

**City Council Regular Session
February 14, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, February 14, 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
Mayor Pro Tem Johnnie Walton
Councilman Michael Brooks
Councilman Chris Ruffieux
Councilwoman Jeannie Young
Councilman Darius Horton
Councilman Billy Caudle

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Ralph Clark
Electric Department Superintendent Jason Value
Interim Chief of Police Larry James
Human Resources Director Montique McClary
Fire Chief Chris Carver
Interim Community Development Director Debbie Malenfant
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. Mayor Parker welcomed everyone to the meeting and recognized Councilman Darius Horton to give the invocation, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Motion was made by Councilman Darius Horton to approve the agenda with any necessary changes.

Councilman Brooks requested that discussions for Roanoke Avenue and Facebook Suspension be added to the agenda.

Councilman Chris Ruffieux seconded the motion to approve the agenda with necessary changes. Those voting in favor of the motion were: Spence, Walton, Brooks, Ruffieux, 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 she had received one emailed comment, which was then read into the record of the meeting.

(Clerk's Notation: Comment was submitted in writing and is therefore included in full)

R. Michael Cox – 109 Persse Street, Elizabeth City, NC – “Good evening Mayor and Members of Council, I am writing again regarding the speed bumps on Main and Church Streets. I am hoping there is a plan in place to remove them. When I go visit my mother, there

are 5 speed bumps in a distance of approximately one-half mile on the way to her house. That is 10 times to and from mom's I have to cross the speed bumps and be reminded of this bad idea. I had a friend in town this weekend and one of the first things he asked me was "what is up with the speed bumps?" (and that is putting it mildly). I told him they were improperly purchased and later installed. I've talked to several elected city officials that agree the speed bumps are a bad idea, but yet they remain. My friend just shook his head. The speed bumps are not helping the City's image. I am respectfully requesting the speed bumps be removed as soon as possible."

4. Consent Agenda:

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

- a. Consideration – Accept Final Bid for 301 East Broad Street;**
- b. Consideration – Declare 618A Parsonage Street as Surplus;**

**Resolution # 2022 –2-01
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: 891419614458 and Map 39-A-4 and having a physical address of 618A Parsonage 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 \$1,500 received from Edward Williams via email 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: 891419614458 and Map 39-A-4, located at 618A Parsonage 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 \$1,500.

ADOPTED, this the 14th day of February 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

- c. Consideration – Declare 606 Witherspoon Street as Surplus;**

**Resolution # 2022 –2-02
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: 892309050844 and Map 25-C-99B and having a physical address of 606 Witherspoon 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 \$500 received from Edward Williams via email 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: 892309050844 and Map 25-C-99B, located at 606 Witherspoon 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 \$500.

ADOPTED, this the 14th day of February 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

- d. Consideration – Authorize Application to Cannon Charitable Grant Foundation;**
- e. Consideration – Authorize Live Fire Training at 500 Bonner Drive;**
- f. Consideration – Award Bid for Street Resurfacing;**
- g. Consideration – Adopt Ordinance for Street Closing (Marathon);**

ORDINANCE #2022-02-01

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE FIRST ANNUAL COAST GUARD MARATHON, HALF MARATHON & 5K RUN

WHEREAS, the City Council of Elizabeth City acknowledges a long tradition of providing an annual springtime festival for the pleasure of its citizens; and

WHEREAS, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding the first coast Guard Marathon, Half Marathon & 5K Run race event; and

WHEREAS, the City Council of Elizabeth City acknowledges the race event requires approximately four days to install signing and traffic control, finish line truss structures and equipment, food and other retail vendors, and also requires approximately six (6) hours for removing same, and litter;

NOW THEREFORE BE IT ORDAINED, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s) and Times: 6:00 p.m. Thursday, March 3, 2022, until no later than 6:00 a.m. Sunday, March 6, 2022

Route Description(s): S Water Street / Southern Avenue (SR 34/1164) between E Ehringhaus

Street (US Business Highway 17) and Shepard Street

Date(s) and Times: 4:15 to 6:15 p.m. Friday, March 4, 2022; and 7:30 a.m. to no later than 3:00 p.m. Saturday, March 4, 2022

Route Description(s): South and North Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17) to E Elizabeth Street; E Ehringhaus Street (US Business Highway 17) eastbound and westbound lanes from McMorrine Street to S Water Street; S Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17)

Date(s) and Times: 7:30 a.m. to no later than 3:00 p.m. Saturday, March 5, 2022

Route Description(s): Rolling street and partial lane closures along the race routes per attached route map and listings

This ordinance to become effective when signs are erected giving notice of the limits and times of the race, and implementation of adequate traffic control to guide through vehicles around the race route.

SECTION I. EFFECTIVE DATE: This Ordinance, as revised herein shall take effect immediately upon adoption.

SECTION II. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 14th day of February, 2022.

Bettie J. Parker
Mayor

Attest:

April D. Onley, CMC/NCCMC
City Clerk

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

Motion was made by Councilman Chris Ruffieux, 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.

5. Regular Agenda:

a. Any Item Pulled from the Consent Agenda

No items were pulled from the Consent Agenda.

b. Presentation – Airport Authority;

Airport Manager Scott Hinton was present and recognized for his comments. Mr. Hinton advised that currently, we are operating under an expired interlocal agreement, and the main purpose of his presence this evening is to ask for a renewal of five years. Mr. Hinton said that originally, the property in question was transferred from the United States Coast Guard to the City. At that time, the sponsorship and property should have been transferred on to the Airport Authority, and it simply did not happen, so these actions are simply being made to attend to that "housekeeping" matter. Mr. Hinton said that as it stood now, if we did a title search, the property would show that it was owned by the City and it needed to show that the Airport

Authority owned the property as the sponsor. Right now, the property is listed as being owned by the City, so we need to take the necessary actions to transfer the property over.

Councilwoman Young asked if this needed to be a two-part motion or just a single motion saying we would transfer the property? Mr. Hinton replied that it should be three motions, ideally. First, that P125-5A, a parcel of roughly 9.6 acres be transferred from the City to the airport Authority; that 114 +/- acres purchased through the Airpark be incorporated so that exhibit B could be updated to reflect all acreage; and that the interlocal agreement be updated for a five-year period.

Motion was made by Councilman Chris Ruffieux that property P125-5A be transferred from the City to Airport Authority; that 114 +/- acres of aviation airpark be extended and exhibit B be updated; and the interlocal agreement be renewed for a five-year period. The motion was seconded by Councilwoman Jeannie Young.

Mayor Pro Tem Walton asked if this would affect the City's aviation account at all? Mr. Hinton said it will eventually when they make the City whole by paying back the account, but it does not do anything at this point. Mayor Pro Tem Walton asked Councilman Caudle, as the representative on the board if he was satisfied with what was happening. Councilman Caudle said that he was; this was just a clean-up measure, and we weren't really getting rid of anything so to speak.

Mayor Parker asked if the property was Elizabeth City and Pasquotank or just Elizabeth City. Mr. Hinton responded that there was some under both entities, but what was being referenced here was just under Elizabeth City's name.

Councilman Caudle explained the idea here was if a business was to go out there, they would buy a parcel of land. Eventually all that land will be sold off and built on, at least that's the idea behind this, and then we're in a position to get grants to finish improvements and what not.

Mr. Hinton said that's correct, except for one minor point about selling. He explained that we would never sell the property, we'd only do a long-term lease, but everything else was as Councilman Caudle had clarified.

Being no further discussion, Mayor Parker called for a vote on the motion on the floor.

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

c. Discussion – Finance “Officer” Roles;

Interim Manager Clark advised the Council that in his discussions with the LGC, one of the things they talked about was the finance “officer.” He said the Council had not officially appointed a finance officer and it was critical based on statute to appoint a finance “officer” instead of just a director.

Motion was made by Councilwoman Jeannie Young to appoint the Interim City Manager as finance officer and the Deputy Finance Director as assistant finance officer. The motion was seconded by Councilman Chris Ruffieux.

Councilman Horton said listening to the conversation, he understood that it wasn't that Mr. Clark wanted to be the officer, it was just that statute said we needed that language, was that correct? Mr. Clark confirmed that was correct, and was just an appointment that had to be done by the body. Councilman Horton said he understood.

Councilman Ruffieux said we have a fiduciary responsibility to execute this, is that correct? Mr. Clark said that was correct.

Councilman Spence asked if this was giving the assistant finance director a dual role. Mr. Clark said it was not giving her a dual role. Councilman Spence said he wanted to be clear before we move forward with putting someone in a position. He said, “She's the assistant finance director now; this won't take that from her, correct?” Mr. Clark said that's correct.

Mayor Pro Tem Walton asked how are we handling this at this time. Mr. Clark replied we are handling it in violation of the statute. Mr. Clark said he is on the checks right now and not technically the finance "officer."

Mayor Parker asked how long we've been out of correctness. Mr. Clark said probably a few years, but the LGC just recently brought it to his attention.

Councilman Ruffieux verified that what is being offered is just to get us into compliance. Mr. Clark confirmed that it was.

Mayor Pro Tem Walton asked if there had to be two signatures on the checks. Mr. Clark said yes, the mayor had to be one and there needed to be another.

Mayor Parker said she was glad it was noted that the mayor's name was on all checks that went out, but the ones who made sure we were in compliance were the finance officers, such as Mr. Clark and Ms. Steward. They just needed to be designated as "officers." She called for a vote for the motion on the floor.

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

d. Consideration – City Auditor;

Interim City Manager Clark advised that the City currently has an audit contract with a firm that has not be efficient. Last year's audit was extremely late and this year's audit has barely begun. Greg Isley identified some of the shortcomings of the firm, and things have not gone well with the things we've asked them to do. Mr. Clark said he was recommending we terminate the contract with Thompson, Price, Scott, Adams and Co., and hire PBMares for the next three years. He noted that they would be able to start work very soon.

Mayor Pro Tem Walton said he was on the fence on this issue. An engagement team is all the people that should be engaged in the conversation and the management team are the people that should be given the information. We've never given them all the information. We haven't reconciled things. We haven't done our job. He said he talked to the county and they use the same firm. They have a \$60 million budget and they've never had these problems. Camden also uses the same firm. They only charge us \$18,000 and they charge the county \$20,000. We make our own problems and now we're talking about paying someone \$50,000. The point is, the county pays \$23,000 with no problem and a \$60 million budget. You just don't spend money because it's there. We have a salary savings of whatever and that's where we're going to pay it from, but we want to go three times higher?" He asked if we had even reconciled the books for 2021 yet. Mr. Clark said that was complete. Mayor Pro Tem Walton said he'd asked for invoices today and only got one thing. Mr. Clark said he believed he'd received multiple documents. Mayor Pro Tem Walton said he didn't know what everyone else got, but he only got one document with seven pages. He asked how do we expect the auditor to do anything when we're submitting things like this? He opined that we need to get our management team together first before we start firing and hiring. He said this is not a good fit.

Motion was made by Councilwoman Jeannie Young to terminate the current contract with Thompson, Price, Scott, Adams and Co., and hire PBMares to continue with the City's audit. The motion was seconded by Councilman Billy Caudle.

Caudle noted that this company was recommended by our CPA.

Councilman Ruffieux asked about the three-year period. Mr. Clark said typically, audit firms are engaged for a three-year period. Councilman Ruffieux asked if they come in and we aren't happy, do we have an out? Mr. Clark said this was a much more thorough audit than the "cut and paste" that Thompson had been doing.

Councilman Horton asked about the contract with the original firm. He asked if we have a contract. Mr. Clark said we did and that's what we were asking to terminate. Their audit being so late is how we ended up on the watch list. It wasn't all their fault, but they certainly contributed to it. Councilman Horton said in terms of hiring the new firm, the old firm went

through a bid process. He asked if other firms were considered. Mr. Clark said no, all the others are doing “canned audits” that are damaging our credit ratings. Councilman Horton asked if there a statute that says we have to put out for bid for an audit. Mr. Clark said there was not, not for these professional services.

Councilman Spence said he didn't think Mr. Clark had answered Councilman Ruffieux's question. He asked if there was an out if we were not satisfied with this firm. Mr. Clark said he believed that we could get out by mutual consent. Spence said if we weren't satisfied the first year, can we get out? Spence said he agreed the last people were not great, but he wanted to make sure that it was in the contract because he did not want to get hung up with them if their work was not up to par. Clark said he didn't know that there was a significant amount of difference there, but he did see that there was an out that would allow termination of the contract.

Spence said he would like to amend the motion to note that if we were not satisfied with their work, we would terminate the contract.

Mayor Parker asked if Councilwoman Young would like to accept the friendly amendment. Councilwoman Young said she thought we were overthinking this. “This is what we're doing right now. If their work performance is not up to par, of course we can break it and do what we're doing right now.” She said she was sure those stipulations would be in any contract.

Councilman Spence said he was fine as long as wording to that effect was in the contract. He was just concerned because Mr. Clark said “I'm sure it is” which was not a definite answer. He did not want us to get stuck in something we could not get out of. Mr. Clark said he was satisfied it was in there, but he suggested that the exact wording be put it in the motion for coverage. Councilman Spence said that's all he wanted; he was fine with that.

Councilwoman Young agreed to amend her original motion to reflect the wording “if the performance is not satisfactory after the first year, the contract will be terminated.”

Mayor Pro Tem Walton said he thought we needed to be careful because we're doing a lot of future projects. “We're doing things that have consequences. The interim city manager will only be here two more weeks. He's bringing things to the table. These people are going to charge \$32,000 more than the other people. Y'all say that's all right. I don't know what y'all say. But if our management team don't give nobody the information, they're not going to be able to put out a good audit.” He asked who was doing the audit now. Mr. Clark said Ms. Steward was doing it. Mayor Pro Tem Walton opined that we should give her brownie points because she was not treated the way that she should be. He said he didn't like paying this much more when surrounding counties and cities were fine with the company and it seems like we're trying to blame for everything. He continued, “We're spending money like drunk sailors just because it's brought up. It's already been blessed. We've got to start doing a better job.”

Councilman Ruffieux said he objected to being referred to as a drunk sailor. “That's ridiculous. We're talking about bringing in a high-end firm to audit our books at a time when our books are in dire need of good health and guidance. The reference is ridiculous.”

Mayor Pro Tem Walton said if you don't give the information, you can't look for somebody to make the books right. “When Rich Olson left, the books were messed up. The books were messed up. The 2019-2020 audit was messed up. We brought it another manager and promoted a person to the finance director position. She left and the records were messed up, but we wanted the firm to correct mistakes but we were not able to support it. It's not registering that the county has a \$60 million budget and they don't have these problems because their management team is doing what they're supposed to do.”

Councilwoman Young called for the question, which was seconded by Councilman Ruffieux. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Young, Horton and Caudle. Against: Walton. Motion carried.

Mayor Parker asked for the Council's vote on the original motion, which was to terminate the current contract with auditing firm Thompson, Price and Scott, LLC, and hire PBMares as the City's new auditing firm for a one-year trial period.

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

e. Discussion – Wastewater Capacity

Interim Manager Clark noted that during the last two Council meetings, the Council had received presentations from outside firms regarding I&I and capacity. He said he'd learned that the Council had also received additional presentations prior to his tenure as interim city manager during the last two years. He recommended that the Council take the allocation from the Coronavirus Recovery Fund and resolve some of our issues by authorizing McGill and Associates to address the City's capacity issue, develop a plan for I&I or other needs as we see fit and then apply for \$15 million recovery grant. He continued, "I've confirmed that you've done nothing but study and study and study and it's time to do some action. You have funds here to do this ... and it's not getting any better."

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to hire McGill and Associates.

Councilman Spence said he read the presented memo and it mentioned that the previous Public Utilities director did a study. He asked if it was like the one the engineers presented recently or was it a study for a specific project? Mr. Clark replied that it was like what the Council had just received, as was one by JMT on I&I, which was presented by Assistant Public Utilities Director Ryan Howard during a prior Council retreat. Councilman Spence said he remembered the former Public Utilities Director's study and thought he recalled it being on just six or seven specific issues, but he wanted to make sure it wasn't an overall master plan. Mr. Clark said he was familiar with the study performed by former Director Boone and the one by JMT, but neither of them talked about the overall plan itself, though they all included reviews of the system. He mentioned that his goal was to get someone to put all the pieces together and move on them.

Mayor Parker cautioned against mentioning former employees by name. She asked that we refer to employees by their titles only, if possible, in order to stay out of the personnel realm.

Mayor Pro Tem Walton said we have heard presentations before and the more we hear about it, the more it sinks in. He said he felt that good questions were asked, although some councilors were not present. He added, "The more we hear of it, the better off we're going to be, but I don't think we need to go and throw out money. Hurry up and wait. We can get the funding very soon, correct?" Mr. Clark said we have part of this money in hand, and we have \$2.6 million coming in the summer. Mayor Pro Tem Walton said we can get the money, but we've got years to worry about spending it, so why are we rushing things?" He reminded the Council that a former city manager had wanted to spend \$5 million, but the majority of Council hadn't gone along with it, so we had saved that \$5 million. He continued, "Hurry up. Get an engagement team. If we can get \$15 or \$20 million, the county can get \$20 million. If we talk to each other, that's a lot of millions, and prioritize what we're going to do, but we don't talk to each other. Twenty years up the road, we'll be saying we should have. We should have."

He said he felt that WithersRavenel had a pretty good presentation and it was \$900,000 to do a mapping of the whole city. He felt that the mapping would be crucial in the years to come. 'I remember asking the city manager back when about our infrastructure and he said we'd never fixed it and we had to piece it together a pipe at a time. Right now, we're talking about doing about five different locations. It's a lot of work that needs to be done in this city dealing with infrastructure, but mapping the city will be very important for us in 20 years from now and then you won't be digging up holes with nothing there trying to find a pipe that's leaking ... We need to really slow down and talk to each other. County, City, Airport Authority, hospital, ECSU. All these people need to be at the table, and should be a priority for all of us. We need to see where our priorities lie ... We need an engagement group, not just a group to come in and give a presentation. You can't rush a project like that, but that's what we do."

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

f. Discussion – Roanoke Avenue (As Added by Councilman Brooks);

Mayor Parker recognized Councilman Brooks for his comments. Councilman Brooks said, “I put this on the agenda with purpose. I will never get over a three-year-old baby being murdered. This needs to be pushed because we have a problem that’s not being taken care of. Roanoke Avenue is a main artery. The execution of Andrew Brown and the triple murder were off of Roanoke. It’s not a bad street, but bad things are happening here. I’ve repeated over and over that a bad crowd hanging around. If you clean up the area, that’s one step but it doesn’t go to the root of the problem. Two dilapidated homes have been torn down and it looks good out there. I’m sure no one is going to go stand in empty lots. Off the streets in Roanoke, we have cameras. To have shootings as frequently as we’re having them ... my goal is to have the city manager look into drug and gun-free signs. See if we can’t make the consequences for these actions dire. We can’t sit back and wait until it happens and then talk about how bad it is. When I say talk about drug free school zone signs because you have P.W. Moore Elementary School, the Social Services building. We don’t need people firing weapons at random. Let them know we are serious about cleaning up the City.”

He continued, “I had an appointment in VA and my doctor asked me what in the world is going on in EC? We can’t keep bashing our city. We can’t talk down on our city if we’re ever going to improve our image. Let’s talk about what we have going in our favor and not what’s negative. I’m still debating on what I should do with the election. I’m an activist, not a politician. Maybe it hit me in a spot where it didn’t hit some people, but I will never get over a three-year-old baby getting murdered. Then you had an 18-year-old and a 39-year old. It doesn’t make sense. We have to deter that. I brought up a scenario but it falls on deaf ears. What do you do?”

Councilman Brooks requested that Mr. Clark look into the drug-free school zone signs. He noted, “I did do some of my homework on some of it. The Gun-Free School Zone Act kept people from possessing a firearm in a school zone, but the Supreme Court shot it down and it was reinstated by Congress. We have to come together.” He reiterated that Roanoke Avenue is a main artery and all of these murders are happening right down the street from an elementary school. He said, “If one of our own kids are murdered or shot, then we’ll want to talk about how bad it is. If I have to get off Council to deal with it, that’s what I’ll do. I’m not playing politics with baby’s lives. You expect things like that to happen in a big town, but not in a town this size. A triple murder? I wanted to go to the PD and see how many shootings we’ve had in the last year. It is mind-blowing, but we are steady trying to tear each other down and pour salt in the part we haven’t gotten right yet. We come to Council and it’s the same thing over and over again.” He said that he believed everyone on Council had something to contribute, which was why each of them had been elected.

He continued, “Over the weekend, I’ve been toiling with this. I haven’t said anything, but I get the chance to speak my piece like everyone else. I read articles about the incident and how newscasters did their twist on it. Some called the baby a child, some called her a female, all these names to try to lessen what happened. She was a baby. Hadn’t even started school and we act like it’s nothing and we sit back and fight each other. It looks like war out there. We’re not even talking about middle and high school, it’s our babies. I’m not going to let people pull our city down talking about how bad our Council is. That’s why we can’t get qualified candidates to come here.” He reiterated his request to Mr. Clark to look into the signs, and noted that it might not stop those who do the bad things, but it might result in a stiffer sentence when they were caught.

g. Discussion – Facebook Suspension (As Added by Councilman Brooks);

Mayor Parker recognized Councilman Brooks for his comments. Councilman Brooks said, “I’m not on Facebook but I have faithful voters and those who know where I stand who are on Facebook and they send me wording and what pertains to me in a negative and harassing form. Facebook has policies and procedures. Facebook can suspend someone that violates those procedures. You can’t just say what you want to say without any repercussions. I don’t have time to deal with foolishness myself, but it’s been coming to me so much this weekend, I need to address it. Facebook accounts can be suspended for a variety of reasons, some of which are common sense, some are company policies. Accounts can be suspended for a set period of time or indefinitely. When it comes to photos, Facebook users often tag other users in the photos. If you tag someone without their consent, it violates terms and your account can be suspended. Horton, myself and Adkins were tagged by someone once and we know it. That

could have gotten someone sued, suspended and all that stuff. It's not even worth my time to deal with ignorance and stupidity, but I have no problem doing it. Facebook prohibits you from using the site to harass, bully or intimidate someone else. I want to focus on harass. When you write something on Facebook that can be considered harassment, well, I'm going to have to deal with that. The penalties can be both misdemeanors and felonies. I went in this direction because my name was on someone's Facebook, Linwood Gallop. He wrote that the City declined to employ two African American qualified candidates."

Councilman Brooks read the Facebook post made by Mr. Gallop. Councilman Brooks continued, "This was done in closed session. How did he get something that was in closed session? This is in closed session. He wasn't here. It's closed session. Somebody on this Council told him this, no matter how inaccurate it is and I am going to dissect it. First of all, the ladies and qualified and all that is rhetoric. These ladies might be at a job now and trying to get another job now and here you are putting their business on the street. It is stupidity. It wasn't an action against anybody. The city is the one who determines who is qualified as a city manager. We determine what is in the city's best interest. The agreement we did with Developmental Associates didn't say we had to pay again. This is a blatant lie. The contract said if the person we hired didn't last a year, they had to do the process again for free. So whoever told them this, told them a lie or they regurgitated something that they thought sounded good. Keep it up, I'll sue you for libel. More disturbing, you have someone on Council who talked about closed session information outside of closed session. That's sad. This is bringing down Elizabeth City with bad and false information and we're supposed to be all right with that. They can be taken out of Facebook, suspended from Facebook, and that's what I think needs to be done. We have to address this. We can't keep kicking the can down the road and think it will be all right. Facebook suspension is real. This is not all right. I hope they're all streaming this. Soul Catching News did the same thing. You mention my name and I'll do the same thing. They mentioned my name and now I can mention their name.

Mayor Parker encouraged Councilman Brooks to tread carefully with calling individuals by their names in his comments.

Councilman Brooks said, "I am a licensed and ordained minister and they can say things about me that are detrimental to my ministry and I will sue them for that. You aren't man enough to come and say that before my face. We have a triple murder and you're trying to bring down Council members and I mean it. It's stupid. I'm trying to keep my head on straight and this is ridiculous."

Mayor Parker said when we talk in terms of Facebook suspension, we should not necessarily use this as a venue to discuss individuals. Councilman Brooks said he did it here because they will not come to him. Councilwoman Young opined that the Mayor should pass the gavel if she wanted to enter the conversation at hand. Mayor Parker replied that Councilwoman Young had not been recognized and deemed her out of order. She said that it wasn't up to Councilwoman Young to determine whether she was trying to enter a debate or not. She said she knew when to pass the gavel.

Councilman Ruffieux said he believed she was entering the debate and needed to pass the gavel.

Mayor Pro Tem Walton said he did not believe the Mayor was debating, but simply trying to direct the conversation.

Councilman Brooks said he normally would not mention names, but they had used his name personally on both Facebook and in video and a good name was more than to be desired in riches. He said this was troubling stupidity.

Mayor Parker said she was simply cautioning about using names, and not just towards Councilman Brooks, but to the Council as a whole.

Councilwoman Young said the part that frightened her about the whole situation was that it was highly confidential and it should not have gone outside of the closed session. It had been happening a lot lately, beginning with Mr. Freeman. Two Councilor's names had been written in the legal write-up as spreading confidential information. She urged the Council to stop divulging closed session information, as it put the City at a liability. She said she didn't

understand how they had some of this information. They had not met the candidates, so if the general public now knows their race and ethnicity, that's very interesting. She noted that she'd never laid eyes on the candidates, so how in would they know their ethnicity? She cautioned the Council about going out and giving information, particularly only part of the information, which allowed people to add untruths. She said the Council's job is not to give out highly confidential information, which was one of the first things Developmental Associates warned them against. She said, "I don't know if they don't understand the information they've been given or they were given incorrect information, but I don't appreciate it."

Mayor Parker passed the gavel. She said it didn't start with the Freeman closed session, and that's why she often asked the Council not to use their mobile devices in closed session. She thought there were one or two councilors who still continued to use their devices, which meant they could be texting, they could be doing anything. She said a previous manager had told some information outside of a closed session, which was the first time she recalled information getting out, and that manager said they were called racist and everything else that went on in that session, and now we have to have a police officer outside. She cautioned the councilors to keep the closed session information there. She said it's a hard way to decipher when to say something or when not to say something. She noted that closed session means closed, but this did not just begin now, but it doesn't matter when it began because it isn't good.

Councilman Brooks said he wasn't saying when it began, but he knew Freeman's attorney had it documented who called him and gave him the information. He agreed that it's probably being happening ever since Council existed, but that was the first time he'd seen it in print and that's the part they're being faced with now. He added, "They told us exactly who divulged closed session information."

Councilman Caudle said that although this was a good-spirited discussion, he asked everyone to be mindful of the time as we did have several closed sessions tonight.

Mayor Parker thanked Councilman Caudle for being level-headed and bringing us back together.

Councilman Brooks said that was important business too. Councilman Caudle said he agreed that it was as well. Councilman Brooks said he wasn't going to keep coming to meetings and talk about the same stupid stuff and not address the things that needed to be addressed. He said, "If you have to go because it's getting too lengthy, go, but don't cut anybody off."

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

Mayor Parker recognized Interim City Manager Clark for his comments. Mr. Clark advised that the County approved joining the Community Relations Commission to the Human Relations Commission and renaming it as the Human Relations Commission because it would help with funding at the state level. Councilwoman Young asked if we needed to vote at our level. Mr. Clark replied that he believed that we did to officially enact the change.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Darius Horton to change the name of the Community Relations Commission to the Human Relations Commission. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

Mr. Clark said he also wanted to provide a very brief update on the armory lease. He'd spoken with the County Manager, who has offered it on a month-to-month lease to us. He said he expected that we will be provided with a lease for the next agenda for approval. He noted that due to some changes, the Boys and Girls Club will not be going into this location, so this lease will just be for basic upkeep and holding.

Councilman Spence had no additional comments.

Councilman Ruffieux had no additional comments.

Councilman Brooks said he'd forgotten to mention the baby's name in his earlier comments and wanted to make sure he did. He reiterated that some articles had called her a child, a three-year-old, a female and some had simply said she was a girl. She's a three-year-old baby, and her name was Allura Pledger.

Councilman Caudle had no further comments.

Councilman Horton had no further comments.

Councilwoman Young shared her sympathies for the baby's loss with Councilman Brooks and hoped we can stop the violence in our City.

Mayor Pro Tem Walton said he'd had too much love today to let it go but he was going to try to make it through the night.

Mayor Parker gave a brief update on the pandemic, including tools effective for slowing the spread of COVID-19.

Motion to enter closed session, as allowed by NCGS 143-318.11(a)(6) for discussion of various personnel matters was made by Councilman Billy Caudle, 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.

Mayor Parker announced the time was 9:04 p.m. and that there would be a brief recess to allow the media stream to be brought down before entering closed session.

7. Closed Session – As Allowed by NCGS 143-318.11(a)(6) for Discussion of Various Personnel Matters

8. Meeting Recessed:

The Council returned to open session at 10:12 p.m.

Motion was made by Councilman Darius Horton to recess the current meeting until Monday, February 21st at 5:30 p.m., 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.

The meeting was recessed until 5:30 p.m. on Monday, February 21, 2022 at 10:14 p.m.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

