in the way that the family may. We could approach it the same way that a member of the press could. Councilman Horton said he felt we should move forward with the letter being sent.

**Motion was made by Councilman Darius Horton to send the letter as an act of the Council asking for the footage release to the Sheriff, SBI and any other necessary parties and if denied, move to the court. The motion was seconded by Councilman Gabriel Adkins.**

Councilman Brooks said the murder of Black men was an epidemic and it was not okay to sit back. Councilman Spence said he'd had a problem with the Sheriff not giving the footage to the Chief of Police. Our Chief was being held accountable for things he wasn't even involved in and he deserved to see it. Sending the letter didn't cost us anything. If they turned us down, they turned us down.

**Those voting in favor of the motion were: Spence, Brooks, Walton, Horton and Adkins. Against: None. Motion carried.**

## **2. Adjournment**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 4:11 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk