

**City Council Regular Session
April 25, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, April 25, 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.

Councilman Caudle requested the addition of a discussion on traffic calming on Main and Church Streets be added to the Regular Agenda. Mayor Pro Tem Walton asked that a discussion on crime be added to the Regular Agenda.

Motion was made to approve the agenda with the requested adjustments by Councilman Darius Horton, 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.

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. 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 was one in-person speaker present.

Tony Sawyer – 2715 West Main Street Extended, Elizabeth City, NC - Mr. Sawyer thanked the Mayor for her four years of service and said he appreciated everything that she had done during her time on Council. He said he was concerned about the bathrooms at Enfield Park being locked. He said he'd had two Parks and Rec employees tell him "if we open the bathrooms, we have to clean them." He opined

that all City employees make \$15 an hour now and still don't want to do their jobs. "The bathrooms have to be open. If the park is open to the public, the bathrooms should be open. The chain of command doesn't work in the City."

4. Consent Agenda:

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

a. Consideration – Declare 419 Perry Street as Surplus;

**Resolution # 2022 –4-04
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: 891311754922 and Map 28-F-14, and having a physical address of 419 Perry 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 \$600 received from Mr. Tony Spence 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: 891311754922 and Map 28-F-14, located at 419 Perry 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 \$600.

ADOPTED, this the 25th day of April 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

b. Consideration – Adopt Resolution Dissolving the Elizabeth City / Pasquotank County Community Relations Commission and Establishing a Human Relations Commission;

RESOLUTION
DISSOLVING THE ELIZABETH CITY-PASQUOTANK COUNTY
COMMUNITY RELATIONS COMMISSION
AND
ESTABLISHING A HUMAN RELATIONS COMMISSION

WHEREAS, Pursuant to N.C.G.S 160A-492, and believing that all citizens have equal rights and each person should show due respect toward another and be courteous at all times, the City of Elizabeth City and Pasquotank County established in 2003 the Elizabeth City-Pasquotank County Community Relations Commission; and

WHEREAS, the purpose of the Commission is to promote the equal treatment of all individuals; to discourage discrimination based on race, color, religion, sex, sexual orientation or identification, nations origin, age, disability, family status or veteran status; to protect each person's lawful interests and personal dignity so as to make available their full productive and creative capacities, and to promote harmony and equal opportunity among all people; and

WHEREAS, the City and County desire to form a new Human Relations Commission to succeed the Community Relations Commission to provide a better structure to achieve the goals of the governmental bodies; and

WHEREAS, the new Human Relations Commission will have access to state resources for training and conferences; and

WHEREAS, in consultation with the State Human Resources Commission, by-laws will be adopted that define the roles and responsibilities of the new Human Relations Commission; and

WHEREAS, the new Commission shall be titled the Elizabeth City-Pasquotank County Human Relations Commission.

NOW, THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners and the City of Elizabeth City Council hereby approves this Resolution to dissolve the Elizabeth City-Pasquotank County Community Relations Commission and establish the Elizabeth City-Pasquotank County Human Relations Commission.

ADOPTED this 18th day of April, 2022 by the Board of Commissioners for Pasquotank County, North Carolina.

**c. Consideration – Adopt Resolution to Investigate Sufficiency of
Petition for Voluntary Annexation;**

RESOLUTION #2022-04-06
DIRECTING THE CITY ATTORNEY TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
PONDEROSA LANDCO, LLC
57.40 ACRES

WHEREAS, a petition requesting annexation of an area described in said petition has been received on April 25, 2022 by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

THAT the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this the 25th day of April 2022.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

- d. **Consideration – Authorize Acceptance of PAL Mentoring Grant;**
- e. **Consideration – Authorize TDA Application for Park Signs;**
- f. **Consideration – Authorize Application for Pearl Street Sewer Improvements and Adopt Corresponding Resolution;**

**RESOLUTION #2022 -04-07
BY THE CITY COUNCIL OF ELIZABETH CITY**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, other “green” project, drinking water treatment works, and/or drinking water distribution system), and

WHEREAS, The City of Elizabeth City has need for and intends to rehabilitate and replace deteriorated sewer pipes in and around the Pearl Street area, in a project called the Pearl Street Sewer Improvements, and said project entails a combination of re-lining, repairing, and replacing more than five linear miles’ worth of pipes, 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 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 (unit of government) to make scheduled repayment of the loan, to withhold from the (unit of government) 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 the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Bettie J. Parker, 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 25th day of April in Council Chambers at 306 E. Colonial Ave., Elizabeth City, North Carolina.

(Signature of Authorized Official)

(Title)

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 25th day of April, 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 25th day of April, 2022.

g. Consideration – Adopt Budget Amendment for Water and Sewer Funds;

BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

Section 1. That the Water and Sewer Fund Revenues – Water Revenues (31-3710-0000) be decreased by \$648,600.

That the Water and Sewer Fund Revenues – Sewer Revenues (31-3710-1000) be decreased by \$648,600.

Appropriated That the Water and Sewer Fund Revenues – Retained Earnings (31-3990-0000) be increased by \$2,050,800.

Contracted Services That the Water and Sewer Fund Wastewater Treatment – (31-8200-4500) be increased by \$178,000.

– Pump Station That the Water and Sewer Fund Water and Sewer Maintenance Improvements (31-8280-7300) be increased by \$570,000.

Services That the Water and Sewer Fund Data Processing – Contracted (3104430-4500) be increased by \$5,600.

(These amendments will correct the over-expended Departmental Budgets for FY 21/22.)

ADOPTED, this 25th day of April, 2022.

Attest:

April Onley, NCCMC
City Clerk

**h. Consideration – Adopt Budget Amendment for General Fund;
BUDGET AMENDMENT**

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

- Section 1. That the General Fund Finance – Contracted Services (10-4400-4500) be Increased by \$175,000.
- (10-4600-4500) That the General Fund Tax Collection – Contracted Services be increased by \$35,000.
- 4700-0401) That the General Fund Legal – Miscellaneous Legal Work (10-4700-0401) be increased by \$30,000.
- Purchase for That the General Fund Public Utilities Fleet Maintenance – Resale (10-5550-4850) be increased by \$55,000.
- Wages – Regular That the General Fund Public Utilities Streets – Salaries and (10-5600-0200) be increased by \$73,000.
- Outlay That the General Fund Public Utilities Powell Bill – Capital Improvements (10-5700-7300) be increased by \$565,000.
- Salaries & Wages That the General Fund Parks & Recreation Senior Center – Part Time (10-6300-0300) be increased by \$85,000.
- Corporation That the General Fund Non Departmental – Downtown (10-6610-4585) be increased by \$1,200.
- United Way That the General Fund Non Departmental – Albemarle Area (10-6620-5893) be increased by \$102,000.
- &Wages Regular That the General Fund Elizabeth City Downtown – Salaries be increased by \$11,500.

That the General Fund Revenue Account – Fund Balance
Appropriated (10-3990-0000) be increased by \$1,132,700.

(These amendments will correct the over-expended Departmental Budgets for FY 21-22.)

ADOPTED, this 25th day of April, 2022.

Bettie J. Parker, Mayor

Attest:

April Onley, NCCMC
City Clerk

(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. Any Item Pulled from the Consent Agenda;

No items were pulled from the Consent Agenda.

b. Consideration – Contracting for Water and Sewer Line Repairs;

Councilwoman Young said she was still of the opinion that we should put this on hold until we had a sound number of where we stood with our finances, but wanted to know how the other councilors felt. Mayor Pro Tem Walton asked her what changed in the last two weeks? Mr. Hicks said he told them two weeks ago that he felt they were going to be at least \$1.2 million short in these funds, and he had since had time to do a deeper dive into the water and sewer fund expenditures and had an updated number. Mayor Pro Tem Walton asked if there was a check written to the Coast Guard. Mr. Hicks confirmed that there was, a large one. Mayor Pro Tem Walton questioned why we didn't do a credit or some sort of payment plan with them or something? Mr. Hicks said he wished we had paid it back over time or worked something else out, but unfortunately it was before his time. He noted that he would not have recommended for us to pay back more than \$500,000 all at once.

Councilwoman Jeannie Young made the motion to reject the bids for water and sewer line repair at this time. The motion was seconded by Councilman Chris Ruffieux. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion. Carried.

c. Consideration – Adopt Resolution of Commitment for Dawson-Hunter Street Stormwater Improvement Study;

Grants Administrator Hawley advised that Dawson, Hunter and Morgan streets and their surrounding neighborhoods have long been flood zones areas within the City. In order to design and build effective stormwater control measures, the City needs

an understanding of the drainage basin in the area. To fund the work, the City applied for a Water Resources Development Grant Program last year. We received an award letter for the project on February 18, 2022. Staff also requested Council authorization in late February to apply to Golden LEAF Foundation Flood Mitigation Program for \$100,000. In order to strengthen our application, staff believes a resolution of commitment would be in order, which is what's currently being presented for consideration. The maximum local commitment would be \$1 million, but financing would be possible.

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

Resolution # 04-05

The Dawson-Hunter St. Stormwater Improvement Study Commitment to Implementation

WHEREAS, the City of Elizabeth City has identified the low-lying neighborhoods on and surrounding Dawson and Hunter Streets as extremely vulnerable to flooding; and

WHEREAS, the residents of the Dawson-Hunter area have long reported repetitive flooding, and are at risk of substantial flooding, especially from hurricanes, that could harm their health, safety, or property; and

WHEREAS, the City wishes to implement the most cost-effective projects to safeguard the lives and properties of Dawson-Hunter area residents, which necessitates a comprehensive stormwater study of the area and its drainage infrastructure; and

WHEREAS, the City has requested grant assistance to complete this study while preserving limited local revenues for implementation of stormwater projects; and

WHEREAS, City residents deserve reasonable assurance that the proposed study will lead to timely stormwater solutions; and

WHEREAS, the City has determined its Stormwater Fund balance could support financing a project or project(s) of up to \$1 million,

NOW THEREFORE, BE IT RESOLVED:

- That the City of Elizabeth City commits to implement and construct projects prioritized by the Dawson-Hunter Street Stormwater Improvement Study, provided such project or projects are reasonable and cost-effective; and
- That the City will prioritize grant funds to implement construction wherever possible, to leverage limited local revenues to the maximum extent possible for our residents and taxpayers; and
- If no such grant funds are obtained within 24 months of the Dawson-Hunter study's completion, the City will proceed to fund or finance a priority project or projects of as much as \$1 million in costs, inclusive of any additional, necessary engineering and design expenses.

Adopted this 25th day of April, 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

c. Discussion – Traffic Calming on Main and Church Streets *(Added During Agenda Adjustments);*

Mr. Hicks advised that this item had been tabled at a prior meeting until such time that a price for engineering services could be obtained, which we now have. He said we've received a price from Aecom, which came in at \$15,500. There are adequate funds within the Powell Bill to cover that cost, but whether or not staff moves forward with that is up to the Council.

Mayor Pro Tem Walton asked Director Bell if we've had studies on this project before. Director Bell said there was discussion, but never an official study. Mayor Pro Tem Walton said it sounds like we just want to do studies after studies and never take the test. What are we studying? If we take up the speed bumps? Director Bell explained that the engineers would look at our traffic calming policy to determine if it was appropriate and up to date and if speed bumps were the best practice for that particular area in question. Later, there would be a design phase, but we're not there yet. Mayor Pro Tem Walton said he remembered they were talking about one-waying Main Street one time. He suggested putting it on hold for the time being because there were too many unknowns.

Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Kem Spence to take no action until additional information could be obtained.

Councilman Spence confirmed that the original, approved speed bumps would stay where they were, correct? Director Bell said that was correct.

Councilwoman Young asked if there was an official traffic study performed when former Manager Freeman was here. Director Bell said there was not, and Mr. Freeman simply issued the directive. Councilwoman Young asked if we tried to improve police presence in the area first. Director Bell said we may have but he wasn't certain.

Councilman Caudle asked if the study would just be for Main and Church Streets? Director Bell said that was correct. Councilman Caudle said we usually get about \$500,000 a year in Powell Bill funds and those funds are very specific. They must be used on streets. He asked if they rolled over if we didn't use them? Director Bell said they did.

Those voting in favor of the motion were: Spence, Brooks, Walton and Horton. Against: Ruffieux, Young and Caudle. Motion carried.

d. Discussion – Crime *(As Added During Agenda Adjustments);*

Mayor Pro Tem Walton asked Interim Manager Hicks if we had any plans moving forward to help the citizens to feel safer in our community. Councilman Horton said he'd received several phone calls over the weekend regarding the consistent shootings in Elizabeth City. "Crime rates are going up. As a group of elected officials, we need to put some items in place that will make the members of the community feel safer. One of the seniors who called said there were so many shootings in a short period – are they related? Is there a terrorist in Elizabeth City? These are the

questions they're asking and I don't have the answers." He suggested having a press conference when we're having shootings like this, even if it's just aired on the City's Facebook page to alleviate some of the concerns. "Some constituents don't think we're doing anything." He said he would like for the Chief to look at funding options for an anonymous gun buy-back program like Chicago has or something to that effect. "People are getting hurt and killed. We need to make sure we let people know. They want to hear from the police, the manager, City Council. We can only report what we're told. Do we need to add more cameras? Are these crimes being solved? Is this gang related? We need to engage our community so we can solve these problems. It's hard seeing innocent people die."

Councilman Spence said a lot of the shootings are happening in the third ward, and two happened in the second ward, right around the corner from his church. He talked to the manager about having live press conferences and wanted to make sure that was something that was kept in mind going forward. He was frightened enough the other night when the shooting was going on that he laid on the floor, and he knew the elderly were terrified. He knew we couldn't talk about certain things and ongoing investigations, but we could at least say something. "Not saying anything is not an option. Not speaking up is doing our city an injustice. Have we reached out to any other outside agencies to help us patrol our city? Would the highway patrol come circle through? I'm sure there are neighboring communities and neighboring counties that would help us assist with patrols. I know we're short on officers so we need to use other resources and ask for help. We can do mandatory overtime. It has to be done because I'm afraid that someone is going to get killed that's going to cause a retaliation."

Councilman Brooks said most of the people in the neighborhoods know who's doing the shooting, but they won't talk about it.

Mr. Hicks provided a list of things that he'd like to provide as updates that our police department is either currently working on or wishes to work toward. He said the thing that bothered him that he's most recently discovered is the huge amount of shots fired calls to the dispatchers. The problem is not new, but now we have 12, 13 and 14-year olds carrying guns. He said the police department is aware of the cases and working on them. They are also working on other activities to address the issues, but are not always at liberty to discuss them. The department is working closely with local, state and federal agencies to stop gun violence in our city. They are going to step up patrols in the city; however, they are down 13 officers at this time, so it will require overtime. The police department will offer rewards up to \$5,000 for tips leading to arrests for gun violence in the city and/or homicides. He noted that would likely require Council approval as it was a big number for financial response, but "like Councilman Brooks said, people don't tell us what they know, but they'll tell for money." He said the police department will set up a tip phone line to accept any and all information related to gun violence in the City. The City will initiate quarterly public forums in the affected areas. He suggested Council attend, but only to listen to the residents, not to speak. City staff would be on hand to listen too. "We may not have the answers, but we need to hear what they're saying." He said he has asked the police department to reinstitute and redevelop a gun buy-back program. He suggested that the Mayor and Council can pursue the possibility of a youth violence prevention program to identify programs and activities and mentoring, reintegration into society and other issues that may be identified. He noted that City staff is willing to meet any group or organization that can provide useful information or assistance to us. He reiterated that some of these items will require Council approval.

Motion was made by Councilman Kem Spence to approve the suggestion of the interim city manager, particularly the payment of the \$5,000 award with arrest and conviction of charges. The motion was seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

Councilwoman Young said she believed we did have a gun buy-back program in the past. She asked where the \$5,000 for the tips that led to arrest and convictions would

come from. Mr. Hicks replied that we would budget for it within the next fiscal year's budget.

Mayor Pro Tem Walton said particularly liked the idea of the mayor and Council pursuing the creation of a youth violence program to identify programs and activities such as mentoring, reintegration, court concerns and others. He said he thought that was very important.

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

Councilman Spence had no further comments

Councilman Ruffieux had no further comments

Councilman Caudle said he felt that they'd had a good, positive discussion this evening and he thanked everyone for contributing.

Councilman Horton had no further comments.

Councilwoman Young had no further comments.

Councilman Brooks said he was glad that something was being done to address the crime problem in our city and hoped it would get us on the right track.

Mayor Pro Tem Walton said he believed there had been a vote back in 2018 where newly introduced items during agenda adjustments could only be discussed and not voted upon. He requested that the attorney check into that and report back to him on whether or not that was correct.

Mayor Parker said she was pleased that all the councilors worked together so well this evening. Said she'd received several calls after the April 11th meeting from citizens thanking everyone for getting Channel 11 working again.

8. Closed Session:

Motion to go into Closed Session for Discussion of Personnel as allowed by NCGS 143-318-11(a)(6) was made by Councilman Darius Horton, seconded by Councilman Kem Spence at 8:49 p.m. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

Mayor Parker announced there would be a five-minute recess in order to clear the room.

9. Adjournment:

The Council returned to open session at 8:55 p.m.

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

There being no further business to be discussed, the meeting was adjourned at 8:56 p.m.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

