

**City Council Regular Session
January 10, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, January 10, 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
Mayor Pro Tem Johnnie Walton
Councilman Michael Brooks
Councilman Chris Ruffieux
Councilwoman Jeannie Young
Councilman Billy Caudle

MEMBERS ABSENT: Councilman Darius Horton
Councilman Kem Spence

OTHERS PRESENT: Interim City Manager Ralph Clark
City Attorney Bill Morgan
Electric Department Superintendent Jason Value
Police Captain Darrell Felton
Human Resources Director Montique McClary
Fire Chief Chris Carver
Community Development Director Kellen Long
Public Utilities Director Dwan Bell
Parks and Recreation Director Sean Clark
ECDI Director Debbie Malenfant
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 Billy Caudle 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.

Councilwoman Young requested the addition of a Closed Session for personnel with potential action to follow. Councilman Caudle noted that he also had a matter for personnel that he wished to discuss while in Closed Session, as did Mayor Pro Tem Walton.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Billy Caudle to approve the agenda as presented. Those voting in favor of the motion were: Spence, Walton, Brooks, Ruffieux, Young 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 that she had three comments that had been submitted via email and would read them into the record.

(Clerk's Notation – Emailed Comments Were Recorded in Full)

George Grills – 502 West Main Street, Elizabeth City, NC – “Adding Speed bumps on Main Street was intended to reduce speeding. I am neither for nor against adding speed bumps on Main Street. I am writing about the decision-making process which allowed the speed bumps to be added. The question I have for adding speed bumps is, “How do you know it is working?” No criteria for measuring the effectiveness of the addition of speed bumps on Main Street is available on the city’s website or any public record easily researched! The addition of speed bumps on Main Street is another example of Elizabeth City using makeshift or temporary solutions to address a problem without a root cause analysis. The traffic on Main Street has largely shifted to other streets and created new moving violations which have been ticketed on Main Street. The major contributing factors of speeding on Main Street were not fully reviewed nor understood. More importantly, what data or facts were used to indicated there was a problem, such as speeding tickets. Was the public, specifically those living on Main Street, properly informed of the addition of speed bumps?”

There are many examples of “band-aid” fixes in Elizabeth City. For example, curbs along Main Street. In front of my house, 502 W Main Street, the curb is only 1” high where other sections along the 400, 500 and 600 blocks of Main Street, curbs can measure several inches high to no non-existing. This height disparity is the result of many layers of asphalt added to the street to temporarily fix outdated and failing sewer, water mains, sink holes and deteriorating bricks. The City Government website clearly defines goals, roles and responsibilities for the Mayor, City Council and City Departments. What is not clearly defined is the city’s priority for projects and applicable root cause analysis. In a well-run city citizen are apprised of what their city government is doing at all time. With the number of major issues the city is facing, how did adding speed bumps on Main Street become a top priority?”

John Nettesheim – 1109 Cedar Street, Elizabeth City, NC – “I would like to know when the mask requirement for the city Council meetings will be dropped? As far as the public coming to speak. If you could please discuss this tonight and let the citizens know what the plan is.”

Rachel Stallings – 110 South Ashe Street, Elizabeth City, NC – “I wanted to follow up about my public comments at the December 13th meeting concerning the speed bumps on W Main St and W Church St. While I understand it was the holiday season with holiday closures, I am concerned that no one reached out to me with answers to my questions. Not even to say, we need to look into this and will get back to you asap. SO I ask again WHY are there 4 additional locations on W Main St and WHO approved them? This makes me feel that there is a lack of concern by Council and staff that these additional speed bumps were not only purchased, BUT installed without Council approval. If this instance doesn’t seem much of a concern to council, then as a tax payer in this City, this raises alarms to the management of taxpayer money. So yet again, I ask that my questions be answered; and that at minimum the 4 additional unapproved locations be removed. I have also emailed Mr Bell, the Public Utilities Director, today and requested copies of any and all Traffic

Studies, engineering reports, etc... that were conducted prior to the purchase and installation of the speed bumps on W Main St and W Church St. I haven't not received them yet, but it was early afternoon today, so I didn't expect to in time for this meeting. I understand it's Monday and is a busy day for everyone, but I will be following up with him if I do not receive a response in a timely manner. Thank you for your attention to this matter."

Councilman Caudle mentioned that he was getting several texts that citizens who were watching were having problems with the sound volume. The representative from Practical Computing confirmed that the audio was going out. Councilman Brooks noted that this was a problem that was ongoing and we should not be continuing to pay for a service that we were not receiving. Councilman Caudle pointed out that there was an update tonight about the service with Channel 11, so hopefully we'd get some updates in a bit. He added that he'd received an additional text that the audio seemed to be working now.

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 605 West Church Street;**
- b. Consideration – Accept Final Bid for 113 West Burgess Street;**
- c. Consideration – Accept Final Bid for 815 North Road Street;**
- d. Consideration – Approve Condemnation / Demolition of 707 Southern Avenue;**

ORDINANCE #2022-01-01 CONDEMNATION AND DEMOLITION

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **September 1, 2021 and a**

final on November 24, 2021 and the owner has failed to comply with said order or;

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

Section 1. The Building Inspector is hereby authorized and directed to place on the house at **707 Southern Ave (Map 26, Block D, Parcel #5 and Parcel I.D. 891312976435)** a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **September 1, 2021 and November 24, 2021** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon receipt of acceptable Title Search by the City Attorney.

ADOPTED, this 10th day of January 2022.

Bettie J. Parker
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

(End of Consent Agenda)

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

Motion was made by Councilman Billy Caudle, seconded by Councilman Chris Ruffieux to approve the Consent Agenda. Those voting in favor of the motion were: Ruffieux, Brooks, Walton, Young 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 / Discussion - WithersRavenel;

Director Bell said that tonight we'd have a presentation from WithersRavenel, which was the first of a two-part presentation by engineers regarding water and sewer. He explained that WithersRavenel were here to help us figure out how our sewer systems were performing and how can Elizabeth City best prepare ourselves for the future. He advised they looked at the available data, much of which was very rough. From a model building standpoint, there was limited data to work with so they had to start at the beginning and work closely with Public Works to compile the information. They looked at sewer sheds, which neighborhoods are supposed to drain where, how it's supposed to get where it's supposed to get. They also looked at the various types of pipe materials. The pump station evaluation only looked into pump stations that moved 100,000 gallons of water or more a day. He explained that a sewer shed consists of all the different basins in our city and where it flows. Defining the sewer sheds was the first step in their process. The second step was determining the pipe materials, which indicates the age of the pipes and the need for replacement. Clay pipes are original and PVC are much newer and less likely to require replacement. They concluded that the pumps are not pumping to their intended capacity, which creates issues down the line. The study allowed them to prioritize where Elizabeth City's worst I&I areas are and how to treat them. He noted that they had to focus on the pump stations because of the limited data. There are really only three things we can do – remove it, store it or treat it. They had to determine where the breaking point was because you can spend a lot of money, but not really get the “bang for your buck.”

He explained that the City's biggest growth is out by Walmart, which was not a big surprise. We should be looking at an additional 10-10.5 million gallons eventually for future growth in 40-50 years. The most important next step is developing a funding strategy. What is the impact on the rates? Citizens are always going to be very concerned with the costs.

Mayor Pro Tem Walton said the more we hear things the better they sink in. He said it was hard to envision what he was talking about because we aren't experts at this. He stated that this type of information should come forward more often because the more you hear, the more you start to understand. He believed growth would happen and that we should have things in place to accommodate that. The WithersRavenel team noted that there are communities across North Carolina that did not want growth for several reasons, one of which was they didn't have the capacity or the infrastructure to accommodate it. He said making those decisions and having those discussions was important.

Councilman Caudle asked what made a pump not work and why. He asked what we needed to do. The presenters gave an example of desk fans and the air flow that those fans put forward. If you removed a blade or put holes in the blades, you'd get less air flow. Old fans would be warped and not put forward as much air. It's often the same case with piping. Old piping just doesn't move the same capacity and flow. Councilman Caudle clarified that our existing capacity is 4.5 million gallons a day and we're using 2.8 million on a dry day now? They confirmed that's correct. He pointed out that there was a day in February that we had 12 million in capacity due to rain. Councilman Caudle said he'd always heard that one of our largest I&I areas was the Coast Guard base, which didn't seem to be reflected here. WithersRavenel said often military installations just bulldoze things and rebuild, and don't focus underground too often. Councilman Caudle pointed out that Main and Pearl Street were the two worst and that was going to cost roughly \$2 million to correct. Main Street was about \$1.5 million alone because it was the oldest section in town. The mapping is at \$900,000 for the entire system, which included manhole inspections. Councilman Brooks said it sounded like we needed to figure out how to eliminate some of the water in the system. Director Bell agreed that was a big problem because we had to figure out how to treat the water, which required a lot of chemicals. We needed to get it to a manageable, consistent level.

c. Update / Discussion – Spectrum HD/ Channel 11 Latest Info;

IT Director Simpson advised the Council that we presently do not pay for Channel 11 and the broadcasts that are televised there. The Channel 11 broadcast has been deteriorating rapidly since it needs to be upgraded from standard definition to high definition. Spectrum cable is no longer offering Channel 11 as a free public service, so the upgrade will unfortunately cost us. He said he believed the cable had been damaged somehow, possibly by digging and inadvertently catching the line. To move to high definition, there is a cost. The initial one-time cost is \$5,435, followed by monthly costs of \$795; roughly \$9,450 per year. He noted that it will take 90 days to establish the new high definition service on Thunder Road, our hub, and here on Colonial Avenue for broadcast. He pointed out that we really do not have any choice but to comply, as this is no longer a free service.

Councilwoman Young wanted to clarify that just to have Channel 11 broadcast, it was going to cost us this much per year? Director Simpson said that was correct. Councilwoman Young asked if we could just livestream the way the County does instead? Director Simpson said that yes, we could and not have to spend that kind of money. It is not a statutory requirement that we livestream our meetings. Some people do like to watch the meetings on television and not the website though. Councilwoman Young agreed. Councilman Ruffieux asked if we knew how many people watched meetings on Channel 11. Director Simpson replied that he did not have the stats. Councilwoman Young asked if we could possibly get that data. Director Simpson said he would try to get the data, but it would likely require more of a survey. He noted the livestream on the website would still run and it still runs fine. Councilman Caudle asked if the service is terrible with Spectrum because we aren't paying them? If we paid them now would it clear up? Director Simpson explained that it would take at least 90 days for the complete installation. Councilman Caudle asked if we had to stream. Director Simpson replied that no, we do not have to stream. Councilman Caudle asked if we couldn't just stream on our website. Couldn't we pay them to play our video? Director Simpson opined that it wouldn't fix the problem because we'd still be using Channel 11. Councilman Caudle asked what the County was doing. Director Simpson said they're going to Spectrum and paying. We can't share a hub with them because each unit has to have their own frequency.

Councilman Brooks opined that Spectrum is holding us hostage as far as Channel 11 is concerned. Director Simpson agreed. They are refusing to fix anything without a new contract. Now that they're our cable provider for all of the city, it's the only service. Also, the law has changed and they no longer have to provide us a governmental service any longer and they've chosen to move forward with charging us. Councilman Brooks asked what could we do as a city government? He asked if the city had any leverage whatsoever? He said he thought it was odd that they wouldn't help us whatsoever until we paid this \$5,000. It didn't make sense. It felt like they were taking advantage of us. Director Simpson said we also used to get cable boxes for free and now they charged us \$100 each just like everyone else. Councilman Brooks stated that he didn't like that it seemed like they were dictating to us and telling us to take it or leave it. Director Simpson stated that he could try to reach out to government affairs to see if we could partner or anything to maybe get this service for less, but they did not appear to want to move whatsoever. He added that we do have a regional Spectrum rep and we could possibly invite them into the conversation. Councilman Brooks asked if Director Simpson would be the one to ask them the questions or if we needed someone else? He pointed out that we had senior citizens mostly who looked at this channel, so to be sure there was something out there to help them. We couldn't let them play hardball with us like this. He said he didn't keep up with cable TV after he left it, but he felt there was some sort of leverage out there somewhere. He said we need to find out if we can cut some of these costs. We don't have a bucket full of money. Director Simpson agreed that we can definitely initiate a discussion. Councilwoman Young noted that we live in a world that has lots of different technology and she thought we should have other options as well. We have a lot of streaming options that wouldn't cost us this amount of money. There's always a competitor. We might have to educate our elderly, but we will have to do something other than just pay Spectrum. She said she'd like to see IT bring back several options. Right now, the citizens can't see it on Channel 11 anyway so it isn't even doing us any good. Now they're saying if we don't invest and pay this fee, that's it.

Councilman Caudle reminded the Council that Spectrum's cables are on our poles and we charge them franchise fees and towers and we're definitely partners with them in one way or another, so there's got to be a way to work through this. He remembered that we had a company come in that did a complete inventory of all of our poles and every attachment and put it into a database in the last few years, so we should know exactly how many they have. He said we haven't really solved anything, but we maybe have some other options. Mayor

Parker agreed that there were a lot of senior citizens who watched Channel 11, more than we could imagine. Often it was the older crowd who really wanted to watch. Councilman Brooks asked what kind of fees we charged Spectrum for franchise fees. Interim Manager Clark said it was called an attachment fee instead of a franchise fee if he remembered correctly. It's an annual fee to use our poles. Councilman Brooks asked him to find out how much that is, and how much we're collecting from them overall. He reiterated that we need leverage. Interim Manager Clark responded that yes, we should have some annual pole attachment info somewhere to look into. Councilman Brooks said we can't let them make it difficult for senior citizens who don't use technology like that. We can't let them strong arm us just because they can.

6. Comments and Inquiries on Non-Agenda Items:

Councilman Ruffieux had no further comments.

Councilman Brooks said he had a few things to say because it had been weighing on him for a while. In 2012, his biggest battle had been whether or not to have prayer before Council meetings. It went on for a long time, but eventually it prevailed and they kept prayer. It was a bitter fight. The intention was to have pastors of churches involved, but it soon fizzled out. When Andrew Brown was executed, everybody came out of the woodwork marching for months, although justifiably. The chant was "Black lives matter", which they do, just like any other lives. "I got aggravated when I saw a three-year-old baby executed, shot in the head, and nobody responded. The next day, they called me out there and I didn't see anybody, but when it was Andrew Brown, you had ever fraternity, sorority, pastors and preachers in front of the cameras in front of Perry Street praying for peace. Months later, we have another execution, a triple murder, and no one has anything to say. We have to do better. Black lives matter and they matter when they've been executed whether it was by a police officer or by another Black person. We can do better than this. For the last five or six council meetings, I've been talking about this and I don't get a response and I'm tired of this. It gets frustrating. If we get together and focus on the communities, don't wait until the next issue happens. Where in the world are the hearts of people when a three-year-old baby gets shot and people sit back and it's alright? Everybody addresses me when I go out and tell me I was right, but then they go to their own corner. We were talking the same thing about violence on Shepard Street in the mid-nineties and here we are in 2022, and the same thing is happening. There has to be a response. I think that we have the opportunity to have Mr. Clark, who has 26 years of management experience and a former manager of this city, and we can't let his experience go down the drain. When we attack each other, we fight against each other, our children suffer. It's spiritual warfare. The preachers have to come out of the pulpit and get involved. Everybody has to get involved. The problem I have is we sit back and talk about how the young people graduate and leave the area. I don't blame them. The situation has gotten so bad that we need to reach these kids in middle school. We almost need to reach them in elementary school. She was a three-year-old baby. We don't know what she could have become. We have to do something. I've been trying to do this thing for 32 years and then I keep hearing stuff like "it's not what you say, it's what you do." I've been out there for 32 years trying to rescue these communities and you make one decision they think is in just and they call you a conspirator. I'm tired of it. It's not what you say it's what you do? That's the craziest thing I've ever heard. Listen to what I've been saying. See what I've been doing. Instead of critiquing, get out of your house, stop hiding behind stained glass windows, and do something. If you can't help, shut up."

Councilwoman Young wished everyone a happy new year.

Councilman Caudle asked about the cash balances that were distributed today. Interim Manager Clark said he was having to make an assumption because he'd just seen them today too. He believed they were a debt payment from bill payments, but he would get a solid answer for him tomorrow. Councilman Caudle said he worried that our general fund was lower than he believed. Interim Manager Clark noted they were getting close to having everything reconciled and we'd know where we stood soon.

Mayor Parker said it was good to be back. She said as far as the manager's search was concerned, we were moving along. The Council had met with the firm, Developmental Associates on several occasions and hopefully by sometime in February we would have a selection. We're not dragging our feet; we are working toward getting a permanent manager. She advised that COVID is still unfortunately with us and rapidly spreading. She provided the latest report from January 7th from ARHS, which said that the CDC was now recommending the Pfizer booster for children 5-11 who had compromised immune systems. The waiting period was now shortened

7. Closed Session – As Allowed by NCGS 143-318.11(a)(6) Discussion of Personnel
(Added During Agenda Adjustments)

Motion to enter closed session as allowed by NCGS 143-318.11(a)(6) was made by Councilwoman Jeannie Young, seconded by Councilman Billy Caudle at 8:35 p.m. Those voting in favor of the motion were: Ruffieux, Brooks, Walton, Young and Caudle. Against: None. Motion carried.

8. Adjournment:

The Council returned to open session at 9:27 p.m.

Having no other business to discuss, Mayor Parker asked if she could get a motion to adjourn the meeting.

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

The meeting was adjourned at 9:28 p.m.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

