

**City Council Regular Session
April 11, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, April 11, 2022 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Bettie Parker
Councilman Kem Spence
Councilman Chris Ruffieux
Mayor Pro Tem Johnnie Walton
Councilman Michael Brooks (*Arrived at 7:08 p.m.*)
Councilwoman Jeannie Young
Councilman Darius Horton
Councilman Billy Caudle

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Richard Hicks
Electric Department Superintendent Jason Value
Chief of Police Larry James
Assistant Finance Director Alicia Steward
Human Resources Director Montique McClary
Fire Chief Chris Carver
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
Community Development Director Kellen Long
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
Executive Admin / Deputy City Clerk Doris Walton
City Clerk April Onley

The City Council regular session was called to order by Mayor Bettie Parker at 7:00 p.m. Councilman Billy Caudle gave the invocation after which everyone joined for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker requested the Council's pleasure regarding approval of the prepared agenda.

Councilwoman Young requested that item K be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Motion was made to approve the agenda by Councilman Billy Caudle, seconded by Councilwoman Jeannie Young. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young, Horton and Caudle. Against: None. Motion carried.

2. Statement of Disclosure:

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

3. Presentations / Proclamations:

a. Proclamation for GWFC-NC Elizabeth City Woman's Club;

Mayor Parker presented the proclamation to the group's representative, Mrs. Bobbi White. Mrs. White thanked the Council on behalf of the EC Woman's Club. She said, "We're a small group, but we're a mighty group. We devote countless hours and quite a bit of money to local organizations. We're honored to be in Elizabeth City and to continue this tradition for this club and our city."

PROCLAMATION
GFWC-NC ELIZABETH CITY WOMAN'S CLUB
FEDERATION DAY ~ APRIL 24, 2022

WHEREAS, the General Federation of Women's Clubs of North Carolina was founded in 1902 as a statewide charitable organization, dedicated to the improvement of the communities in which they serve. With approximately 150 clubs and 4,000 members, this state-wide federation contributes thousands of hours of volunteer service and over \$1 million to North Carolina each year; and

WHEREAS, the GFWC-NC Elizabeth City Woman's Club is a member of the General Federation of Women's Clubs of North Carolina and the General Federation of Women's Clubs, the world's largest organization of volunteer women; and

WHEREAS, the GFWC-NC Elizabeth City Woman's Club is a volunteer service organization that has been actively serving our community for over 100 years, providing crucial support for cultural, educational, health and other issues of importance to women, children and families.

NOW, THEREFORE, I, Bettie J. Parker, Mayor of the City of Elizabeth City do hereby proclaim April 24, 2022 as **GENERAL FEDERATION OF WOMEN'S CLUBS DAY** in Elizabeth City and encourage all our citizens to recognize and honor the countless contributions made to our city by the volunteer members of the GFWC-NC Elizabeth City Woman's Club.

ADOPTED this the 11th day of April, 2022.

Bettie J. Parker
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

4. Comments from the Public:

Mayor Parker inquired of the Clerk whether there were any persons present who wished to speak before the Council. The Clerk indicated there were three in-person speakers present.

Rachel Stallings – 110 South Ashe Street, Elizabeth City, NC - Mrs. Stallings stated that she'd like to discuss the speed bumps on West Church and West Main Street. She said there were speed bumps located at four additional locations at 503, 616, 912 and 1103 West Main Street, which had not been approved by the Council. She thanked former interim manager Mr. Clark, Executive Admin Doris Walton and the current interim manager for listening to her concerns. She expressed concern over the most recent memo, which appeared to blame former interim manager Clark for the additional speed bumps. She said she believes that the community still does not have all the facts about what happened in this situation. In her conversation with Mr. Clark, he told her he had approved extra for the "gaps" at the existing approved locations where motorists were going around the bumps. She said she got the feeling some people were trying to use Mr. Clark as a scapegoat for these speed bumps, even though he was only here for a short time and the issue started before he came on board. She noted these problems arise when Council and staff did not follow their own policies.

George Grills – 502 West Main Street, Elizabeth City, NC – Mr. Grills addressed the speed bumps. He noted the original reason to install them was to reduce speeding on Main Street; however, no data was collected to define what speeding was, so that was a problem in his eyes. He said he believes the speed bumps are creating traffic violations, as there are cars now going around speed bumps on the wrong side of the street. The noise levels have increased and trash is accumulating because of the speed bumps. He expressed concern that some faction of the Main Street community “just decided we needed speed bumps and did not use the proper process. A bullying event put the speed bumps in and that’s unfortunate. I believe the statement of disclosure talks specifically about what happened, but it doesn’t say what we do when something needs to be done.”

Mike Cox – 109 Persse Street, Elizabeth City, NC – Mr. Cox thanked the Council for appointing Chief James. He said he believed that was an excellent choice and wished him luck in the role. “Because of my day job, I keep my opinions to myself, but some things are so egregious, I have to speak on them. I’ve lived on Persse Street since 1985, People speed through these neighborhoods all the time. They run the red light near Muddy’s all day long. I’d rather the police deal with serious crime, but this is a problem now. If I had known there were supporters for the speed bumps, I’d have supported them as well, but these are not the right speed bumps; these are meant for a parking garage. I wonder what type of wear and tear it takes on the emergency vehicles?” He said he liked the speed bumps behind the armory over on Catalina if the Council wanted to stick with that idea. He felt the Council should direct Mr. Hicks to have at least the additional ones that were not properly approved to be taken back out.

5. Consent Agenda:

Mayor Parker requested that Interim City Manager Hicks read the Consent Agenda items into the record, as follows:

- a. Consideration – Accept Final Bid for 822 Price Street;**
- b. Consideration – Declare 711 Cale Street as Surplus;**

**Resolution # 2022 –4-01
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891312874096 and Map 29-C-27 and having a physical address of 711 Cale Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. K.C. Schender via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891312874096 and Map 29-C-27, located at 711 Cale Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 11th day of April 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

c. Consideration – Declare 812 Morgan Street as Surplus;

**Resolution # 2022 –4-02
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 892309075360 and Map 24-B-6 and having a physical address of 812 Morgan Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. K.C. Schender via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 892309075360 and Map 24-B-6, located at 812 Morgan Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 11th day of April 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

d. Consideration – Declare 901 Hunter Street as Surplus;

**Resolution # 2022 –4-03
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 892309076213 and Map 24-B-20 and having a physical address of 901 Hunter Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the property; and

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. K.C. Schender via written correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 892309076213 and Map 24-B-20, located at 901 Hunter Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 11th day of April 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

e. Consideration – Adopt Budget Amendment for Raw Water Reservoir Loans;

BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2022:

Section I: That the Debt Services – Drinking Water Loan (131-6600-8110) will be increased by \$13,416.30.

That the Retained Earning Appropriated (31-3990-0000) will be decreased by \$13,416.30.

(To increase budgeted General Fund revenue to continue service to clean up areas of Elizabeth City)

ADOPTED, this 11th day of April, 2022

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

- f. **Consideration – Authorize Resubmission of RAISE Application;**
- g. **Consideration – Authorize Application to Firehouse Subs Public Safety Foundation Grant;**
- h. **Consideration – Authorize Execution of Updated Pole Attachment Agreement;**
- i. **Consideration - Authorize Renewal of Sub-Recipient Agreement for River City CDC (Hugh Cale Building Space);**
- j. **Consideration – Authorize Renewal of Sub-Recipient Agreement for Food Bank (Hugh Cale Building Space);**
- k. **Consideration – Approve Contracting Services for Water and Sewer Line Repairs** *(Removed from the Consent Agenda and Placed on the Regular Agenda During Agenda Adjustments);*

(End of Consent Agenda)

Mayor Parker requested the Council's pleasure on the Consent Agenda.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Darius Horton to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

6. Regular Agenda:

- a. **Consideration – Approve Contracting Services for Water and Sewer Line Repairs** *(Removed from the Consent Agenda and Placed on the Regular Agenda During Agenda Adjustments);*

Mayor Parker recognized Councilwoman Young for her comments since she requested the item's removal from the Consent Agenda. Councilwoman Young said she asked for it to be moved for additional discussion because it was a capital project placed in the budget, and she'd like to wait until we finalize the financial situation with the budget before moving forward. Councilman Caudle questioned why we'd want to wait. Councilwoman Young replied that she believed if we moved with this now, it would put us in a negative place in those funds. She asked Mr. Hicks if he could shed some light on the matter. Mayor Pro Tem said no one has seen the budget yet. If people are discussing budgets without everyone present, that's not how we should do things. "I haven't seen it. We usually see it in February. We haven't been told any information about where we are lacking in funding. We know there's an audit problem. We're making an installment payment tonight on the amendment for the raw water reservoir loan payment. Why is a councilmember putting it on hold when you could put it in your manager's report if there's a problem? It's not meshing for me for a councilor to come in, take it off and then can't explain why and pass it back over to the city manager. Why did you have to go through that type of maze to get to where you want to go? I don't know if any other councilor knows about being in the negative in the budget? I haven't heard anything. If we're meeting after the meetings, that's not good best practices. We need to all meet at the same time and be given the same information."

Councilwoman Young responded that, "First of all, no one is meeting. I'm not meeting with anyone in secret about anything. I represent the city along with everyone else. If I have questions, I ask them. I'm allowed. That's why I asked him a question tonight. I have the floor and I'm speaking. I'm asking for respect. This was put in the budget that's already been passed. I'm saying we wait before we make this expenditure until the audit is finished because we don't know where we are. Just knowing how things are going, it doesn't look good. We've been told that by multiple people. Some of the financial people told us we were having financial difficulties. That's why I asked it be taken off until the audit gets finished and we get our finances in order. If our

checkbook is low, we go back and look and don't keep writing checks and getting further in the hole."

Motion was made by Councilman Chris Ruffieux to table this item and revisit when we have more information. The motion was seconded by Councilman Michael Brooks. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

b. Consideration – Authorization to Apply for Access Grant for Coast Guard Park;

Grants Administrator Jon Hawley advised the Council that in while Coast Guard Park opened in 2020, it was not technically a "complete" park yet. There are still outstanding items needed for the park, the greatest of which is the need for new and extended bulkhead around the site's building Staff has identified a grant available with the Public Beach and Coastal Waterfront Access Program. He noted that we did apply for this grant in 2021, but were denied; however, as we're only proposing bulkhead installation instead of bulkhead and boardwalk installation, our application is less expensive this time and likely more appealing. If received, the grant would be for \$135,000 with a local match of \$15,000.

Motion was made by Councilman Billy Caudle, seconded by Councilwoman Jeannie Young to authorize the application for the Access Grant. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

c. Consideration / Discussion – Speed Bumps;

Director Bell stated that the question before the Council tonight was primarily if the additional speed bumps outside of the ones that were originally approved should be removed. Councilman Spence said he was in favor of taking up the additional speed bumps if it would help keep the peace.

Motion was made by Councilman Chris Ruffieux to adhere to what Council originally approved and remove the speed bumps that were not approved by the Council.

Mayor Parker asked if he was saying he'd like to pull all of them up? Councilman Ruffieux said no, he was fine with the Council-approved ones staying in place for now while we have a traffic calming study performed to find the best course of action for Church and Main Street. He said he'd like that to happen relatively quickly.

The motion was seconded by Councilman Darius Horton.

Councilman Caudle said he liked the motion and just wanted a timeline put on it. What would be a good timeframe? 90 days?

Councilman Chris Ruffieux restated his motion to include a timeframe 90-days. Councilman Darius Horton accepted the amended motion.

Councilman Brooks said if Director Bell had a signed purchase order, it wasn't an unauthorized purchase. He'd like to see the people who actually live on Main Street who came up in such large numbers asking for the speed bumps to come again and give us what they think are the pros and cons now.

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

7. Manager's Comments / Comments and Inquiries on Non-Agenda Items:

Mayor Parker announced that the Council would be entering closed session momentarily and asked if any of the Councilors had anything additional to discuss beforehand. Mayor Pro Tem Walton asked for an itemized statement of the legal fees. He said he always would like to know many people are working on the audit on from the inside of our organization. Mr. Hicks said he would provide that information as quickly as possible.

8. Closed Session:

Motion to go into closed was made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence as allowed by NCGS 143-318-11(a)(6) for the Discussion of Personnel at 9:00 p.m. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

9. Adjournment:

The Council returned to open session at 9:30 p.m.

Councilman Brooks said he wasn't going to argue with stupidity, it doesn't matter.

Motion was made by Councilman Billy Caudle, seconded by Councilman Darius Horton to adjourn the meeting. Those voting in favor of adjourning the meeting were: Horton, Caudle and Spence. Against: Walton, Ruffieux, Brooks and Young. Motion failed.

Councilman Horton asked Attorney Morgan if we need a motion for adjournment. Mr. Morgan said yes, typically. Mayor Parker said she can adjourn herself if need be.

Motion was made by Councilman Michael Brooks confirm Larry James as Chief of Police, seconded by Councilwoman Jeannie Young.

Councilman Horton said he was just curious because it seemed like to him, it was in the manager's duties to hire a chief of police, so why do we need a confirmation vote anyway? Mr. Morgan said the City's charter stated the confirmation should come to the Council. Councilman Horton asked if the appointment happens first? Mr. Morgan said he supposed it would have to, kind of a chicken or the egg situation.

Councilwoman Young said she had a question for the attorney as well. "Isn't it also correct that even if we do not vote, it's still his decision?" Mr. Morgan replied yes, that's correct; it's the manager's decision.

Mayor Pro Tem Walton said it's like that point again, "we're not doing things because they're right, we're doing it because we can get away with it. If we had equal representation, it wouldn't have gone the way ya'll wanted it to go. This isn't about Mr. James. Everybody said he's okay and it's not anything that anybody held against that. We talked about the process. We alter it and we're doing it because we can get away with it. We've got legal people joining right in with it too."

Mr. Morgan said he took offense to that statement. He was not "joining in" with anything.

Mayor Pro Tem Walton continued that "you don't appoint somebody and then confirm them later, that's not the way it's done. That lady in Jackson wasn't put into the office and started doing things. Republicans on one side and democrats on the other and now she's confirmed. That means you don't have to confirm them. We're always going to beat the system. We're professional beaters of the system. That's what we are. Any kind of way we want to beat the system is what we do. Now we have to show it on TV who is for it and away. If we don't get the process right, the city manager thinks he can do whatever he wants to do. Four to three, that's how we do it. They get the legal system on their side thinking it won't show up again. Things are temporary. When it's unseen it's forever in your heart. Forever in your heart you will know that this day was a wrong day for you and this whole Council has had some wrong days. You're doing wrong. Great guy got the position, the process sucks

because we're part of it. It's sad. We do anything we can get away with and think it's okay. Be proud and stick your chest out. Got away with it again. Don't feel bad."

Councilman Caudle opined that this isn't a discussion, it's a sermon and we don't need a sermon.

Mayor Parker reminded the Council that there's only one person who has the floor and we need to respect it.

Mayor Pro Tem said "seen things are temporary and unseen things ... you know what you are."

Councilman Spence said to the public, "I want to be clear, everyone on Council approves or agrees with Chief Larry James being the chief."

Councilman Kem Spence called for the question, seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

Those voting in favor of the motion to confirm Larry James as Chief of Police were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

Motion to adjourn the meeting was made by Councilman Billy Caudle, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

There being no further business to be discussed, the meeting was adjourned at 9:39 p.m.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

