

The City Council of the City of Elizabeth City met in regular session on Monday, December 13, 2021 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 Billy Caudle
Councilwoman Jeannie Young
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilman Chris Ruffieux (*Arrived at 7:19 p.m.*)
Councilman Darius Horton

MEMBERS ABSENT: Councilman Michael Brooks

OTHERS PRESENT: Interim City Manager Ralph Clark
City Attorney Bill Morgan
Interim Chief of Police Larry James
Electric Superintendent Jason Value
Human Resources Director Montique McClary
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Community Development Director Kellen Long
ECDI Director Debbie Malenfant
Parks and Recreation Director Sean Clark
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
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. Mayor Parker welcomed everyone to the meeting and recognized Councilman Spence to give the invocation, after which everyone joined in for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to approve the agenda.

Mayor Pro Tem Walton asked that a discussion on the employee Christmas party be added to the regular agenda, as well as an update on the City's finances.

Those voting in favor of the motion to approve the agenda with the requested adjustments were: Spence, 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. Presentation – Employee Retirement – Darren Saunders:

Mayor Parker presented retiring Assistant Fire Chief Darren Saunders with a plaque from the City, and thanked him for 31 years of service. Chief Saunders thanked the City for

everything it had given him over the years. He said his career had been challenging and rewarding, and he loved the time spent serving the community.

4. Comments from the Public:

The Mayor inquired of the City Clerk if there were any persons present who wished to speak before the Council. The Clerk replied that there was one in-person commenter and one emailed comment.

Rachel Stallings – 110 South Ashe Street, Elizabeth City, NC – Mrs. Stallings spoke about her concerns regarding the number of speed bumps that were installed on Main and Church Streets. She noted that the Council approved the installation of speed bumps at six locations across West Main Street and West Church Street. She said the two speed bumps on West Church Street were installed at the appropriate locations, but there were eight installed on Main Street, when only six were approved. She noted that she'd reached out to the Clerk to verify that the Council had not approved subsequent speed bumps during an additional meeting, and the Clerk confirmed that there had not been a second meeting authorizing more bumps. She said she'd also confirmed with Director Bell the total number of speed bumps purchased. She referenced The Daily Advance article and the original staff write-up, which stated that signage would be installed ahead of the speed bumps. She noted that adequate warning should be given as these speed bumps were very aggressive to come across, even at a low speed. She opined that another option might be better reflective paint if we did not have enough signage at this time. She said she felt a less aggressive slope could slow motorists without causing damage. Currently, the speed limit in the area is 25, which would cause damage to vehicles if they were to go over the speed bumps at that rate. She said she'd attempted to go over one at 15 mph and it was very rough. She asked that the locations be reduced to the six originally voted upon and approved. Additionally, she said that she believed putting speed bumps on Main and Church had just deviated traffic to the adjacent streets and not truly solved the problems. She pointed out that she is not opposed to speed bumps, but felt that they should be less aggressive and accompanied with other measures.

Jon Nettesheim – 1109 Cedar Street, Elizabeth City, NC – *(emailed comment)* "Could the council please consider the 'mask requirement' for the public to speak and attend the council meetings? At this point in time it makes no sense unless you intend to keep the masks on forever. I am against any kind of 'mask mandate' and I ask that you would remove it. At the minimum, please give the citizens a timeline of when it will be repealed. Thank you!"

5. Consent Agenda:

Mayor Parker asked that Interim City Manager Clark read the items on the Consent Agenda into the record.

- a. Consideration – Accept Final Bid for 109 Glade Street;**
- b. Consideration – Accept Final Bid for 111 Glade Street;**
- c. Consideration – Adopt Resolution in Support of Coast Guard Marathon;**

Resolution # 2021 –12-01

In Support of the Coast Guard Marathon and Coast Guard Marathon Weekend in Elizabeth City

WHEREAS, Visit Elizabeth City is hosting the Inaugural In-person Coast Guard Marathon Weekend March 3 through March 5, 2022 which includes a full marathon, half marathon and 5K; and

WHEREAS, Visit Elizabeth City is partnering with Base Elizabeth City, Air Station Elizabeth City and USCG Trademark and Licensing to produce this event weekend; and

WHEREAS, Visit Elizabeth City is further partnering with Elizabeth City State University, Elizabeth City Downtown, Inc. Pasquotank County-Elizabeth City Parks and Recreation and other critical local entities; and

WHEREAS, the City of Elizabeth City is a Designated Coast Guard City and home to one of the largest Coast Bases in the nation; and

WHEREAS, the Coast Guard Marathon is the first ever sanctioned road race for the U.S. Coast Guard; and

WHEREAS, the Coast Guard Marathon participation includes registrants from at least forty-three states, US Armed Forces Europe, US Virgin Islands, Guam and Canada; and

WHEREAS, Elizabeth City will welcome participants, spectators, and volunteers from all over the nation; and

WHEREAS, the Coast Guard Marathon Weekend will include a Health and Fitness Expo held March 3-4, 2022, at K. E. White Graduate Center on the campus of Elizabeth City State University; and

WHEREAS, the Coast Guard Marathon promotes physical fitness and a healthy lifestyle, generates community goodwill, and celebrates the accomplishments of each participant from start to finish; and

WHEREAS, the City of Elizabeth City, NC is honored to join Visit Elizabeth City for this festive event and proud to salute all who have served in the United States Coast Guard:

NOW, THEREFORE, I Bettie J Parker, Mayor, do hereby proclaim the first weekend in March as Coast Guard Marathon Weekend in Elizabeth City, NC and commend its observance to all citizens.

ADOPTED, this the 13th day of December 2021.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

d. Consideration – Adopt 2022 City Council Calendar;

| Date | Time | Meeting |
|-------------------|-------------|-----------------|
| January 10, 2022 | 7:00 p.m. | Regular Meeting |
| January 24, 2022 | 5:30 p.m. | Work Session |
| | 7:00 p.m. | Regular Meeting |
| February 14, 2022 | 7:00 p.m. | Regular Meeting |
| | 5:30 p.m. | Work Session |
| February 28, 2022 | 7:00 p.m. | Regular Meeting |
| | 7:00 p.m. | Regular Meeting |
| March 14, 2022 | 7:00 p.m. | Regular Meeting |
| | 5:30 p.m. | Work Session |
| March 28, 2022 | 7:00 p.m. | Regular Meeting |
| | 7:00 p.m. | Regular Meeting |
| April 11, 2022 | 7:00 p.m. | Regular Meeting |
| | 5:30 p.m. | Work Session |
| April 25, 2022 | 7:00 p.m. | Regular Meeting |
| | 7:00 p.m. | Regular Meeting |
| May 9, 2022 | 7:00 p.m. | Regular Meeting |
| | 5:30 p.m. | Work Session |
| May 23, 2022 | 7:00 p.m. | Regular Meeting |
| | 7:00 p.m. | Regular Meeting |
| June 13, 2022 | 7:00 p.m. | Regular Meeting |
| | 5:30 p.m. | Work Session |
| June 27, 2022 | 7:00 p.m. | Regular Meeting |

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|--------------------|-----------|-----------------|
| July 11, 2022 | 7:00 p.m. | Regular Meeting |
| August 8, 2022 | 7:00 p.m. | Regular Meeting |
| August 22, 2022 | 5:30 p.m. | Work Session |
| | 7:00 p.m. | Regular Meeting |
| September 12, 2022 | 7:00 p.m. | Regular Meeting |
| September 26, 2022 | 5:30 p.m. | Work Session |
| | 7:00 p.m. | Regular Meeting |
| October 10, 2022 | 7:00 p.m. | Regular Meeting |
| October 24, 2022 | 5:30 p.m. | Work Session |
| | 7:00 p.m. | Regular Meeting |
| November 14, 2022 | 7:00 p.m. | Regular Meeting |
| November 28, 2022 | 5:30 p.m. | Work Session |
| | 7:00 p.m. | Regular Meeting |
| December 12, 2022 | 7:00 p.m. | Regular Meeting |

e. Consideration – Adopt Resolution and Execute Contract for George Wood Park Project;

Resolution # 2021 –12-02

RESOLUTION AUTHORIZING LOCAL GOVERNMENT EXECUTION OF PUBLIC BEACH & COASTAL WATERFRONT ACCESS GRANT CONTRACT

MINUTES OF A REGULAR MEETING OF THE Elizabeth City City Council, North Carolina.

A regular meeting of the Elizabeth City City Council was held in the Gardner Municipal Building, 306 E. Colonial Ave., Elizabeth City, NC, the regular meeting place, on December 13, 2021. In attendance were Mayor Bettie J. Parker and City Councilors Johnnie Walton, Kem Spence, Chris Ruffieux, Jeannie Young, Darius Horton and Billy Caudle. Absent was Michael Brooks.

The City Council was advised that a proposed contract between the City of Elizabeth City and the North Carolina Department of Environmental Quality (DEQ) for Public Beach & Coastal Waterfront Access grant funds was presented for the project known as the George M. Wood Memorial Park Restoration Project and discussed; that, under the terms of the said contract, the City of Elizabeth City will pay a total of \$10,300 in cash match as its local share of the total project costs.

BE IT RESOLVED, BY THE Elizabeth City City Council:

- That a contract between the City of Elizabeth City and the North Carolina Department of Environmental Quality be and the same is hereby approved.
- That the City’s authorized representative and the Clerk be and are hereby authorized to sign and execute said contract for and on behalf of the City of Elizabeth City, and forward the same to the North Carolina Department of Environmental Quality.
- That upon final execution, a copy of said contract be filed with the minutes. Upon motion of Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux, said resolution was passed unanimously.

I, April Onley, Clerk of the City of Elizabeth City, North Carolina do hereby certify that the foregoing is a true copy of so much of the proceedings of the Elizabeth City City Council at a meeting held on December 13, 2021, as related to the contract between the City of Elizabeth City and the North Carolina Department of Environmental Quality, relative to the George M. Wood Memorial Park Restoration Project, for the City of Elizabeth City, North Carolina.

WITNESS my hand and the corporate seal of said Elizabeth City, North Carolina, this the 13th day of December, 2021.

ADOPTED, this the 13th day of December 2021.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

f. Consideration – Authorize Contract with JKF Architecture for Feasibility Study for National Guard Armory;

(End of Consent Agenda)

Mayor Parker asked Council's pleasure on the Consent Agenda, as presented.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Ruffieux, 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. Presentation / Update – NCLM Law Enforcement Risk Review for ECPD;

Matthew Selves, Law Enforcement Risk Management Consultant for the North Carolina League of Municipalities thanked the Council and Mayor Parker for completing the League's Law Enforcement Risk Management Risk Review. He explained that Risk Review involves a comprehensive agency review of the high-risk policies, operations and practices, and includes a detailed on-site agency administrative and operations review including equipment and facility inspections, officer interviews, and observation of operations all to validate that practices align with policy and in turn with industry best practices. NCLM Risk Review specifically looks into high liability areas with departments that consist of police vehicle operations, response to active resistance, evidence processing, employment practices and procedures and training, in addition to other categories (39 in total). He said he was proud to report that the Elizabeth City Police Department has successfully completed the Law Enforcement Risk Review Process. He thanked Interim Chief Larry James and the command staff for their leadership and willingness to participate in this initiative.

c. Consideration / Discussion – Proposed Leaseback for Middle School Gymnasium;

ECDI Director Debbie Malenfant advised the Council that this item was being brought forward for consideration after the discussion during the November 29, 2021 Joint City-County meeting. The purpose of the project is to transform the existing main and annex building of the former Elizabeth City Middle School into a residential living facility with 84 market-rate apartments, parking and other amenities. She noted that, as previously discussed, Council approval was the next required step in order to ensure the property would close by the scheduled date of January 7, 2022. Both County Commissioners and City Council would approve an amendment to the EC-PC Parks and Recreation Interlocal Agreement to add the gymnasium as an asset to the Parks and Recreation Department with shared costs. She added that the drafted lease had been reviewed by the Interim City Manager, City Attorney, County Manager and County Attorney, and all comments and edits

had been received by JDL construction management and forwarded to their attorneys. The gym lease agreement will be between the City and JDL since the County is selling the property to JDL and Parks and Recreation with operate the gymnasium.

Ms. Malenfant listed the major aspect of the gym lease, including the renovation timeline of one year; an anticipated start and use date of January 2023; no financial impact on this current fiscal year; 2022-2023 budget will need to reflect six months' worth of lease payments; the required amendment to the Parks and Recreation Interlocal Agreement; the lease payments are calculated based on the actual work costs x interest rates + property taxes + insurance (based on 20 year amortization); work cost based on actual cost of renovations, not to exceed \$1,937,262; and an opportunity to purchase after six years at a predetermined amount, calculated net of the credited lease payments applied to principal. She added that there would be no increase in the lease payments for the first six years. The anticipated lease payments are expected to be between \$155,000 and \$165,000 annually. If the payments are \$155,000, the split will be \$85,250 County and \$69,750 City; if they are \$165,000, the split will be \$90,750 County and \$74,250 City. If purchased at six years, the asset will be a typical joint asset owned 50/50 by the City and County. If not purchased at six years, there will be a 50% increase in rent

Ms. Malenfant noted that, as a comparison, the estimated cost of building an entirely new gymnasium would be more than \$7 million, or roughly \$400 or \$450 per square foot. She pointed out that that total would also not include finding and purchasing land. She cited other positive benefits that this project would bring the City, including that JDL will dedicate two parcels of land behind the gymnasium to the City; the County will dedicate 12 County-owned parcels of land behind the gym (3.5 acres total) to the City for EC-PC Parks and Recreation usage; the County will contribute \$150,000 back to the Boys and Girls Club for the rent they've paid while occupying ECMS; the County will also assist the Boys and Girls Club with relocation; and the County will be contributing \$10,000 to SOULS once they receive their 501c3 designation.

She reiterated the economic development impact this project would bring to the community, citing between \$8 and \$10 million in construction investment and annual property taxes of \$18,012.50 to the City and \$21,175.00 to the County. Over a 10-year period, the City will receive \$180,125.00 in property taxes as a result of this project and the County will receive \$211,750.00. She added that more than 147 jobs would also be created. Additionally, over a 10-year period, the sales tax revenue from the residents of this facility is expected to reach \$1.2 million.

Director Malenfant explained that the request for Council was to approve, by motion, a lease agreement with JDL Construction Management (Betsy Town Flats, LLC), subject to any necessary edits and approval by City and County Attorneys and City and County Managers; and to approve the City and County Interlocal Agreement Amendment #6.

Motion was made by Councilwoman Jeannie Young seconded by Councilman Chris Ruffieux to approve the lease agreement and interlocal agreement. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young, Horton and Caudle.

d. Consideration – NCDOT Funding Agreement for Providence Road Bridge;

Grants Administrator Jon Hawley was recognized to present the matter at hand. Mr. Hawley noted that he'd be presented both items D and E together as they were companion items concerning the Providence Road Bridge. Mr. Hawley reminded the Council that Providence Road was the only route in and out of Oxford Heights and it was occupied by a dilapidated bridge that the City had been seeking to replace for some time. Hurricane Matthew had caused additional damage and the City had reached out for several opinions on options for alternate entrance and exit into the Oxford Heights area. After many conversations with the Railroad, it was evident that we would not be able to provide another entryway, so our only recourse was to replace the rapidly failing Providence Road Bridge roughly in its current location. The project is expected to be upwards of \$1 million; however, we have secured both Golden LEAF funding, as well as additional funding through NCDOT. Mr. Hawley commended NCDOT for being an excellent partner to the City as we navigate this project. As it stands, the City has two agreements with NCDOT currently. During the first round of bidding this spring, we did not receive the minimum three bids required, so an additional round of bidding was held shortly thereafter. Unfortunately, only one bid was received in the

second round, which was higher than staff was comfortable with bringing forward, so the project was tweaked, advertised again, and an agreeable bid was received in the third round.

Mr. Hawley noted there were two items he was requesting Council consideration on this evening. The first item is an additional agreement from NCDOT showing their contribution increase to \$1.7 million for the project. If the Council agrees to that, the second item will be approving a resolution of award to T.A. Loving Company of Goldsboro for the bridge replacement for their bid of \$1,472,850. Both NCDOT and Public Utilities have reviewed the bid and agreed that it is agreeable for the project.

Mr. Hawley said he expected the City's final share to be \$125,000, which was a substantial sum, but he did believe we had been extremely successful in finding resources to help us cover much of the total cost.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence to authorize the Mayor and City staff to execute a supplemental funding agreement with the North Carolina Department of Transportation.

Mayor Pro Tem Walton asked Mr. Hawley if he'd checked if there was any funding available from the Governor's initiatives. Mr. Hawley said that was something we could research. Mayor Pro Tem Walton said he did not intend to "knock" what Mr. Hawley did, but that should have been one of the first steps. He said, "The money is out there. We need to check with the Governor and see what kind of money can we get before we start spending our own money."

Councilman Caudle thanked the staff for their work on this project and getting the additional funding that they had gotten. He said if he recalled, when we first started the project, the City was on the hook for about \$500,000, and now we've gotten it down to \$125,000. He said he knew the residents living in that particular area would be pleased to hear that the replacement was moving forward.

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

e. Consideration – Award of Bid for Providence Road Bridge Replacement;

Grants Administrator Hawley said he'd combined these presentation purposes, but the motions would need to be recorded separately.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence to adopt a resolution awarding a construction contract for the Providence Road Bridge of \$1,472,850 to TA Loving, pending concurrence by the North Carolina Department of Transportation.

Mayor Pro Tem said he would still like to amend the motion to go forward until after we'd checked with the Governor. He said it did not make sense to spend local funds when we could be potentially getting funding from the state. He urged the Council to make the amendment. Mr. Hawley agreed that there was funding via ARPA that was available, but noted that Public Utilities had discussed much of that going toward the City's other needs; however, it was certainly up to the Council to make the decision. He added that they could continue researching in an attempt to find additional assistance if that was the wish of the board. He also noted that they'd asked Golden LEAF to consider additional funding, but as of yet Golden LEAF had not been in a position to grant that request.

Mayor Pro Tem Walton said Golden LEAF was out of Rocky Mount and he wanted to know about the Governor, specifically. He asked if anyone wanted to accept his friendly amendment to the motion. There was no move to accept the amendment.

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

**Resolution # 2021 –12-03
RESOLUTION AWARDING CONSTRUCTION CONTRACT
FOR THE PROVIDENCE ROAD BRIDGE REPLACEMENT PROJECT
IN ELIZABETH CITY, PASQUOTANK COUNTY**

PENDING NCDOT CONCURRENCE

WHEREAS, the City of Elizabeth City is an incorporated municipality in the County of Pasquotank, North Carolina; and

WHEREAS, the Fixing America's Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and

WHEREAS, under this authority, the City and the NC Department of Transportation entered into a municipal bridge agreement on July 15, 2019, supplemented on November 19, 2020, providing for the Department's participation in the costs of State Transportation Project B-6053, replacement of the Providence Road Bridge/Bridge No. 34; and

WHEREAS, the City, with the concurrence of NCDOT, retained RK&K, LLP, for preliminary engineering and bid preparation; and

WHEREAS, after appropriate advertisement, the City received bids for the aforementioned project on May 18, 2021; June 24, 2021; and October 28, 2021; and

WHEREAS, the City received one bid, from TA Loving Co., of \$1,472,850, on October 28, 2021, and, after review of the bid for compliance and in consultation with NCDOT, recommended its acceptance;

NOW THEREFORE, the Elizabeth City City Council hereby awards the construction contract for the Providence Road Bridge Replacement Project, STP B-6053, to TA Loving Co., in an amount not to exceed \$1,472,850, pending NCDOT concurrence.

ADOPTED, this the 13th day of December 2021.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

f. Update – Sidewalks Near River Road (No Action Required);

Community Development Director Long provided an update on the sidewalks near River Road. She explained that River Road is an NCDOT-maintained highway, and staff had previously contacted NCDOT about installing sidewalks if the City were to secure funding. The engineer for NCDOT, David Otts, advised that installing sidewalks on NCDOT right-of-way would require an encroachment agreement. Ms. Long reminded the Council of the WalkEC plan that was presented in June, which assessed our current infrastructure and community needs surrounding walkability; however, funding for the project has not been secured at this time.

Mayor Pro Tem Walton asked if we had an idea of how much funding for sidewalks would cost the City. Ms. Long said she did not have the project in hand for River Road, but she recalled the cost for the NCDOT side being about \$550,000; however, that was several years ago and materials have likely risen since then. Mayor Pro Tem Walton asked the Interim City Manager how much money was currently in the Powell Bill Fund. Mr. Clark replied that he did not know, but Powell Bill funding was often used for street maintenance and not sidewalk construction. Mayor Pro Tem Walton requested that Mr. Clark research if that was correct.

g. Discussion – Christmas Party (As Requested by Mayor Pro Tem Walton)

Mayor Pro Tem Walton asked when the employee Christmas party would be held. Mr. Clark replied that it would be tomorrow, on December 14th. Mayor Pro Tem Walton asked how many people were expected to attend the Christmas party? Mr. Clark responded that he believed it would be about 250. Mayor Pro Tem said he would not be attending because he did not agree with the way that it had been organized. He said that he had been told, and Mr. Clark had later confirmed that former councilor Adkins catering company would be involved. Mr. Clark replied that he was uncertain, as he had not facilitated securing the catering company. Mayor Pro Tem Walton said he'd been told the other day that Mr. Adkins was the catering company and he'd already been paid. He noted that Ms. Steward had been in the room when he gave him that information. He said he would not be attending because he felt that Mr. Clark's judgement should have been better. He said, "You're only here Monday through Thursday and you need to have quality time when you are here. This job is not as easy as you are making it." He asked what Mr. Clark had done since he'd been here?

Councilman Caudle said this is supposed to be a discussion about the Christmas party and not a review of the City Manager. He asked the Mayor to please instruct Mayor Pro Tem Walton to stay on the topic. Mayor Parker advised Councilman Caudle that his comments were out of order. Councilman Caudle replied, "I understand, but so is he." Mayor Parker encouraged the councilors not to interrupt each other and to allow one another to speak when they had the floor.

Mayor Parker returned to Mayor Pro Tem Walton and asked if he had any additional comments on the Christmas party. Councilman Ruffieux asked why this was allowed. Mayor Parker asked the Council to please keep their feelings in check and be respectful of one another. Mayor Pro Tem Walton thanked Councilman Ruffieux for attending the meeting. He said he was not attempting to fire the Interim City Manager and if he'd had a tooth extracted as Councilman Ruffieux did, he would not have come to the meeting. Mayor Parker interjected that the Council should confine conversation to the topic of the Christmas party. Mayor Pro Tem Walton requested that his apologies be offered to the employees during the following day's party because although he wanted to be there, he did not feel that attending would be good judgement.

h. Discussion – Finance Update (As Requested by Mayor Pro Tem Walton)

Mayor Pro Tem Walton noted that he'd been requesting an update since the Interim City Manager took office in October and had yet to receive one. He asked if Mr. Holley could pull up the website for him. He read from the monthly cash balance report address, which stated that "openness, accountability, and honesty define government transparency; and the Elizabeth City Council firmly believes that transparency is government's obligation to share information with our citizens. In the spirit of this belief, a cash balance report across all City funds will be provided by clicking on the above link as soon as possible at the end of every month." He said if he couldn't get the information, how did we think we could give it to the citizens? He asked Mr. Clark how soon did he think he can have that information to him? Mr. Clark said he'd try to have it for him as soon as possible. Mayor Pro Tem Walton said we'd hired a third party to get our financials in order, and asked "why can't you tell me anymore information?" Mr. Clark asked if he could pass out some information related to finance. Mayor Parker said she didn't feel it was on the agenda to do at this point. Councilman Caudle said he'd like to see it now, and added that "if we could have the information passed out, we could maybe know what Mayor Pro Tem Walton is talking about other than just sitting here having to listen to him try to berate the Interim City Manager."

Mayor Parker said receiving information at this time would be deviating from normal protocol. Councilman Horton asked what kind of financial paperwork it was. Mr. Clark said he had some suggestions on the Finance Department as a whole. Mayor Parker said she felt waiting for the manager's report would probably be better then. Councilwoman Young said allowing people their time to speak should be the same for all members of the Council. We should not gavel one person and allow another to speak. We should not be berating our City Manager. Councilman Spence said "if he wants to pass something out, let him, but it's probably going to keep us here another hour. Let him provide it tomorrow, Thursday, Friday. Bringing up all this stuff tonight is going to open a whole new can of worms addressing something else."

Mayor Pro Tem Walton said he disliked that certain councilors thought he was trying to berate the Interim City Manager, as he was not. He asked, "How long have I been asking for an update? I don't get an update? When you wanted an update and didn't get it from the former city manager, they got crucified." He said that he deserved updates too. He opined that some of the other councilors were biased with the thoughts and actions. "It's on the website. Read the website."

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

Mr. Clark passed out the documents he'd previously referenced relating to finance. He said since he'd been here, there had been a number of concerns about the finances. He said he was concerned about what the LGC was saying to us as a City. He wanted to put together something to address it. He'd asked the League to come in and look at the department as a whole. He said the League noted that a lot of the problem was related to the turnover in city managers and finance directors – the lack of stability. On a positive note, the bank reconciliation should be brought current shortly and 2021 should be closed out. Last year, the audit report was 12 or 13 months behind, and it was actually into the next fiscal year. Until we can get all the bank accounts reconciled, we can't close the year out. He suggested that there should be a temporary change in the finance department to continue with the Greg Isley firm to keep closing us out and get our books to current. The LGC has given us other firms if they are not available to do this. Mr. Clark suggested changes in the finance structure and reclassification, and noted that there are funds available to do this. The LGC will be corresponding with us in mid-January, checking on our progress.

Mr. Clark advised that part of the problem is that we have a staffing shortage. Finance staffing is very difficult, and it's hard to pull people to Elizabeth City, so we're restricted. What Mr. Isley's firm does may become a trend for smaller communities like ours who struggle with financial people. He proposed that the Council concur with the suggested changes and allow them to remain in effect until a new city manager came on board to consider what they wanted. If the Council concurs with the changes, he will put them in effect immediately.

Mayor Parker asked if they could have more time to review and get back to him individually and respond. Mr. Clark said the further we go, the more trouble we get ourselves in with the LGC, but he didn't have a problem if they got back with him in the next few days. Councilwoman Young asked if it took an official vote. Mr. Clark replied that it did not, but he wanted them to know and get their feelings and bring them to awareness on where we were financially. Councilman Spence asked if this would mean the Assistant Finance Director would have more responsibilities? Mr. Clark said she would not have more; they would just be more defined. Councilman Spence worried about having to pay more for more responsibilities. Mr. Clark said she was very well paid. Councilman Spence asked if the people under her would be getting more money? Mr. Clark said one individual would be getting an increase. Councilman Spence said he was not in agreement to give any staff an increase. He said sometimes we have to do things we don't get paid for. He said he'd rather give the money to the Greg Isley company than a specific member of staff.

Mayor Pro Tem Walton said this is nothing concrete; it's just a narrative. He said you haven't given me any numbers as of yet. He asked how many hours has Greg Isley's company worked? Mr. Clark said he didn't know the total. Mayor Pro Tem Walton asked how many hours he thought they'd have to work still. Mr. Clark said probably at least 40 or so more to get us back normal. Mayor Pro Tem Walton said he wasn't berating, no matter what anyone was saying, he just wanted number; how much is it going to cost us? "How are we going to pay for it? We can find it? How? Where's the evidence of where it's coming from? Tomorrow will cost \$10,000, where will it come from?" He noted that Isley costs \$100 an hour.

Mr. Clark said he wasn't here during the original negotiations. Mayor Pro Tem Walton asked Mr. Clark if he could read. He told him to look at the contract. Mayor Parker encouraged the Council to attack problems and not each other. She said that they would be taking the time to read the document they'd been presented and get back with Mr. Clark in a few days. Mayor Pro Tem said he needed more information so when the citizens asked him simple questions he could give them answers. He said the League would send people to areas to fix simple problems like this. "They solved the problem in Rocky Mount where there was a misuse of funds. If we can't find a way to do it from the administrative end, I can make some calls. This is not good enough for me."

Mayor Parker reminded the council to get back with the manager in a few days.

Councilman Caudle thanked Mr. Clark for finding a solution to the problem. He said he didn't feel that we needed to waste time. He said whatever he needed to continue, he had his consensus to do what he needed to do. Councilwoman Young said she had hers as well. She said she understood finances had been difficult. She thanked the employees for working hard and she thanked Mr. Clark for the respect he showed by bringing it forward when he didn't have to.

Councilman Caudle said he was looking forward to the luncheon tomorrow with the employees. He said he was glad to celebrate with everyone.

Councilman Spence had no further comments.

Councilman Horton said he wouldn't be attending tomorrow because he had a funeral.

Councilwoman Young wished everyone a Merry Christmas and hoped they enjoyed their holiday. She thanked the Council for going ahead and having the luncheon for the employees.

Mayor Pro Tem Walton said tomorrow was going to cost \$10,000 and he felt that it was a misuse of funds. "Last year, we gave them \$25. We did say have the party, but we didn't say how much to spend. I can't even find out where it's coming from. It's easy to spend, but it's hard to tell you where it's coming from. My grandkids spend it like that. Bring in someone from the League and let them do the investigation correctly because the way you're talking is like it's going to take way beyond when you aren't here anymore so you won't have to worry about it. I'll make some calls to let them know. I'll let them know it's not going as smooth as they think it might be. It's not good to have a part-time city manager." He said the TDA had an audit and he understood everything they said. "We can't get an audit because the Council is not together. Four go one way and ... You need to bring us an election for someone in the second ward."

Councilman Caudle said if the Mayor can't run the meeting, adjourn it so we can go home. Mayor Parker said she had comments to give. Mayor Pro Tem Walton said it's easy to blame it all on him.

Mayor Parker reiterated her earlier statement that the Council should attack problems and not each other. Councilman Caudle said this behavior is not becoming of a Mayor. Mayor Parker updated the public on the COVID situation. Albemarle Regional Health would be offering booster shot clinics for residents of the eight-county Albemarle region. She wished the community Merry Christmas and a Happy New Year.

8. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 8:27 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

