

The City Council of the City of Elizabeth City met in regular session on Monday, July 12, 2021 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Bettie Parker
Councilman Billy Caudle
Councilman Michael Brooks
Councilwoman Jeannie Young
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilman Chris Ruffieux

MEMBERS ABSENT: Councilman Darius Horton
Councilman Gabriel Adkins

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Finance Director Evelyn Benton
Chief of Police Eddie Buffaloe
Deputy Chief of Police James Avens
Electric Superintendent Jason Value
Human Resources Director Montique McClary
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Community Development Director Kellen Long
ECDI Director Debbie Malenfant
Parks and Recreation Director Sean Clark
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
Deputy City Clerk Doris Walton
City Clerk April Onley

The City Council regular session was called to order by Mayor Bettie Parker at 7:00 p.m. Mayor Parker welcomed everyone to the meeting and recognized Councilman Brooks to give the invocation, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda. Councilman Brooks said he would like to add a discussion on the \$94,000 salary savings to the regular agenda. Councilman Caudle noted that there was a memo left on the dais requesting that item "D" under the regular agenda for Community Support Grants be removed from the regular agenda.

Motion was made by Councilman Billy Caudle, seconded by Councilman Kem Spence to approve the agenda with the requested adjustments. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, 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.

Prior to opening the floor for public comments, Mayor Parker took a moment to remind the Council that they should not respond to any public commenters directly or specifically during

the public participation period. Councilman Brooks pointed out that if the commenter was giving incorrect information, the Council should be allowed to correct that information. He asked Attorney Morgan for his opinion. Mr. Morgan said the rules do not specifically state when the information should be corrected, so the presiding officer could certainly make that determination. Councilman Brooks said the Council could overrule the presiding officer's decision though, which Attorney Morgan agreed was correct. Mayor Parker noted that any motion to overrule would need to be done immediately after the decision was made. Mayor Pro Tem Walton pointed out that the public commenters had rules they must abide by as well. Mayor Parker agreed and read those rules into the record.

3. Comments from the Public:

The Mayor inquired of the City Clerk if there were any persons present who wished to speak before the Council. Upon the Clerk's reply that there was one, the Mayor asked that they be called forward to the podium.

Anthony Sawyer – 2715 West Main Street Ext – Mr. Sawyer thanked the Council for allowing people to come into Chambers to speak individually again. He requested that the Council consider making an "at large" seat for individuals outside of the city limits to be offered the opportunity to serve on the Council in the future.

4. Approval of Minutes:

a. June 23, 2021 – Special Meeting;

Motion was made by Councilman Kem Spence, seconded by Councilman Chris Ruffieux to approve the June 23, 2021 Special Meeting minutes.

Mayor Pro Tem Walton asked if there would be minutes created for the meeting requested by Department Heads on June 21, 2021, in which the Mayor and Mayor Pro Tem were asked to come in and call for the Special Meeting. The Clerk responded that no minutes were taken since it was not a Council meeting, and only the Mayor and Mayor Pro Tem were present. Mayor Pro Tem Walton said he believed that only having minutes for the June 23, 2021 Special Meeting, as called by himself and the Mayor reflected only "half the truth" because he and the Mayor were asked by the Department Heads to call for the Special Meeting in the first place. Mayor Parker stated that a discussion should have been made prior to the meeting if notes were requested at that time because she could not have a conversation about it now as the meeting with the Department Heads was not a Council meeting. Mayor Pro Tem Walton asked City Manager Freeman when he intended to have a meeting with Department Heads. Mr. Freeman replied that he had scheduled a meeting to discuss the budget process on the coming Thursday. Mayor Pro Tem Walton noted that his original intention was to call for a Special Meeting, but it had to be canceled due to prior City commitments. Mayor Parker stated that the meeting she and Mayor Pro Tem were invited to with the Department Heads was a "yes or no" meeting and that they were not required to attend. She pointed out that she had many meetings, some of which involved members of the City and not all were shared with the Council. Mayor Pro Tem said that he believed that actions that were taken from that meeting may have been for the overall good, but that there were unintentional consequences derived from it as well. He added, "The owners need to know why we came up with some of these decisions that we came up with ... We need some after-action reports." He continued, "Oh record, it says that we called the meeting, which we didn't, but we didn't just call the meeting on our own. We called this meeting because of the action that was taken." The Mayor said she felt this would be best discussed later. She said Mayor Pro Tem Walton was welcome to share with the Council what occurred during that meeting with the Department Heads. Mayor Pro Tem Walton stated that he would prefer to have a written record because when you write things down, they don't change. Mayor Parker reiterated that she understood, but that minutes were not taken in unofficial meetings.

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

b. June 30, 2021 – Recessed Meeting;

Motion was made by Councilman Billy Caudle, seconded by Councilman Kem Spence to approve the June 30, 2021 Recessed Meeting minutes.

Mayor Pro Tem Walton asked why the minutes from the June 28th regular meeting were not provided, yet the minutes from the June 30th meeting were. He said he was not able to “put the dots together.” The Clerk replied that she was still working on the minutes from the June 28th meeting, as that had run until nearly midnight, and since she’d already finished the June 30th minutes as that was a much shorter meeting, she’d gone ahead and provided them for consideration. Mayor Parker noted that she did not believe the Clerk was “ducking” providing the minutes, the meeting had simply been extremely long and was taking a while to transcribe.

Councilwoman Young noted that was also the time in which the Clerk suffered an injury in the hallway moments before the Council meeting as well. City Manager Freeman confirmed that the Clerk had fallen before the meeting, bruised her side, chipped her tooth and injured the wrist of her writing hand due to slipping and falling in carpet glue.

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

5. Consent Agenda: (City Manager Recommends Approval)

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

a. Consideration – Declare 1104 Wood Street as Surplus;

**Resolution # 2021 –07-01
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891312956929 and Map 25-B-49-50 and having a physical address of 1104 Wood 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 \$1,100 received from Mr. William Mouring via email correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891312956929 and Map 25-B-49-50, located at 1104 Wood 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 \$1,100.

ADOPTED, this the 12th day of July 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

b. Consideration – Declare 1404 Peartree Road as Surplus;

**Resolution # 2021 –07-02
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891316834641 and Map P122-1 and having a physical address of 1404 Peartree Road; and

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

WHEREAS, the City Council has authorized an opening bid of \$1,500 received from Mr. William Mouring via email correspondence; and

WHEREAS, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891316834641 and Map P122-1, located at 1404 Peartree Road is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,500.

ADOPTED, this the 12th day of July 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

c. Consideration – Approve Final Bid for 208 North Dyer Street;

d. Consideration – Approve Final Bid for 408 Spellman Street;

e. Consideration – Approve Final Bid for 109/112 Hines Avenue;

f. Consideration – Apply for Community Policing Development Accreditation Grant for FY 2021;

g. Consideration – Apply for Edward Byrne Memorial JAG FY 2021;

h. Consideration – Apply for Community Policing Development De-escalation Grant FY 2021;

i. Consideration – Wastewater Plant Lab Service;

j. Consideration – Approve TDA Application for Summer Sounds;

(End of Consent Agenda)

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

Motion was made by Councilman Kem Spence, seconded by Councilman Chris Ruffieux to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young and Caudle. Against: None. Motion carried.

6. Regular Agenda:

a. Any item Pulled from the Consent Agenda

There were no items pulled from the Consent Agenda.

b. Consideration – Appointment to Historic Preservation Commission (By Motion and Roll Call Vote);

Mayor Parker recognized City Manager Freeman for his comments on the appointment at hand. Mr. Freeman said the Historic Preservation Commission currently has two vacancies. Tonight's applicant is David Jordan. Mr. Jordan owns residential property in the City's Local Historic District and based on the application submitted, has 20 plus years of experience in construction. Staff's recommendation to appoint Mr. David Jordan as he meets at least one of the requested requirements for commission members of the Historic Preservation Commission, which is to be an owner/reside in one of Elizabeth City's Historic Districts.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Billy Caudle to appoint David Jordan to the HPC. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, and Caudle, Against: None. A roll call vote followed, which yielded the same results. Motion carried,

c. Consideration – Call for a Public Hearing – BIG for 102 North Water Street;

ECDI Director Debbie Malenfant gave a brief description of the BIG program and the application being presented for consideration, which included renovations to 102 North Water Street. She noted this project would include extensive internal and minor external renovations. The building itself is a condominiumized property, and the space being renovated is a designated business condo. The total estimated cost is \$85,500, of which \$75,450 is eligible for the BIG. Nine full-time individuals will be employed once the project is complete. Ms. Malenfant noted that this is a woman-owned business, and the owner is a native of Elizabeth City who is seeking to creatively change the use of a space in post-Covid world. Annual use expected to exceed \$500,000.

Motion was made by Councilman Billy Caudle to call for public hearing to be held on August 9, 2021, seconded by Councilwoman Jeannie Young.

Mayor Pro Tem Walton asked Director Malenfant if this is the first time two different businesses were going to be given \$20,000 for a BIG. Director Malenfant replied that it was not, as there was a similar occurrence with one tax parcel and three separate businesses on Poindexter Street. This particular BIG is just for one address in the tax parcel.

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

d. Discussion – Community Support Grants (Removed During Agenda Adjustments and Approval by Request)

e. Discussion - Election;

Mayor Parker returned the floor to City Manager Freeman for his comments. Mr. Freeman said there were still a few questions out there regarding the upcoming election cycle, so he just wanted to touch on it briefly. A bill became law today, which he said he would forward to the rest of the Council this evening. As of now, the election will be occurring in March instead of October. He noted there are still some questions about how that will go, but he hoped to have those questions answered by the end of the week.

Mayor Pro Tem Walton asked when they'd receive information on redistricting. Mr. Freeman said that's one of the questions that has yet to be answered. He said if redistricting has to happen, the County would be affected. If we follow what's being discussed currently, there will be no need, however. He noted that he has talked to a redistricting entity in the event that it becomes something we must concern ourselves with.

Councilman Brooks asked if the census needed to be updated first; and Mr. Freeman said it did. Councilman Brooks pointed out that he had previously sat on a redistricting board, and asked if it would have the same makeup. Mr. Freeman said that had yet to be determined, and he had no further information at this time.

f. Discussion – City Employees Making Less Than \$15/Hr;

City Manager Freeman said we had 17 employees at this time making less than \$15 per hour. Councilwoman Young asked if this would still be true after the raise from the pay study. HR Director McClary said that was correct. Mayor Pro Tem said this was one of the things he tried to push toward from the beginning. He said the amount listed to bring those employees up to \$15 didn't seem like a lot and we shouldn't have to wait so long to bring them up. He asked if bringing any of those employees to \$15 per hour would have any negative effect the next person in line. Mr. Freeman replied that he did not believe that it would.

Councilman Caudle asked what the budget impact now would be to bring those employees up to \$15 per hour. HR Director McClary quoted a total of \$6,135.74.

Motion was made by Councilman Billy Caudle to approve a budget amendment for \$6,135.74 to bring all employees under \$15 per hour up to that threshold.

Councilwoman Young asked if she could please receive a copy of the pay study. She inquired if any other member of the Council had received it yet. Councilman Caudle said the Council had received some raw data, but not the study itself. Councilwoman Young said she'd like to formally go on record as asking for a copy of the study. Mr. Freeman said the Council could have it, it would just take a few days and we'd have to do some redacting. Councilwoman Young asked why it would have to be redacted. Mr. Freeman said he didn't know that it did, but they would have to verify that there was no sensitive information.

Councilman Caudle said he was confused by some of the raw data because the comparisons were unusual. He noted that it did not compare to the neighboring counties and cities that we often lose our employees to. He said he found many errors as well, which was disappointing. He noted, "After we've done this and gone through all this drama, we still haven't seen the study."

Mayor Pro Tem Walton said the first name on the list they'd received was Albemarle and we're nowhere close to Albemarle. Councilman Caudle agreed.

Councilman Brooks said the information Councilwoman Young asked about is public information and does not have to be redacted. He said sensitive information would be something like social security numbers. He said no one is going to leave Elizabeth City and go out west for two dollars more an hour. He said he felt that we should have been comparing ourselves to Currituck and Edenton, where we actually lose people like Councilman Caudle said.

Councilwoman Young said we do knee jerk reactions and throw money when our employees get so down but we never try to stop the compression and keep them where they need to be. We put longevity in place and that's still there but COLAs have mostly fallen by the wayside. She said she felt that people aren't going to keep working here for 25 years if you hire someone new who makes the same thing they do within two years. She opined that we needed to look at a system to put in place. "The first thing we want to do when we get in a pinch is give a COLA, but when we do that, it compresses employees' salaries and we get what we have now and the cycle starts again."

Councilman Caudle said he was struck by the employee who spoke who was surprised that there was no step program in place, which he believed was what Councilwoman Young was referring to. He said he understood it had to be funded, but it would be something to look at to promote employee engagement in the coming year. Manager Freeman said he and Director McClary were already discussing looking into plans such as that.

Mayor Pro Tem Walton said performance should be the number one determination, no matter what.

Councilman Brooks pointed out that the City had tried merit raises in the past and they had been "close to disaster." He said they'd been cut out very quickly because there was too much subjectivity. He said that wasn't a suggestion he cared to hear again because it left a foul taste in his mouth and that of many others.

Mayor Pro Tem noted that this is an evolving world and just because something didn't work before doesn't mean it won't work now.

Councilwoman Young said there were several steps before merit raises that would help keeping compression at bay.

Mayor Pro Tem Walton asked for an amendment to take the \$6,000 from salary savings. He asked Manager Freeman how much they had in salary savings currently. Mr. Freeman said he was not sure.

Having no further discussion, the Mayor requested the Council's pleasure on the motion on the floor.

Those voting in favor of the motion to move all employees to \$15 per hour were: Spence, Ruffieux, Brooks, Walton, Young and Caudle. Against: None. Motion carried.

g. Discussion - \$94,000 Salary Savings (As Added by Councilman Brooks);

Mayor Parker recognized Councilman Brooks for his comments. Councilman Brooks said he felt that as of late, Elizabeth City is being treated as a cash cow, but "we don't have it like that. We had a better tax revenue than projected during the pandemic because of stimulus checks. We won't have that in the next budget. That money will not be there again, nor will the extra money in unemployment. We are a tier 1 county. There's no tier 0. We used to get half a million from disconnects and reconnects off the backs of poor people. We've been running the City off grants and hopes and prayers. The City will perish if we keep acting like that." He pointed out that the coming census will help determine how funding, including grants and support will be spent and distributed. He wondered what happens when our population decreases and we're not eligible for as many grants as we've been getting? He continued, "I see things spiraling down. You don't have to listen to me. I won't continue to beat this dead horse. This is why I keep putting \$94,000 in salary savings back up here. That's two employees." He mentioned that there had been some discussion of the last time there was an Assistant City Manager prior to Angela Judge. He said the Mayor sent an email about Reggie Goodson being Assistant City Manager, and he did remember that but not in the same capacity that Angela served. He said, "From the time I got on council to Angela, there hasn't been another Assistant City Manager." He referenced a memo from former Manager Olson that stated there had been no Assistant City Manager from 2003 to 2016. He said it was also stated in the memo that Mr. Olson didn't need an assistant because of the workload, but because he wanted to mentor someone to take over eventually. He said he picked Angela to be his "pit bull." City Attorney Morgan reminded Mr. Brooks to be careful of how he referenced a former employee, as they still had rights.

Councilman Brooks said it isn't important whether or not there was an Assistant City Manager before Angela; what's important is that there wasn't one for 13 years. He said his overarching concern was the that there was \$94,000 in salary savings that could be saved at a time when the City needed it.

Motion was made by Councilman Michael Brooks to eliminate the position of Assistant City Manager / Chief of Staff. The motion was seconded by Councilwoman Jeannie Young. Those voting in favor of the motion were: Brooks and Young. Against: Spence, Ruffieux, Walton and Caudle. Motion failed.

7. Comments and Inquiries on Non-Agenda Items:

Councilman Caudle had no further comments.

Councilwoman Young had no further comments.

Councilman Spence had no further comments.

Councilman Brooks said he was disappointed that no one else supported him other than Councilwoman Young on voting for saving money. He said, "We are throwing out money we don't have. This is spiritual wickedness. You are fighting for other reasons. When our fund balance dips, it's off my chest."

Mayor Pro Tem Walton said there's no wrong time to do the right thing. He said it might be a mistake, but if you think it's right, you have to do it. He thanked Councilman Caudle for helping put the employees at \$15 an hour. He mentioned the Black Lives Matter event that

happened on Saturday, and said it should have been better publicized. He said he only found out about it through the newspaper.

Councilman Brooks asked if he could speak again. He said the \$94,000 in salary savings would have covered the new positions in both IT and HR. He reminded the Council that when they approved the Chief of Staff position, which was just a change in title from Assistant City Manager, the entire "sell" was that it was Angela who had connections and experience. He wondered how it worked now that we were bringing someone in with no connections or experience. He said it didn't make any sense.

Mayor Parker said her understanding was that we need an employee to do strategic planning. Councilman Brooks said he could not say it any clearer than he already had.

Mayor Pro Tem Walton noted that the City Manager's evaluation was coming up and he asked City Attorney Morgan how it would be handled and when. Mr. Morgan said he would likely try to bring the evaluations to the next meeting, and the Council would grade the manager, after which he would compile the results.

Mayor Parker said she just wanted the public to know that there was a previous Assistant City Manager from 1997-2003 named Reggie Goodson. She said there was a new variant of COVID called the Delta variant, which was a bit more aggressive. She urged everyone to get their shots, noting that we have not reached herd immunity yet unfortunately.

8. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 8:31 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

