

**City Council Regular Session
February 28, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, February 28, 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
Public Utilities Director Dwan Bell
Assistant Public Utilities Director Ryan Howell
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 gave the invocation after which everyone joined for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Councilwoman Young requested that a discussion on the mask mandate be added to the regular agenda. Mayor Pro Tem Walton requested four additions to the regular agenda including opening meetings; imbalance of power on Council; hiring processes; and closed session activities. Councilman Brooks requested a discussion on prayer during meetings. Councilman Spence asked for a conversation regarding the topic of the homeless shelter be added. Councilman Brooks also asked to have Roanoke Avenue added to the regular agenda.

1 Motion to approve the agenda with the requested adjustments was made by Councilman Darius Horton, seconded by Councilman Kem Spence. 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. Presentations:

a. Employee Retirement – Thurlis Jackson

Mayor Parker read the inscription on the plaque prepared for Mr. Jackson's retirement from the Elizabeth City Police Department.

b. Employee Retirement – Olivia Jordan

Mayor Parker read the inscription on the plaque prepared for Mrs. Jordan's retirement from the Elizabeth City Purchasing Department. She thanked both retirees for their service and noted that staff would coordinate delivery of the plaques to each of them.

4. Comments from the Public:

Mayor Parker inquired of the Clerk whether there were any persons present who wished to speak before the Council. The Clerk indicated there were three in-person speakers this evening. The Mayor asked that the first be called to the podium to address the Council.

Dawn White – 1699 Weeksville Road, Elizabeth City, NC – Ms. White greeted the Council and said she'd come forward this evening because she was a single mother of a 13-year old who was a student in our town, and safety was a great concern for both herself and her child. She said her biggest concern was when she first moved here and discovered that sex offenders were living within a 10-mile radius of several schools in our area. She later found that there are also a few homeless sex offenders with no listed address in our county. Ms. White said she ensures that her daughter studies the list because she wants her to be aware of what's going on so she can be safe. She often worries about drugs and guns, as well as increased sexual abuse occurring much too close to our schools.

Deshawn Morris – 207 East Burgess Street Apt #C, Elizabeth City, NC – Mr. Morris advised that he was present to bring documentation regarding his company, Soul Catching News, so the Council will be aware that they are operating as a legal news outlet. He noted that within the documentation, the Council would see that they did not require any organization in Elizabeth City, such as the Chamber of Commerce or the Council to give them permission to legally operate in North Carolina. Mr. Morris said he was also here because there have been threats made against them, and while they will not name the councilman who did so out of respect, they will advise that as a news outlet and the Council as public officials, their actions will be recorded and will be known to the citizens and the world abroad. "You as a public official should know, legally binding by the rights that we have in front of us right now, anything that you do, have done, anything that is made public, we can go and look, we can go and investigate, we can bring it up. We will bring it up. Our job as a news outlet is to ensure that the people know fully everything that is going in their city and who is working for them in their city. This is not us asking for your permission to agree with that; this is us telling you whether you agree with that or not, you will abide by the legal standards or we will abide by the legal standards by holding you accountable ... It is our hope that the City Councilmembers will get this through their heads as quick as possible because as a news outlet, we have been able to go out on the streets, we have been able to talk to the citizens here in Elizabeth City, North Carolina. We've been able to bridge the gap when it comes to the citizens voicing their opinions and giving you guys the option to be able to listen to the citizens and what their concerns may be. This is also a wakeup call that if are doing improper things, this is your chance to change those things. We're also giving you a chance to talk to the people because to our recollection and to a lot of the people that watch Soul Catching News, a lot of the people do not know you. A lot of people are out of tune with a lot of the things that you claim that you are working for when it comes to the city." He said their goal was to work with City Council, ECPD and the Sheriff's Department, and that their work spoke for itself. He encouraged the Council to watch how his organization had been talking to the youth and fighting against gun violence, and helping the homeless and the community. He reiterated that he was not asking for the Council's permission to do that because they are going to do it regardless. He concluded, "What we are asking you guys to do is be mindful that while you have an opinion, and while you do have a life, you are public officials and we are going to hold you accountable."

Linwood Gallop – 604 Cardwell Street, Elizabeth City, NC - Mr. Gallop stated that he was present due to what he believed were unlawful practices concerning the hiring of an interim city manager. "I want to be clear. What we would like is a constitutional republic. That is how our country is designed to be; that is what we hope for; that is what we keep striving for. The manner in which we got rid of our former city manager and to interrupt the employment process of two qualified women

who were black violated their due process rights. We would have hoped that you would at least brought them in to interview them before determining their release instead of interrupting that process. Then at the end, you give a contract to an interim white male who didn't even apply for the job. That's discriminatory all day long. We have hit the streets for about a year protesting for our rights to get the City and County to slow down and listen to us. We are not wrong on these issues." He asked the Council to slow down and reconsider their actions. He requested that they come to the table and talk to them to work things out instead of moving so quickly.

5. Public Hearing:

a. Hold a Public Hearing – Petition to Close Portion of Ward Street as Submitted by American Metal Transfer;

Community Development Director Kellen Long distributed a survey to the Council in reference to the public hearing at hand. She explained that last fall, the City was contacted by Kim Hamby on behalf of American Metal Transfer regarding a street closing for a portion of Ward Street formerly known as Morgan Street. The portion of the street in question is unused and serves little purpose. In order to close a street or alleyway, the City must comply with several stipulations, include adopting a preliminary resolution of intent at least five weeks before the public hearing, posting two signs on the street in question and notifying any adjacent property owners by certified mail with a copy of the preliminary resolution. She noted that after the public hearing, the Council should adopt the final order to proceed with closing the street, which will then be filed with the Register of Deeds.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers who wished to be heard. Upon the Clerk's reply that there were no speakers, Mayor Parker declared the public hearing closed.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Michael Brooks to adopt the street closing order to close the described portion of Ward Street located between Norfolk & Southern Railroad and Gregory Street. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

RESOLUTION #2022-02-03 STREET CLOSING ORDER FOR PORTION OF WARD STREET (FORMERLY MORGAN STREET)

WHEREAS, on the 24th day of January 2022, the City Council of the City of Elizabeth City directed the City Clerk to publish a Preliminary Resolution to consider closing a portion of Ward Street, located between Norfolk & Southern Railroad and Gregory Street, in The Daily Advance once each week for four successive weeks, such resolution advising the public that a public hearing would be conducted in the City Council Chambers of the Municipal Administration Building on February 28, 2022 at 7:00 p.m.; and

WHEREAS, on the 24th day of January 2022, the City Council ordered the City Clerk to notify all persons owning property abutting that portion of Ward, between Norfolk & Southern Railroad and Gregory Street as shown on the attached survey, by registered or certified mail, enclosing with such notification a copy of the Preliminary Resolution, Public Notice, and survey; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Preliminary Resolution and Public Notice and advising the abutting property owners that the question as to closing that portion of Ward Street, located between Norfolk & Southern Railroad and Gregory Street would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street as required by NCGS 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on February 28, 2022; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to said property;

NOW, THEREFORE, subject to the reservation of easements to the City of Elizabeth City for utility purposes as shown on a map recorded in Book of Maps in the office of the Pasquotank County Register of Deeds, the portion of Ward street lying between Norfolk & Southern Railroad and Gregory Street is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaim to the abutting property owners in accordance with the provisions of NCGS 160A-299.

The Mayor and City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Elizabeth City for utility purposes) in accordance with the provision of NCGS 160A-299(c),

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Pasquotank County a certified copy of this resolution and order.

ADOPTED, this the 28th day of February 2022.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

⁴ **6. Approval of Minutes:**

a. January 24, 2022 – Work Session;

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

b. January 24, 2022 – Regular Session;

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

c. February 14, 2022 – Regular Session;

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

7. 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 601 Shepard Street;**
- b. Consideration – Declare 705 Hunter Street as Surplus;**

**Resolution # 2022 –2-04
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: 892305078603 and Map 17-C-65 and having a physical address of 705 Hunter Street; and

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

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Harbor Presbyterian Church 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: 892305078603 and Map 17-C-65, located at 705 Hunter Street is hereby declared surplus to the needs of the City of Elizabeth City; and

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

ADOPTED, this the 28th day of February 2022.

Bettie J. Parker
Mayor

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April D. Onley
City Clerk, NCCMC

- c. Consideration – Declare 822 Price Street as Surplus;**

**Resolution # 2022 –2-05
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: 892309150044 and Map 22-L-20 and having a physical address of 822 Price 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 \$1,750 received from Mitchell Ramseur 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: 892309150044 and Map 22-L-20, located at 822 Price 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 \$1,750.

ADOPTED, this the 28th day of February 2022.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

d. Consideration – Adopt Resolution for Amendment to EDC Bylaws;

**RESOLUTION #2022-2-05
AMENDING THE ARTICLES OF ORGANIZATION AND BY-LAWS OF
THE ELIZABETH CITY-PASQUOTANK COUNTY
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the City of Elizabeth City (hereinafter referred to as “City”) and the County of Pasquotank (hereinafter referred to as “County”) by identical resolutions adopted May 3, 1976, amended by identical resolutions adopted on March 29, 1989, July 1, 1999, July 1, 2000, July 1, 2001, January 28, 2004, June 22, 2005, September 28, 2005, April 9, 2007, July 22, 2009, September 23, 2009, January 27, 2010, January 25, 2012, and April 29, 2013, created the Elizabeth City-Pasquotank County Industrial Park Commission, subsequently named the Elizabeth City-Pasquotank County Economic Development Commission; subsequently named the Albemarle Economic Development Commission, and now named the Elizabeth City-Pasquotank County Economic Development Commission (“EDC”); and

WHEREAS, to continue cooperative economic development efforts, the City finds it in the public’s interest and welfare to amend the EDC Articles of Organization and By-Laws as requested by the EDC Board of Directors.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City by the adoption and enactment of this resolution, that the Articles of Organization and By-Laws of the Elizabeth City-Pasquotank County Economic Development Commission shall be amended as indicated by the following “add-delete format” changes:

SECTION I:

Articles of Organization and By-Laws for the Elizabeth City-Pasquotank County Economic Development Commission

WHEREAS, the City of Elizabeth City (hereinafter referred to as “City”) and the County of Pasquotank (hereinafter referred to as “County”) by identical resolutions adopted May 3, 1976, amended by identical resolutions adopted on March 29, 1989, July 1, 1999, July 1, 2000, July 1, 2001, January 28, 2004, June 22, 2005, September 28, 2005, April 9, 2007, July 22, 2009, September 23, 2009, January 27, 2010, January 25, 2012, April 29, 2013, ~~and~~ further amended by identical resolution of the City adopted on the 9th day of May, 2016 and by the County adopted on the 16th day of May, 2016, and further amended by identical resolution of the City adopted on the 10th day of December, 2018 and by the County adopted on the 17th day of December, 2018, **and further amended by identical resolution of the City adopted on the 28th day of February 2022 and by the County adopted on the 7th day of March 2022** created the Elizabeth City-Pasquotank County Industrial Park Commission, subsequently named the Elizabeth City-Pasquotank County Economic Development Commission, (“EDC”); subsequently named the Albemarle Economic Development Commission, and now named the Elizabeth City- Pasquotank County Economic Development Commission, *and*

NOW THEREFORE, BE IT RESOLVED by the participating County and City which are as follows—City Council for the City of Elizabeth City, North Carolina, Board of Commissioners for Pasquotank County, North Carolina, in separate sessions duly convened, by the adoption and enactment of this resolution, amend the Articles of Organization and By-Laws for the Elizabeth City-Pasquotank County Economic Development Commission as follows:

ARTICLE I

Name

The name of this organization shall be Elizabeth City-Pasquotank County Economic Development Commission, hereinafter referred to as the Commission.

ARTICLE II

Geographic District

The geographic boundaries include all participating governmental bodies in this Commission.

ARTICLE III

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Purpose and Objectives

Section 1. The purpose of this Commission is to assist the County and City served by the Commission.

Section 2. The Commission is to establish a framework for federal, state and local efforts to provide the basic resources needed to develop facilities and programs essential to promote economic growth. The Commission is to develop, operate, and coordinate these programs and activities to enhance economic growth within the area served by the Commission and to address the special needs incident to each entity.

Section 3. Specific objectives of the Commission are, but not limited to:

- a. The fostering of growth---planned, diversified, and controlled---within the area served by the Commission.
- b. The promotion of activities aimed at providing quality land development, job opportunities, and an ever-increasing tax base throughout the area served by the Commission.
- c. The designing and implementation of programs to stimulate continued growth and prosperity of the existing business and industry community.
- d. The promotion of an improved general economic situation, by whatever means or measures are available, in order to insure the well-being of the area served by the Commission.

ARTICLE IV

Offices

The Commission shall maintain its principal office in Elizabeth City and offices at such other places as the Commission may from time to time determine or the business of the Commission may require.

ARTICLE V

Membership

Section 1. The Commission membership shall be comprised of no more than **twenty-one (21)** members. Of the Commission, there will be nine (9) voting members and no more than **twelve (12)** non-voting members.

Of the nine (9) voting members of the Commission, three (3) members shall be appointed by resolution from the members of the Board of Commissioners of Pasquotank County; three (3) members shall be appointed by resolution from members of the

municipality of Elizabeth City; and three (3) shall be non-elected members from the general population of Elizabeth City/Pasquotank County.

Of the three members from the general population, one (1) shall be Chairman of the Elizabeth City Area Committee of 100, and two (2) shall be nominated by a committee appointed by the Chairman and comprised of one (1) City Councilor, one (1) County Commissioner, and one (1) board member representing the general population. At least one of the committee's nominees shall be the owner or senior executive of an organization ranked among the area's top non-retail employers. The terms shall be for one (1) year and may be reappointed for three (3) consecutive terms. The committee's nominations shall be subject to the approval of the full Elizabeth City-Pasquotank Economic Development Commission board.

Of the **twelve (12)** non-voting Ex-Officio members, one (1) shall be President, Elizabeth City Area Chamber of Commerce; two (2) shall be Commanding Officers, U.S. Coast Guard Base in Elizabeth City; one (1) shall be Mayor, City of Elizabeth City, if not already appointed to a term on the Board as a voting member; one (1) shall be Chairman, Pasquotank County Board of Commissioners, if not already appointed to a term on the Board as a voting member; one (1) shall be President, Sentara Albemarle Medical Center; one (1) shall be President, College of The Albemarle; one (1) shall be Chancellor, Elizabeth City State University; one (1) shall be Executive Director, Elizabeth City Downtown, Inc.; and one (1) shall be Director, Elizabeth City Area Convention & Visitors Bureau, and one shall be Superintendent, Elizabeth City-Pasquotank County Public School System; **and one (1) shall be the Manager of the Elizabeth City Regional Airport.** In the event that an ex-officio member cannot attend a meeting, he or she may send a representative from their respective organization in their stead.

Section 2. The six (6) voting members of the Commission appointed by Pasquotank County and Elizabeth City shall be appointed by appropriate separate resolutions of each governing board.

Members so appointed shall be designated for a term of two (2) years to serve at the pleasure of the current Boards of County Commissioners or City Council. In no event shall a Commission member serve beyond their term of office as County Commissioner, member of Council, or Mayor in the event the Commission member ceases to hold one (1) of those elected positions.

Section 3. The term of the elected Commission members shall be insofar as practicable on an alternating basis, between City and County, insuring an appointment or reappointment each year. Such appointment shall be made known prior to the annual meeting held in January, and the members shall assume office at this meeting.

Section 4. The Elizabeth City-Pasquotank County Economic Development Commission shall have available a roster of the current qualified Commission members, as well as their terms of office and who they represent.

ARTICLE VI

The Commission and the Commission Officers

Section 1. The Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer, all of whom shall be elected by the voting members of the Commission. The Commission Chairman and Vice-Chairman shall be chosen from the elected members appointed by the County of Pasquotank and the City of Elizabeth City to the Commission.

Section 2. The officers shall be elected at the regular meeting of the Commission in January of each year, which meeting shall also be the annual meeting of the Commission.

Section 3. All officers shall be elected for a one (1) year term and assume office at the annual meeting. Officers may be elected to succeed themselves or be elected to any other office, but may not exceed two (2) consecutive terms in any position. The offices of Chairman and Vice Chairman shall alternate every two (2) years between the elected members representing the City of Elizabeth City and County of Pasquotank. The two (2) year alternate cycle shall begin January 2004 whereby the office of Chairman shall be held by the County and the office of Vice-Chairman shall be held by the City.

Section 4. Vacancies in any office, vacancies of any member, or vacancies arising from any cause, may be filled by the voting members of the Commission at any regular or special meeting.

Section 5. In addition to the Commission officers above named, an Economic Developer (Developer) may be employed upon the affirmative vote of six voting Commission members. The Economic Developer shall conduct the business and activities of the Commission in strict compliance with the rules and policies adopted by the said Commission. In the absence of a Developer, the Chairman shall assume such duties.

Section 6. The Commission members shall be responsible for establishing the number of members on the staff and employees and their identity in accordance with the general and specific terms and conditions of any grants received as well as any policies established by the Commission. All employees of the EC-PCEDC shall be at-will employees.

Section 7. The voting members of the Commission membership shall serve as a personnel committee. The committee shall be responsible for formulation of personnel policies.

ARTICLE VII

The Duties of Officers

Section 1. The duties of the Chairman of the Commission are as follows:

- a. To appoint such committees as may be appropriate in the discharge of the Commission's functions. The Bylaws, Personnel, Finance, Legislative and Marketing Committees shall contain representation from the Counties and Cities. Other Committees as may be appropriate in the discharge of the Commission's functions shall be chaired by a voting member of the Commission.
- b. To promulgate and publish such orders and directives as will promote the purposes of the Commission, providing the same are first approved by the voting members of the Commission.
- c. To authorize the disbursement of funds in conformance with established policies of the Commission and in compliance with the general and special terms and conditions of any grant offers and such other agreements as may be entered into. To perform such other duties as the Commission has approved and that will promote the purposes of the Commission of which are required by the Commission.
- d. To preside at all meetings of the Commission.
- e. The Commission Chairman shall be the chief officer of the Commission. The Chairman shall function directly under the overall supervision of the full Commission.

Section 2. The Vice-Chairman of the Commission shall perform the duties of the Chairman in his/her absence.

Section 3. The Secretary-Treasurer shall perform as follows:

- a. To verify and authenticate the records of meetings of the Commission.
- b. To function as the accountable officer for all property and equipment owned or leased or contracted for by the Commission.
- c. To act as custodian of all funds of the Commission and function as the Commission Treasurer.
- d. To authorize the disbursement of funds in conformity with the budget and establish policies of the Commission and in compliance with the general and special terms and conditions of any grant offer and in compliance with the general and special terms and conditions of any Commission policies and such other agreements as may be entered into.
- e. To perform such other duties as shall be assigned by the Commission.

Section 4. The Economic Developer shall function at the direction of the EC- PCEDC Board. He/She shall be directly responsible for the following:

- a. The implementation of administrative policies and procedures concerning the staff and staff functions as established by the Commission. Maintain the necessary records to satisfy the Commission requirements, and those of such other agencies as may be involved.
- b. Appropriate records shall be maintained of all property and equipment purchased as authorized by the Commission.
- c. The discharge of functional and operational requirements as set forth by the Commission.
- d. The establishment of liaisons with the agencies of the local, state and federal governments and allies. This will include the necessary reports, requests, and studies which may be required in the normal conduct of business.
- e. Maintain appropriate fiscal and financial records as required by the Commission and other authorities for a period as designated in the general and special terms and conditions of the grant and in accordance with the laws of the State of North Carolina.

Section 5. Each officer who shall have authority to receive or disburse the funds of the Commission shall be bonded in an amount which will satisfy the requirements of the granting agency or agencies and comply with the laws of the State of North Carolina.

Section 6. The Commission shall carry out such functions as the Commission may be authorized or directed to perform by the participating Counties and Cities.

ARTICLE VIII

Compensation

The Commission shall establish the pay scale for all staff employees. The actual compensation of all staff members together with all expenditures of funds shall be itemized and presented to the Commission monthly and all expenditures shall be in conformity with an approved budget allocation and all checks countersigned by an approved officer of the Commission.

ARTICLE IX

Conflict of Interest

The Board members understand and acknowledge that the Elizabeth City-Pasquotank County Economic Development Commission reviews highly sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the County and City. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plants and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

The Board members acknowledge and agree that the giving of this service, because of the varied interest and backgrounds of the governing commission members, may result in situations involving a dual interest that might be interpreted as conflict of interest. This agreement specifically includes that:

1. Any duality of interest or possible conflict of interest on the part of any governing Commission member should be disclosed to the other members of the Commission and made a matter of record when the interest becomes a matter of Commission action.
2. Any governing Commission member having a duality of interest or possible conflict of interest on any matter should not vote or use his personal influence on the matter. The Minutes of the meeting should reflect that a disclosure was made and the abstention from voting.
3. The foregoing requirements should not be construed as preventing the governing Commission member from answering pertinent questions of other Commission members since his knowledge may be of assistance.

ARTICLE X

Confidentiality Agreement

The EC-PCEDC Board members understand and acknowledge that the members of the economic development team assembled to do the work of the Elizabeth City-Pasquotank County Economic Development Commission review sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the City and County. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plans and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

Through their signatures, the undersigned acknowledge and agree that the privacy of businesses or industries assisted by the Elizabeth City-Pasquotank County Economic Development Commission should be strictly maintained. This agreement specifically includes that:

1. Information learned through the Economic Development Commission meeting and/or by doing business for the County and City the EC-PCEDC represents is confidential, and may not be shared outside the meeting, except as specified by the Economic Development Commission or its Executive Director;
2. Information may only be shared by an Economic Development Commission member with the member's appointing entity on a need-to-know basis regarding a current client or activities to recruit the location or expansion of business and industry in the city and county;
3. If Economic Development Commission members keep personal notes or files which contain confidential information, such notes are protected by confidentiality rules and must be safeguarded.

ARTICLE XI

Meetings

Section 1. The annual meeting of the Commission shall be held in such places designated by the Commission.

Section 2. Regular meetings of the Commission shall be held monthly or as otherwise directed by the Chair.

Section 3. Special meetings may be called by the Chairman or by any two (2) voting Commission members at any time or place, provided that notice is given in accordance with North Carolina's Open Meeting laws.

Section 4. A Commission quorum shall consist of five (5) voting members present.

Section 5. At Commission meetings, each of the voting Commission members present shall have one (1) vote and all Commission actions shall be by majority vote, except any actions dealing with the sale, acquisition, leasing or auctioning of real estate, or the expenditure of funds in excess of \$5,000.00, shall require an affirmative vote of six (6) voting members present.

Section 6. Any vacancy shall be filled by the same authority that appointed the person initially, and all vacancies shall be filled within thirty (30) days after they occur.

Section 7. Upon a Commission member reaching three absences, the Commission will notify the appointing Governmental Authority.

ARTICLE XII

Budgets

Section 1. The Commission shall prepare an annual budget for presentation to the County of Pasquotank and the City of Elizabeth City for approval, and then submitted to such other organizations as may be appropriate. Any appropriation by or requests to the County of Pasquotank and the City of Elizabeth City shall be in amounts proportioned among them on an equal basis. This is to say that the County of Pasquotank and City of Elizabeth City shall each contribute equal funds to the Commission and shall own all assets and be liable for all liabilities on the same ratio. It is specifically understood that if either the County of Pasquotank or City of Elizabeth City, in its own separate name, shall receive a grant, bequeath, or gift, for the purpose set forth in these articles and such sum is turned over to the Commission, then the ownership of such fund thereafter shall be on the same equal basis if allowable by the granting agency.

Section 2. The annual budget shall show proposed cash outlays for all operating expenses and capital equipment and improvements. Each item of expenditure shall be justified and explained in appropriate detail. Such budget shall also show any equipment and facilities provided in kind. A breakdown of the source of funds shall indicate amounts to be appropriated by the Counties and City, amount to be provided in kind and the amount to be obtained from Federal or State grants.

Section 3. The beginning fiscal year for this Commission shall be July 1st of each year.

ARTICLE XIII

Funding of Commission Activities

If at any time the Commission shall receive funds derived from the sale, lease or optioning of any parcel or parcels of real estate purchased by the County of Pasquotank and City of Elizabeth City for or on behalf of the Commission then the said funds so received, after deducting the expenses of sale, shall be returned on an equal basis to the County of Pasquotank and to the City of Elizabeth City until such time as all funds which have been contributed by the said County of Pasquotank or City of Elizabeth City are returned to them and the Commission is operating on its own funds or funds derived from the sale, lease or optioning of real estate, or on State or Federal grants which the Commission has received in its own right.

ARTICLE XIV

These By-Laws may be amended only by the participating Counties and Cities of which are presently the following: Board of County Commissioners of the County of Pasquotank, and the City Council of the City of Elizabeth City by joint or separate identical resolution.

ARTICLE XV

This resolution becomes effective **March 7, 2022**.

ARTICLE XVI

These By-Laws are adopted pursuant to Chapter 158 of the North Carolina General Statutes and the said Commission derived its authority from the said Chapter 158 and all things inconsistent therewith are deemed stricken and modified herein.

ADOPTED the **28th day of February 2022** by the City Council for the City of Elizabeth City, North Carolina

ATTEST:

April Onley
City Clerk

Bettie Parker, Mayor
City of Elizabeth City, North Carolina

(SEAL)

ADOPTED the **7th day of March 2022** by the Board of Commissioners for Pasquotank County, North Carolina.

ATTEST:

Lynn Scott
Clerk to the Board

Lloyd Griffin, III
Chairman
Pasquotank County Board of Commissioners Pasquotank
County, North Carolina

(SEAL)

ADOPTED this the 28th day of February 2022

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

e. Consideration – Adopt Budget Amendment for Providence Road Bridge;

BUDGET AMENDMENT

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

Section I: That the General Fund Providence Rd Bridge (10-5700-7314) will be increased by \$45,490.97.

That the General Fund DOT reimbursement – Providence Rd Bridge (10-3490-1000) will be increased by \$45,490.97.

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

ADOPTED, this 28th day of February, 2022.

Bettie J. Parker
Mayor

Attest:

April Onley, NCCMC
City Clerk

f. Consideration – Adopt Budget Amendment for Parks and Recreation;

BUDGET AMENDMENT

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

Section I: That the General Fund Albemarle Community Trust Grant (10-3490-6217) will be increased by \$1,500.00.

That the General Fund Organized Programs (10-6200-2300) will be increased by \$1,500.00.

(To increase budgeted General Fund revenue to add Flag Football equipment to the organized programs within the Parks & Recreation Department.)

ADOPTED, this 28th day of February, 2022.

Bettie J. Parker
Mayor

Attest:

April Onley, NCCMC
City Clerk

- g. Consideration – Authorization to Submit Application to Golden LEAF for Additional Funding;**
- h. Consideration – Call for a Public Hearing – Parks and Recreation Fee Schedule Adjustments;**
- i. Consideration – Armory Lease;**

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

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux 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.

8. Regular Agenda:

a. Any Item Pulled from the Consent Agenda

No items were pulled from the Consent Agenda.

b. Presentation – Coast Guard Marathon;

Visit Elizabeth City Executive Director Corrina Ruffieux was recognized for her comments. Mrs. Ruffieux said she was here at the behest of Mayor Pro Tem Walton, who had requested an update on the upcoming marathon be provided to the Council. She said that as of this afternoon, 371 people were running the full marathon, 580 were doing the half, and about 700 participating in the 5K. She emphasized that those numerous were runners and not spectators. Parking maps had been created, which she strongly encouraged people to check out. She noted that there would be plenty of parking, some of which would require a pass for volunteers and staff. The Coast Guard Health and Fitness Expo will be held on March 3rd, and the marathons and 5K will be on March 4th and 5th. The expo will be at the K.E. White Center, all of which is free and open to the public. On March 4th, the 5K will begin, and should be completed within an hour. For the period of time that we have 700 runners in the historic district, those roads will be closed. On the 5th, the half-marathon will begin at 7:30 in the morning. There will be water, food and medical stops. She explained that the full marathon runs concurrently with the half-marathon and starts at 7:30 a.m. as well. For the full marathon, there will be 12 aid stations, four medical tents and two food stops. She advised that there was a new page on the website built specifically to advise about the road closures. The longest closure is in front of Waterfront Park, which starts Thursday evening and goes two-and-a-half days. She said there will be very little road closure on the 5th, but what there is will be what's called "rolling closures." Almost 1,000 runners will take off down Riverside Avenue. The roads will be closed while runners are on them, but will re-open once they are off. She thanked the excellent support team they'd had to work with throughout. She advised that on both March 4th and 5th there will be a brief starting ceremony at Waterfront Park, which opens at 6:00 a.m. People will need to line up at 7:00, and the opening ceremony will begin at 7:15. Wheelchair racers will go off first and the rest at 7:30. She played a video greeting from Senator Thom Tillis praising the Coast Guard marathon and sending well-wishes to Elizabeth City for the event. Mrs. Ruffieux added that

there will also be a post-race celebration in Waterfront Park following the race, which is free and open to the public. Events will be happening all day long, including a jazz band, search and rescue demonstration, and other Coast Guard static displays. As of today, they still need about 20 more volunteers for medical stations, water stations, etc. She encouraged people to get out and cheer for the runners too. Cowbells are available for \$5 and the EC-PC school system children have made signs that they're giving away at the Health and Fitness Expo to hold up for the runners. There's also a spaghetti dinner and fish fry. She reiterated her thanks to everyone who helped pull this together, including Green Saves Green for cleaning up the entire race route, the school systems, the ECPD, sheriffs, and more.

Mayor Pro Tem Walton thanked Corrina for providing the presentation. Mayor Parker said she was glad she came this evening because she felt it would help get more people out to cheer for the runners because there were still a few people who didn't know it was happening. She said 20 more people was such a small number and she hoped that by having this presentation tonight, we'd get even more than that.

c. Consideration – Re-Appointment to the Historic Preservation Commission (By Motion and Roll Call Vote) – Blair Jackson;

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to re-appointment Blair Jackson to the Historic Preservation Commission. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

d. Consideration – Re-Appointment to the Historic Preservation Commission (By Motion and Roll Call Vote) – Rick Boyd;

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to re-appointment Blair Jackson to the Historic Preservation Commission. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

e. Discussion – Mask Mandate (As Added During Agenda Adjustments By Councilwoman Young);

Mayor Parker recognized Councilwoman Young for her comments. Councilwoman Young said she wanted to add to this item to the agenda for discussion because the Governor has mentioned lifting mandates on March 7th, and she'd like the Council to consider making masks optional at that time as well.

Councilman Brooks asked if we lifted the mandate, would the public be able to attend meetings again? Mayor Pro Tem Walton said he thought we'd have to discuss it. Councilman Brooks said if you feel like it's a health risk for you, we probably need to go around the dais and get everyone's opinion. Councilman Horton said he was personally pro-masks especially with the line of work that he was in. He said he took COVID very seriously, but he respected people having the right to choose. He noted that he believed the public should be allowed to attend the meetings again, but said if we're going to open them to the public, we need to continue with requiring masks. He said if it was just a few councilors in the room, perhaps they could remove them, but if they're going to be in a confined room with others, he did not feel comfortable being in a small room with people not wearing a mask. He continued, "If we open it up, then we've got a capacity and people coming with no masks, I think is a problem. I'm in favor of them coming, but they need to wear a mask then. Let them come, but they need a mask."

Councilwoman Young said she was going to suggest if we did away with the masks that we still stayed practiced social distancing of at least six feet for now, so that way people with health issues would feel comfortable and safe, and still be far enough apart that we'd have some security.

Councilman Caudle asked if we were just talking about masks for Council meetings or was this a decision for all city buildings? Councilwoman Young said whatever they wanted to do at this

time, she was fine with. Interim City Manager Clark noted that we have a sign on the door of our buildings at this time that says masks are required for entry. Councilman Caudle asked what sort of rules we were following now. Mayor Parker said as of right now, each individual business or unit of government could make their own decisions as to whether or not they wanted to require masks. Councilman Caudle said he agreed with Councilman Horton that we should open up, but we should be very cautious. Councilwoman Young asked if we should just allow for a small portion of the room for visitors to occupy for now. Councilman Ruffieux said he had the same question, and wondered if that's something we should look into. He added that he was on board that if we did open our meetings back up, we should require masks to those who wished to gain entry.

Mayor Pro Tem Walton said other meetings have opened and he didn't see why we shouldn't do so as well. He noted that with the current spacing, the councilors are already six feet apart. He said he felt the Council should continue wearing masks during meetings if we were going to ask the public to wear them, as he didn't feel it would be right to not wear one but ask everyone else to wear one. He said we should do what we ask them to do.

Councilman Spence said he also felt we should keep the masks and let people in, but make sure to adhere to the social distancing rules. We could let however many could fit safely, and that will be how many could come in.

Councilman Caudle said we could probably tighten things up a little and make some room and keep it six feet apart and still be safe.

Motion was made by Councilman Billy Caudle to open Council meetings to the public and require masks at meetings. The motion was seconded by Councilman Kem Spence.

Councilwoman Young asked if we're keeping the mask mandates for our other buildings in place, particularly since we'd been getting some complaints with the Senior Center mandate. Mayor Parker noted that decision was up the manager. Councilwoman Young said she was fine with that. Councilman Brooks clarified that when we open up, we'll still be staying six feet apart, so we'll have to restructure the room a bit to get the capacity right. He said he felt that it was a good thing to let the public come in if they wanted to, especially with them not being able to view Channel 11. He asked if the department heads needed to come and sit here during the meetings like they used to because that would cut down on available room for the public. Mr. Clark replied that we don't need every department head to come to every meeting. He said he intended to can keep them only coming like they are right now, where the department head only had to appear if they have an item they need to present.

Mayor Parker noted they still have the option of watching it through the link. Mr. Clark said that was correct and he also noted that we did a review the complete agenda the next morning as an update for all departments.

Councilman Billy Caudle amended his motion to reflect that the meetings would open on March 14th. The amendment was accepted by Councilman Kem Spence.

Having no further discussion, Mayor Parker asked the Council's pleasure on the amended motion.

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

f. Discussion – Opening Meetings (As Added During Agenda Adjustments By Mayor Pro Tem Walton);

Mayor Pro Tem Walton said that the previous discussion had satisfied this topic and he had nothing further to add, so we could move forward.

g. Discussion – Imbalance of Power (As Added During Agenda Adjustments by Mayor Pro Tem Walton);

Mayor Parker recognized Mayor Pro Tem Walton for his comments. Mayor Pro Tem Walton said one of the last times we were here, we discussed the election and it has become more relevant because we are at a dangerous moment in history, and we must stand up and fight for equality. He pointed out that in Texas, they don't want you to be able to vote in May, and voting is a big deal. "When you lose one vote on Council, that's a big deal. When you can eight people to vote and only seven vote or only five vote, and they're doing that because the eighth person is not there, that's not fair to many people. I'm surprised people came to the defense of not having equal representation. Equal representation is important all around the world ... If we don't have equality, somebody is going to miss out." He noted that on October 4th, one of the councilmembers resigned, and the Council will have been underrepresented 150 days as of March 4th. He expressed concern that some said there was nothing wrong with being underrepresented for that long. "If your mindset is saying that's okay, you don't believe in equality, the vote doesn't mean anything to you, what they're doing in Texas is alright, what they're doing in Russia is alright, something is wrong with that mindset. We need to look at things a little bit different."

h. Hiring Process (As Added During Agenda Adjustments by Mayor Pro Tem Walton);

Mayor Pro Tem Walton said that the Council started off with a hiring process that all jurisdictions use, and in the middle of the process it was suspended so we really don't know what's going to be next. When you put out an RFP, that's what you try to go by. He noted that we said we were going to use a firm, and that firm has been around for a while and done professional things, which is what they do for a living, and we said we didn't know that these women were black. He continued, "If you use the name 'Kim' or 'Kimberly' ... Kim could be either one or the other, but if you say Kimberly, it's a female. If you say Chris, it could be either/or. Mike, a male. Bettie, a female. Jeannie, female. Darius, a male. Johnnie, either/or. Billy, either/or. So, we just can't say we didn't know who these women were because one of them came to the same meeting that we hired the acting city manager. If we were paying attention, we would know who that woman was, but we said we didn't know that lady. That's not true."

He read a portion of the RFP issued by the City, which detailed some of the requirements for a potential city manager, as well as the process for submitting an application. He noted, "We got in the middle of the process and shut it down. That's not right." He read some of the required qualifications, including a bachelor's degree, five to seven years' professional experience in municipal government experience as an assistant city manager or city manager. "This didn't say you couldn't be a black female. It didn't say you had to be a person that's a friend to somebody else that's on the staff. It didn't say that." He asked what ICMA credentials were. Mr. Clark replied they were city manager credentials through an organization that had to be updated every year.

Mayor Pro Tem Walton continued reading from the RFP requirements. He said he never saw a profile of Mr. Hicks or met him. "I know you guys met him the other night because during the meeting on the 21st, he shows up. So, when people are invited, they already know they got the position. But I don't know anything about him. I just know he's a friend of the city manager. When we go through a process, we need to complete the process. Like the young man came up earlier and said. That was not good, that was not good at all. We can do better than that. I hope the next time these type of situations come up, we won't do the same thing."

Councilman Spence said he agreed with Mayor Pro Tem Walton's comments. "I know when the two final candidates were taken out of the equation, I was out with my father's death. Do I feel like that was fair? Absolutely not. I think they should have at least been given the opportunity to finish the process. If they had narrowed it down to them two, and them two interviewed and they were not good enough, then I understand saying no. But one of them was one of the ones that interviewed for the interim and we already knew how good she was because several councilors said they liked her that night, but they didn't like something else that happened and we all know what happened. So, to say she wasn't qualified, I disagree because most of the Council had already said she was qualified and they liked her, they just didn't like something she'd done. So, I think we've got to practice that fundamental fairness." He noted that he did not know the new interim city manager, but he'd heard about the hiring beforehand. He added, "It's done now, we can't change it, but I want to go on notice that I don't agree with the way that the new interim city manager was hired because he did not go through the hiring process. I just don't think that was fair. The last we talked, we were just supposed to

talk to him and get feedback from him and now he's hired." He encouraged the Council to practice better business in the future.

i. Closed Session Activities (As Added During Agenda Adjustments by Mayor Pro Tem Walton);

Mayor Pro Tem Walton the definition of a quorum, which is the minimum number of attendees required to be present before an official meeting can take place. He said this afternoon, the mayor only had three other councilors here and she couldn't open the meeting until we had an additional person showed up to make quorum. He explained that if you don't have a quorum, you can't participate in official business. He noted that business transacted in the absence of a quorum is null and void, and members who vote on motions at meetings without a quorum can, at times, be held personally liable for their actions. He opined that, "Whatever we felt we did, it was an illegal action." He said that he did watch the meeting in question on Channel 11. "Ya'll did a good job of doing what you were told to do. City Attorney was here, so I'm sure everything was orchestrated the way it should be done, and ya'll did a good young. Councilperson was a chairperson for the night and there was a second. You went through all of the right legal things but you can't hire nobody and there's not a quorum. You can't give a person a contract without a quorum." He asked the City Attorney for his opinion on his comments.

City Attorney Morgan said that there absolutely must be a quorum for an official meeting of the Council to take place and for official business to be conducted; however, he noted that since the meeting conducted was a recessed meeting, it technically held that everyone who was present at the first meeting and voted to recess the meeting to that particular time and place was still present when the recessed meeting resumed. Mayor Pro Tem Walton said he felt there still should have been five people for a quorum. "We've been going on a whole lot of actions that weren't made for closed sessions. Closed sessions you're only supposed to deal with three different things. We're all over the place. We don't even name what we're going to talk about in closed session. When we get in closed session, it's a surprise." He said he did not feel that we should have to get into a closed session and then find out that the attorney has an issue that we need to talk about. He noted that we recently did have an issue that the labor attorney brought forward that he was qualified to talk about it, which was related to personnel and the Council needed to be made aware. He said something like that is a valid closed session item, but then the interim city manager coming in and trying to tell us who's going to be the next city manager isn't. He said he felt that's probably why one councilor said us doing things like that make it look like a conspiracy, which led another councilor to suggest the 21st date. "There's no right time to do the wrong thing. I don't care when you did it. There's no right time to do it." He expressed concern that we're giving the new interim city manager so much when Camden wouldn't give him anything. "Why are we giving him so much? Let's set him up in a bed and breakfast. Man, we know how that person is. She ain't fair for Elizabeth City. She was so bad that the previous city manager barred her from city offices and people around her. She devised everything. But we decide to hire somebody just because we can do it." He added, "You did all the procedures just perfect, but it wasn't perfect because it wasn't legal."

Councilman Brooks said he wanted to make sure the public knew that those running for Council should be well acquainted with Bell's Rules of Order and the Robert's Rules of Order, which the City Council voted to abide by. "At the last meeting, we had a quorum. The meeting before that anyway, we had a quorum. The rules state, regardless of what's being said, that we did not adjourn the meeting. A motion was made that we recessed. Recess is not an adjournment. That means that we still had a quorum. That means at the next meeting, a quorum was still present. Those that said they could make it at 5:30 and couldn't for whatever reason were considered present because we didn't adjourn that meeting; it was a recess. That's what the Bell's Rules and the Robert's Rules say. Go back and read the them yourself. Those that didn't attend that meeting were considered there and their vote was considered a yes vote. Those are the rules. The reason I'm saying this so emphatically is the fact that don't run for Council, and don't know the rules, don't read the Charter, don't know the ordinance. Those that's running now, don't run because you're mad because of something. Read the Charter, read the ordinance, read the rules, so you'll know what you're abiding by. There was nothing illegal about the last meeting. I don't appreciate doing what you were told to do because I was here and I read what the rules said. This is what the rules said and I don't like to be tied up with some kind of conspiracy because you going by the rules. It wasn't a conspiracy. It was based on the rules that this Council voted to abide by. Now, if you don't want to abide by Bell's Rules

or Robert's Rules, let's make a vote and do it accordingly through the democratic process. The democratic process is the majority, so whether it's 5-3, 6-2, 7-1. Even if there's a full Council, I guess if you're on the losing end, then it's a conspiracy. We have to be plain and clear. This kind of thing is what really frustrates me sometimes after six terms and 36 years out there on the streets."

Mayor Pro Tem Walton said he had to rebuttal that because Councilman Brooks was calling the numbers and he kept counting to eight but we only have seven. He asked how did he get eight out of that? He inquired how can you get eight out of five and two, four and three? "Yeah, you were one of those four that were here. Everybody knew that you were going to be here. Clarence Thomas is on the Supreme Court of the land but he votes certain ways. Clarence Thomas, how long has he been a Justice? Ain't nothing changed in America. When four people show up and carry on business that nine people are supposed to take care of, you're short-handed. You're only doing it because you can. Self-motivated, and that's what that is. I don't care how you look at it. You can look at Bell, Robert's Rules or anything. If you're not present, you're absent. If you don't have five, it's not a quorum. I don't care how you look at it.

Councilman Brooks said, "It's not a matter of eight. I know we don't have eight people. It's the same thing if it was four-three, five-two or six-one. That's seven if you want to count it like that. I am disgusted with you trying to compare me with Clarence Thomas."

Mayor Pro Tem Walton said he did not compare him to Clarence Thomas.

Councilman Brooks said he felt that he did.

Mayor Parker called for order.

Councilman Brooks said, "I have the floor and you need to get Mayor Pro Tem in order. I didn't interrupt him."

Mayor Parker requested that the councilors not address one another.

Councilman Brooks replied, "No, because he addressed me directly and you didn't address that and now when I address him, you want to address me. We're not going to play that game, Madam Mayor. When he addressed me as Clarence Thomas, you didn't say anything, but when I addressed him, then all of a sudden, we're going to have things in order."

Mayor Parker again called for order.

Councilman Brooks continued, "Let me go back to what I was saying because I have the floor. Four-three is seven, five-two is seven and six-one is seven. I'm not listening to you because you're out of order, Mayor. Point of order on you, Mayor. No, you sit there and listen at what he said and you know what he's referring to and I addressed it. You didn't address him, I addressed it, and then all of a sudden, you want to address me." He said he had gotten out what he needed to say, but if there was another rebuttal, he would address that as well.

Mayor Parker said what it's become now is an argument. Councilman Brooks said he did not believe it was an argument. He noted that Mayor Pro Tem Walton said he wanted to offer a rebuttal, which was fine, and he'd addressed it. He said if he addressed it again, he would raise his hand and address it again as well.

Mayor Parker said it's tit for tat at this point. Councilman Brooks offered that it was not tit for tat; he was trying to explain what the rules said and was then indirectly compared to Clarence Thomas. He said, "I'm not listening to that tonight. I'm not going to have that personal attack and you let it continue to go. Just like I said, his hand is up, if he attacks me, I'm going to go back and do the same thing and you can't deny me if you give him a chance to talk."

Mayor Parker said I did not address the comment "because the assumption was made and the assumption was made around probably not just you, but we're not going on assumptions because assumptions are not facts." She suggested that we move onto the next item at this time. Mayor Pro Tem Walton asked if the Clerk could read back exactly what he said from a few moments prior. The Clerk asked what in specific he'd like read back. Mayor Pro Tem

Walton said he'd like to hear his comment about Clarence Thomas. The Clerk noted that she was taking shorthand and had not yet fleshed out the official minutes, but right now she had "Clarence Thomas is on the Supreme Court of the land, but he votes certain ways. Nothing has changed in America."

Mayor Parker asked if that was satisfactory to move on now. Councilman Brooks indicated that the Clerk said what she'd read back was shorthand and not what would appear in the full minutes. Mayor Parker said the audio of the meetings were also being recorded and we could go back and listen if necessary.

j. Prayer (As Added During Agenda Adjustments by Councilman Brooks);

Councilman Brooks said he tried hard not to get into the stern tone of voice he'd just gotten to because he wanted to help repair our image. "We need to have an image that says Elizabeth City is getting on the right track." He gave a background on the history of prayer on Council, which was a fight he'd had alone until Councilman Horton came onto the board, for which he thanked him.

He said he felt that we're a good city in a great location. The temperature is not that bad. We're as close as you can get to living in a resort area without actually living there. He said he was so happy and proud about the marathon, as it was going to bring all kinds of elements here and show that we're not as bad as some of the actions that Council sometimes shows. "We are better than this. You have to know the history between me and Mayor Pro Tem. We were the dynamic are better than this. You have to know the history between me and Mayor Pro Tem. We have a long history. We were like the dynamic duo. You couldn't break us apart. Something happened. There's nothing I wouldn't do if Mayor Pro Tem came to me for anything, because I'm still on prayer, there's nothing I wouldn't do for this man or anybody else on Council. That's how important prayer is. I pray for Mayor Pro Tem and I hope he prays for me also. That's just how it is. You can't go forward without prayer. We've got to pray and be sincere about our prayers." He said he just wanted to make sure everyone knew the reason they'd wanted the pastors here was because they could invoke blessings and get involved.

Councilman Spence said he didn't have a problem with bringing pastors or anyone in to pray. He noted that if it would calm things down, we could certainly bring them in, but he didn't want to eliminate councilors praying. The pastors coming in stopped a long time ago, although he didn't know why. He said if there's an issue, he wanted to work it out.

Mayor Pro Tem Walton said he wasn't sure what the conversation was about. He pointed out that Mayor Parker prayed earlier and he thought it was a good prayer. He remembered a preacher coming in with another citizen about the land off the third ward and Councilman Brooks had cursed the land, and they asked Councilman Brooks to take the curse off the land. "The devil comes in a whole lot of different ways and the devil knows how to pray. The devil knows just as much about God as we do or more. Anybody can pray. It's according to how sincere you are, if it's coming from the heart. If it's coming from the head, you're still putting yourself in it. If you're putting yourself in anything, it doesn't work out right. The first appeared when Eve said, 'Hey, nothing will happen to you if you bite this apple.' It's been sin all these years. Yeah, we were tight just like Cain and Abel. They were brothers, but you know what came out of that deal. That wasn't good either and that was way back in time. You get relationships and you hope they grow. Sometimes they do and sometimes they don't." He said he enjoyed the Mayor's prayer and he felt that God was agreeing with it. He opined that if there's two of us saying the same thing and agreeing upon it, God is there. He said he believed God is in Elizabeth City and he'll help us solve our issues.

Councilman Horton said he ran on the platform of making sure that prayer was involved in Council because they had taken prayer out and moved to a moment of reflection. In the process of bringing prayer back, there was a court battle happening too. He said if his memory served, the reason we stopped allowing ministers to come was because they'd also have to allow people of all sorts of religions to come. He said an atheist even came and just stood there and then walked out. He said councilors started again because if they invited one person, they had to invite everyone and it opened a door they didn't necessary want to open.

Mr. Morgan said any person of any religion would have to be allowed to prayer and some of the councilors did not want to open that door. Councilman Horton said he thought it would be

wonderful to bring people in sometimes and he agreed that we needed prayer, but he did understand that we'd have to let anyone of any religion come in. He noted we could have some snakes in Chambers and we'd have to allow it because we can't stop someone or tell them how they should invoke God and feel his presence.

Councilman Brooks said he remembered it vividly. He noted the order that came down was you couldn't promote one religion against another. He said an atheist doesn't believe in god, and the one who came before Council wasn't silent; he talked. He said he'd just started talking about anything from his recollection, but we didn't stop it because of that. He remembered that we had a list of pastors who wanted to come and pray. He said he remembered the conversation about the land Mayor Pro Tem Walton was referencing, which was Millbrooke. He said the people at Millbrooke had come to him and that was a battle on and on about whether to put apartments back there. "At the end of the day what I said was until you do right by the people at Millbrooke, I curse the land. Nothing you do over here is going to prosper until you do right by the people of Millbrooke. It must have been effective." He added that he didn't bring prayer up to get into bible study. He'd only brought it up now to try to change the image of Elizabeth City. He thought they might help us be unified and have a better image.

Mayor Parker said when she became mayor she was told she could get volunteers from the Council or she could pray herself and she has had at least one member of Council come to her and say they did not wish to be called on to pray, which was fine. She noted that if the Council wanted to go through a process like what Councilman Brooks has mentioned, she was not against it, as she wasn't against anyone praying for the City.

Councilman Horton said he would prefer if we got the background information since it was a long discussion from quite some time ago, and maybe it could be discussed during the next meeting. He requested that Interim City Manager Clark find the old memorandums and maybe the minutes from the old meetings where the topic was discussed in order for the Council to make a more informed decision.

Mayor Parker requested a consensus on having Interim City Manager Clark compile the information for a future discussion. The Council unanimously agreed.

k. Homeless Shelter (As Added During Agenda Adjustments by Councilman Spence);

Councilman Spence pointed out that the Council has been talking about moving forward with a homeless shelter for years. He asked where are we on this and what are we going to do? He pointed out that at one point we put money aside for it, then we used it for something else. He said, "Homelessness is real. At what point will we stop discussing it and put something in place?" He noted the last time the topic had been brought up, they'd discussed finding somewhere to purchase for someone else to run, and there were two agencies that wanted to come and run a shelter. He said he definitely did not think the City needed to run it. He asked Mr. Clark if he knew who the two agencies were. Mr. Clark said he did not know. Councilman Spence said a man called him last week who wanted to run a homeless shelter and wanted to know how the City would help him. He said, "We are all blessed with a place to stay. Some people are homeless from their own doing or mental issues, but we can't overlook them because of that." He asked Councilman Horton if he remembered the name of the woman from Virginia who'd been interested in running a shelter in town. Councilman Horton said he thought her name was Lisa, but he did not remember her last name off the top of his head. Councilman Spence said the man who called him was Howard Williams and he was currently in Elizabeth City and ready to do something now. He advised Mr. Clark that he would give him his phone number and contact information.

Councilman Brooks said someone had approached him about getting a homeless shelter operational as well. He agreed that we needed to get something in place. He said he would talk to the gentleman who previously had the homeless shelter and ask what his vision was. Mayor Parker asked that he also share that information with Mr. Clark. She said she was all for doing something to help our homeless population.

l. Roanoke Avenue (As Added During Agenda Adjustments by Councilman Brooks);

Councilman Brooks thanked whoever was doing the good work in the Planning Department cleaning up Roanoke Avenue. He said the dilapidated structures at 105 and 201 have been torn down and it looks very good in the area. He said the police have also been doing foot patrol and people were calling and saying they were thankful that they took the time to go down there. "There's work being done and it's not going unnoticed. As a city and as a people in general, we are better than this and it's going to be proven." He commended the ECPD and the Planning Department for their work in the area. He said he understood that there are more areas in Elizabeth City than just Roanoke Avenue, but after everything that's happened there in the last six months, it's important to give it some attention.

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

Interim City Manager Clark said he had a few reports that he would be sharing about panhandlers and so on in the coming days. He advised that he will only be on site Monday and Tuesday the following week, and his last day is March 14th. Spectrum will be one of the items he'll be addressing before his exit. He explained the pole attachments and the fact that we were working to adjust the pole attachment rates. Mayor Parker said some seniors wanted to know if they would be able to see the meetings on Channel 11 soon. Mr. Clark said Director Simpson had spoken with Spectrum and they had gotten us some equipment and they were in the process of getting it upgraded. Mayor Parker said she thought they would be pleased to hear that. Mr. Clark noted the conversation raised some eyebrows and he'd met with representatives directly following it. He added that they have pretty much reached an accord and it looks like the City will be getting about one-and-a-half times the previous rate for pole attachments.

Councilman Spence thanked Darrell Felton for being so professional with removing the panhandler who had been somewhat rude and disgruntled. He said he'd made the call and Felton had it taken care of it within an hour. He also thanked Interim Chief James.

Councilman Ruffieux had no additional comments.

Councilman Brooks had no additional comments.

Councilman Caudle had no additional comments.

Councilman Horton had no additional comments.

Mayor Pro Tem Walton commended Mayor Parker for staying the course. He praised her consistency. He offered that when people stop being consistent, that's when you've got to worry. He urged her to continue doing what she's doing.

Mayor Parker thanked Mayor Pro Tem Walton for his comments and said she was pleased to hear that. She announced that the City and County received news that Hockmeyer will break ground on their facility expansion. The company's CEO said his company has been in EC for 38 years and has a special relationship with the people here. Their decision to expand was a way of saying thank you to our area. She advised that this year's in-person Coast Guard marathon is expected to attract about 1,700 runners and several thousand spectators. She thanked Corrina for the report and briefly reiterated some of the highlights. She also thanked Green Saves Green for sponsoring for the community-wide litter sweep in preparation for the marathon, and noted that turnout was impressive for a cold winter morning. She gave a reminder that people are still getting sick from COVID, and the best defense is getting vaccinated. ARHS offers appointments for Pfizer five years and older as well as Moderna and Johnson and Johnson for 18 and older. As today is the last day of Black History Month, she acknowledged many of our famous first African Americans, noting that there have been so many in our city and county that she could not possibly name them all.

Motion to adjourn the meeting was made by Councilwoman Jeannie Young, 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.

There being no further business to be discussed, the meeting was adjourned at 9:03 p.m.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Cler

DRAFT

