

The City Council of the City of Elizabeth City met in regular session on Monday, June 14, 2021 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

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. The invocation was given by Councilman Horton, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Councilman Brooks pulled the Black Lives Matter proclamation from the top of the agenda and placed it for discussion on the regular agenda. Councilman Caudle added an Airport Authority presentation under "presentations." He also wanted to add a discussion on upcoming elections to the regular agenda. He made a note that he had an item for consultation with the city attorney in closed session as well. Councilman Adkins said he also had a discussion for closed session for personnel as well. Councilman Brooks requested that a discussion on salary savings be added to the agenda because they did not have enough time to cover it during the work session.

Motion was made by Councilman Gabriel Adkins, seconded by Councilman Darius to approve the agenda with requested adjustments. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. 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. Proclamations / Presentations:

a. Black Lives Matter (*Moved to Regular Agenda During Agenda Adjustments*)

b. African American Experience of Northeastern NC;

Visit EC's Executive Director Corrina Ruffieux explained the African American Experience of Northeastern NC, which is essentially a digital African American heritage and history trail. This is a tourism initiative designed to inspire exploration and appreciation for the African American Experience of NENC with the help of six counties, including Camden, Chowan, Currituck, Dare, Pasquotank, and Perquimans. Each of the six counties have significant sites important to the African American community and the history of the counties. She mentioned that Pasquotank County's Pasquotank River was the first river in the county to receive a National Underground Railroad Network to Freedom designation. Freedom seekers used this waterway throughout the 1800s to flee. She pointed out that this is not a "one-and-done" project; it will continue to grow and content will be added to the website. Growth will depend on funding, and they are seeking grants, amongst other things. The website will be live in a few days. She encouraged everyone to follow on social media, share ideas to improve and grow the project, provide funding or a letter or resolution of support.

Mayor Pro Tem Walton said he was excited about the African American Experience and wanted to be very active in the process. He wanted Elizabeth City to be the hub. He said we should have something here that people want to see – it doesn't have to be history.

Councilman Horton said he also thought it was a great project, and wanted the City to provide a resolution of support. He said he wanted to make sure we had that on the agenda in one of the coming meetings. He commended everyone who was part of the project.

Mayor Parker echoed Mayor Pro Tem Walton and Councilman Horton's excitement for bringing this project to Elizabeth City because we have a rich history here and it just takes bringing it to the light. She said she believed it would enlighten many people as to what's here that they didn't know about.

c. Visit EC Planning for FY 2021-2022;

Director Ruffieux provided the Council with a handout and noted she would be coming back at a later date with some more in-depth information on upcoming projects for the year.

d. Presentation – Board of Elections;

Emma Tate with the Board of Elections introduced herself and advised she was present to answer the Council's questions if she could. Councilman Horton asked when the election would be held. Ms. Tate advised that the election would be moved to March 2022 if the bill passed, which it had passed in the House, but had not in the Senate. Councilman Caudle asked if we are expecting it to pass. Emma said she didn't know for sure. Councilman Caudle asked if we could go back to October if it didn't. Emma said we'd have to rely on the census data then to determine if there had been a significant population move.

Councilwoman Young asked if they still had to register in July. Emma said the July 26-August 13 dates are for October. If it moved to March, it depended on when the redistricting took place. Redistricting was supposed to happen by November 17th or else the BOE had to be notified. December 17th at the latest and then January 3-7 for filing at that time.

Mayor Pro Tem Walton asked if we knew when the census data would be in. Emma said the end of September, but it had been delayed, so we had no way of knowing if that was correct. Councilman Caudle asked who did the redistricting. Mayor Pro Tem Walton noted that council members were involved last time, but so were others. Councilman Brooks said

he was on the committee last time it was done, but he didn't know if they volunteered or not. Councilman Caudle asked if the process involved a committee being formed. Emma said she was not involved in the process. She said in the legislation, there must be community input in the redistricting. Councilman Caudle asked if they would be kept informed. Manager Freeman said we would work closely with the BOE to make this happen. Councilman Adkins asked Attorney Morgan if he was familiar with the process. Mr. Morgan said he recalled the process from 10 years ago, but he was not directly involved. Councilman Adkins asked if the Council appointed the committee. Mr. Morgan said he did not recall. Mayor Pro Tem Walton said it was broken down in the paperwork. Councilman Caudle asked if there was any action required by the Council at this time. Emma said it was just an informational piece for this time. She noted it does say that until a successor is chosen, they will stay in their roles, whether that be October or March. Councilman Adkins asked if they do go to March, would they then go back to normal the following October? Ms. Tate replied yes, and that term would be shorter because of it. Councilman Horton asked if she was aware of the process to change the term from two years to four years. Emma explained that it was fairly involved and it had to go to the General Assembly.

e. Presentation – Airport Authority (*Added During Agenda Adjustments*);

Airport Authority Manager Scott Hinton explained that he was present due to the discovery that there were some FAA documents that show the City as the sponsor of the airport and not the Airport Authority. There is a detailed process that we need to go through to get that fixed. The City needs to send a letter to the FAA transferring sponsorship from the City to the Airport Authority. All grants will be “water under the bridge” as long as they get the paperwork corrected. Councilman Horton asked Attorney Morgan if he'd been advised of the situation. Mr. Morgan said that he had been and he had drafted a letter that they could each review. Mayor Pro Tem Walton asked what the pros and cons of sponsorship were. Mr. Hinton said the enabling legislation gave jurisdiction, control and management over the airport – it should have been under the Airport Authority. Either the paperwork was never submitted or it was lost with the FAA. This made the Airport Authority unable to accept grants with the enabling legislation. Mr. Hinton said this action would change nothing with the relationship between the City and the Airport Authority – everything would remain exactly the same. Mr. Hinton explained that this was an administrative error. Councilwoman Young said we could be responsible for misappropriation because the liability was with us. Mr. Hinton agreed. Mayor Parker said it sounded like we were just dealing with the verbiage and Mr. Hinton confirmed that was correct. He said the City's only involvement would be the initial letter. Councilman Caudle asked if we needed a motion. Councilman Horton said he had no problem supporting the letter, but he wanted time to look into things. Mayor Parker asked Mr. Hinton if this was time sensitive. Mr. Hinton said that it was. Councilman Horton said he wanted Mr. Morgan to email the Council the letter.

Motion was made by Councilman Darius Horton, seconded by Mayor Pro Tem Johnnie Walton to bring this forward during the next meeting.

Mr. Hinton said it had been 34 years, but it was just identified. He said he didn't think there would be a problem as long as he told them he was doing his due diligence to get it rectified. He said he did not feel that anyone would be “heavy handed.”

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

4. Comments from the Public:

The Mayor inquired of the City Clerk if there were any persons present who wished to speak before the Council. Upon the Clerk's reply that there were two submissions, the Mayor asked that they be read into the record.

Marlene Meads – 906 Jones Avenue –Elizabeth City, NC – “I believe the City of Elizabeth City should not increase property taxes or commission an artist to paint a mural on Colonial Avenue. To the first point, the residents of Elizabeth City already pay five different taxes: Pasquotank County tax, City property tax, sales tax, state tax and federal tax. We are living

in a troubled economy. The pandemic lockdown has impacted many of us who call Elizabeth City home. The unemployment rate peaked at 11.4% in July 2020. While the rate has since dropped down to pre-pandemic levels, citizens are still trying to recover from the loss of income they experienced during that period. During this time of record unemployment, the City Council passed a budget with the Mayor's tie-breaking vote to approve a pay raise for the Council and the Mayor, despite a request from many residents to table the pay raise during the pandemic. There are also many retired citizens living on a fixed income who are residing in city limits. An increase in taxes who be very detrimental to these citizens. Inflation is driving up the cost of many necessities. Gas and food are prime examples. Last year was a difficult time for our City. Instead of increasing taxes for the City, the Council and Mayor should roll back their pay raises for pay for road repairs, educational programs, maintenance, etc. The second point, commissioning an artist to paint for a mural on Colonial Avenue. If you live in Elizabeth City, you must be aware that the road system needs repair, not a mural. A quick drive through the City is a telling sign of our existing road system. For example, they are still waiting for the City to pave the roads torn up to replace old pipes in the Riverside area. So everywhere you go from Road Street to Colonial Avenue, the streets have potholes, cracks or are closed. In every district they need work. Here is a list of just a few streets: Hunter Street, Shepard Street, Road Street, Main Street, Colonial Avenue, Water Street, Jones Avenue, Riverside Avenue, Roanoke Avenue, B Street, Dawson Street, Elizabeth Street. I question the logic of commissioning an artist to paint a mural on a street that is part of a road system that is falling apart. The street where the mural is to be painted is in terrible condition. It needs significant repairs for anyone to even paint standard traffic lines. I have several questions: if the mural is painted, what happens to the art when the road needs to be fixed? Who is paying for the artist? Who is paying for the maintenance? What if other interest groups petition for other street art projects? Will the City pay for them as well? I suggest you take the money to pay for this project and fix our roads. Thank you for your time."

Tony Sawyer – 2715 West Main Street, Elizabeth City, NC – *"I again ask that you immediately allow the citizens of Elizabeth City to be able to return in person to attend City Council meetings. The face mask mandate has been lifted with all others 100% by our governor. Everything seems to be opened back up to the public except for City Council meetings. We have enough people ducking us. I ask that our City government not do the same. Open these meetings and open them now. I also ask because I will be on vacation June 28th through July 4th, if you allow us in on that date, that I will be outside with my cell phone on."*

5. Public Hearings:

a. Hold a Public Hearing - for CZ 01-21 filed by J.D. Lewis Construction Management Inc. for the Redevelopment of the Former Elizabeth City Middle/High School Located at 306 North Road Street;

Debbie Malenfant explained the applicant is requesting conditional rezoning for an adaptive reuse into 84 market rate apartments as well as 139 parking spaces, including five ADA parking spaces on site. The developer has been working with Parks and Recreation and the PAL program to determine requested improvements to the gym and to allow for continued use via a lease agreement. She noted that amenities included will be a swimming pool, a workout facility, community room, indoor storage, pet amenities, outdoor BBQ area, music room and rooftop deck. The developer will dedicate 15,029 square feet of land to the City's Parks and Recreation department as required in the development standard for the use of multi-family.

The conditions were to increase density from 10-12 units an acre to 25 units an acre; decrease in parking requirement for 0-1 bedroom units from 1.5 parking spaces to 1 parking space per unit; ability to extend use of amenities to nonresidents for a fee; and dedication of green space in lieu of fees in conjunction with a lease for use of gymnasium. She said the packet included additional information on the entire scope of the project, as it's much larger than just the conditional zoning. A "wish list" of improvements to the gym and a proposed lease must still be negotiated between the purchaser, J.D. Lewis and the entity, whether that be the County, City, Parks and Rec or PAL. The City recommends that lease be with Parks and Recreation. It has to be a shared benefit situation and must cover the

City, County Parks and Recreation, the Boys and Girls Club, SOULS, as well as the developer. PAL and Parks and Rec can benefit from a renovated gym. During the County's June 7th meeting, they agreed that the lease should be with the City. Economic benefits would include an increase in annual taxes from \$0 to \$18,000 to the City and \$21,000 to the County. The increased annual utilities revenue estimated at \$103,200. Construction is estimated at \$9 million. Indirect economic benefit is \$19.5 million and 147 jobs. Increased spending and sales tax revenue is estimate at \$115,651, not to mention additional housing options.

Ms. Malenfant noted that the County also approved \$150,000 to the Boys and Girls Club and money to SOULS when they obtain their nonprofit status.

Councilwoman Young said this sounded like a great project and she found it amazing. She verified that the County had already passed and supported this, as well as funding for the Boys and Girls and SOULS? Ms. Malenfant confirmed that was correct.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk replied that there was one speaker, in addition to the applicant who was available to answer any questions that the Council may have.

Bill Hiemer – 107 Osprey Cove – Elizabeth City, NC - Mr. Hiemer said he was 100% in favor of the opportunity to see an old building converted. An undertaking of this magnitude does not appear magically and he knew it took a lot of work. He'd heard that this project will generate close to 150 jobs, which he found fantastic. He asked Councilman Adkins why he voted "no" on taking this item forward for public hearing. He asked Councilman Horton why the hard feelings between the City and County officials were affecting this initiative. He said that trying to block a much-needed project because of personal feelings was wrong.

JD Lewis Construction Co – Said he had previously worked on the Weatherly Lofts and received calls every single day for people wanting to live there and he had no more room, so they wanted to get this project done for more housing.

Having no further speakers, Mayor Parker closed the public hearing.

Councilman Adkins said he wanted to be clear on one thing. He said he thought this was an amazing idea and first and foremost, it was going into the ward that he represented. The housing situation in Elizabeth City was horrible – we have a year or two year wait for houses, so it would be a major thing for the second ward. He said his problem was, just as the City met with the County for the Senior Center since it was a shared effort, he felt that it was an item that we should have met about. He clarified that he was not objecting to the project whatsoever; he was just of the opinion that with the shared benefits, the City and County should have joined and discussed the pros and cons. He reiterated that he did not want to appear in opposition, but he believed the County should have met with them about it.

Councilman Horton said he'd had the opportunity to go to the Weatherly Lofts a few months back and was very impressed, particularly since it used to be an eyesore and now it was transformed. He said the company did a wonderful job and it was much needed. He noted that he was always getting called from people looking for places to rent and there was definitely a horrifying shortage in Elizabeth City. He complimented Ms. Malenfant on her presentation. He noted that his concern was not with the project but with some of the shared benefits, similar to that of Councilman Adkins. He said he was glad to know the County met and agreed to give money to the Boys and Girls Club and SOULS. He said "we as the City and County are in a relationship – we have shared projects and relationships. We are in a place where the County has gone on record and said they will not talk to us, perhaps until the makeup of this Council changes." He noted that we are now in a position to help the County financially but how would he move forward with shared benefits when they won't even meet with the City Council? He asked Mr. Freeman what type of money we had spent due to the death of Andrew Brown. Mr. Freeman said he believed it was more than \$360,000. Councilman Horton asked if the County had given us any money to account for that. Mr. Freeman said they had not. Councilman Horton said "these people won't meet with us. We are in debt because they have murderous officers on the street. It doesn't have nothing to do with JD Lewis construction management ... and I'm sorry. If I was JD Lewis Construction Company, I'd be pissed. I cannot see myself ... I have no problem approving

this project, but the County needs to meet with us. I cannot assist them in getting financial gain, if they won't even meet with us. We need money to help with the expenses that we're paying. I have a problem with that. Yes, it's a great project, but it's a project that's going to cause them a financial gain and we're out here getting the short end of the stick constantly." Councilwoman Young expressed concern that "we are going to sabotage this wonderful project we have that can benefit our citizens and our city ... we're supposed to do what's right ... we're supposed to make decisions and not put our personal feelings into this. I'm going to support this project whether we meet with the County or not because I have to make decisions that are going to better our community. This project puts money into our community, which serves the whole entire community. The whole entire community is going to prosper because of this. We cannot hold this project hostage because they won't meet with us."

Councilman Adkins interrupted that the County needed to do the same.

Councilwoman Young said she had the floor. Mayor Parker told Councilman Adkins that Councilwoman Young had the floor and he needed to respect her time and comments.

Councilwoman Young continued that we cannot hurt the City because we're going to be childish and have a personal agenda. She said that this project brings a lot of money and resources to Elizabeth City. She urged the Council to set their personal feelings aside, no matter how they feel about the County or the commissioners. She said this is not about the City meeting with the County, it's about doing what's right

Motion was made by Councilman Gabriel Adkins to table the matter until the Council could have a discussion with the County.

Councilman Horton asked Attorney Morgan if the matter could be approved subject to the Council meeting with the County. Mr. Morgan said it was too vague of a request, but they could table it until their next meeting. He said it would take two parties, the City and County to agree to a meeting, and that may not happen at any date certain.

Ms. Malenfant pointed out that this was just for the conditional zoning of the project, a step into the due diligence. The project cannot proceed until the other items take place. All the other items would have to be negotiated between the City and the County. This was just for the development portion, the number of apartments, parking spaces, change in zoning. It was just a step in moving the project forward. The City and the County would still have to meet to negotiate the lease and other items, but voting to allow the conditional zoning would let the developer move forward. She urged the Council to move forward with the conditional zoning and explained that it would not put them in a position that they were approving the entire scope.

Councilman Horton asked if the County could sell the property without the City's involvement if they approved the zoning. Ms. Malenfant said it's built into the purchase contract that it's built into the lease with the gym. If the deal falls through and Council approves nothing, then the property could go for sale for a completely different purchase contract.

Councilman Gabriel Adkins withdrew his motion to table.

Mayor Pro Tem Walton asked JD Lewis how long it would take to be shovel-ready. Mr. Lewis said probably the end of fall. He reiterated that this was fairly time sensitive. Mayor Pro Tem Walton said we are all connected and when the County refuses to talk to us, it ruins our connection. We should be talking to one another because bad connections mean things don't work.

Councilman Brooks said before the project was completed, the City and County would have to talk sooner or later just by its very nature. Ms. Malenfant agreed. He said he agreed that the City and County needed to talk, but not at the expense of the children or the community. He said the weakest parts of society are children and seniors and we had to protect them.

Motion was made by Councilman Billy Caudle to adopt the ordinance for the conditional zoning request with the consistency statement. The motion was seconded by Councilwoman Jeannie Young.

Mayor Pro Tem Walton said if the lease agreement did not occur, the developer could come back and do more apartments, was that correct? Ms. Malenfant said that was correct. JD Lewis said he preferred that there was a lease with the City and County, and that he would do what they decided. Mayor Pro Tem Walton opined that he could say that, but things had a tendency to change. He said the City and County are not speaking to one another, so we needed to think about that. Ms. Malenfant said she would do everything possible to keep the Council advised of the situation.

Councilman Brooks noted that a lot of things can happen before this comes to pass.

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

Ordinance #2021-06-01

Conditional Zoning Request CZ 01-21

(Parcel IDs: 891420804481, 891420802560, 891420802574, 891420802599, 891420806651, and 891420807538)

WHEREAS, on March 23, 2021, the Technical Review Committee reviewed petition CZ 01-21 filed by J.D. Lewis Construction Management, Inc., to rezone six properties located at northeast corner of Elizabeth Street and North Road Street, parcel IDs 891420804481, 891420802560, 891420802574, 891420802599, 891420806651, and 891420807538 from R-6, Residential to R-6, Residential Conditional Zoning R-6(CZ); and.

WHEREAS, a community meeting was held on April 12, 2021 to inform and seek comment from all property owners within 500 feet of the subject property; and

WHEREAS, those in attendance of the community meeting expressed support of the proposal; and

WHEREAS, the Planning Commission reviewed and sought public comment on CZ 01- 21 on May 11, 2021.

WHEREAS, the Applicant and the City have mutually agreed to the specific conditions attached to the rezoning; and

WHEREAS, the proposed conditional zoning was deemed to be consistent with the Joint Pasquotank County and Elizabeth City Land Use Plan; and

WHEREAS, after consideration of the technical merits of the request, the Planning Commission recommended approval.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above referenced parcels as R-6, Residential Conditional Zoning R-6(CZ).

ADOPTED, this the 14th day of June, 2021.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

6. 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 – Accept Project Safe Neighborhood Grant;**
- b. **Consideration – Apply for COPS Hiring Program Solicitation;**
- c. **Consideration – Acceptance of Final Bid for 512 West Cypress Street;**
- d. **Consideration – Declare 301 East Broad Street Surplus;**

**Resolution # 2021 –06-01
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: 891420915929 and Map 10-C-15 and having a physical address of 301 East Broad 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 Mr. Zach Downing 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: 891420915929 and Map 10-C-15, located at 301 East Broad 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 14th day of June 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

- f. **Consideration – Declare 200 West Burgess Street Surplus;**

**Resolution # 2021 –06-02
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: 891420719691 and Map 35-A-11 and having a physical address of 200 West Burgess 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 \$2,000 received from Mr. Alexander Hernandez 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: 891420719691 and Map 35-A-11, located at 200 West Burgess 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 \$2,000.

ADOPTED, this the 14th day of June 2021.

Bettie J. Parker

Mayor

April D. Onley

City Clerk, NCCMC

f. Consideration – Call for a Public Hearing – Closeout of Raw Water Transmission Main Project;

(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, Horton, Caudle and Adkins. Against: None. Motion carried.

7. Regular Agenda:

a. Any item Pulled from the Consent Agenda

There were no items pulled from the Consent Agenda.

b. Consideration – Re-appointments to Airport Authority (*By Motion and Roll Call Vote*);

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Darius Horton to re-appoint Rodney Walton to the Airport Authority. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle, and Adkins. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Darius Horton to re-appoint Kuldeep Rawat to the Airport Authority. Those

voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle, and Adkins. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

c. Consideration – Call for a Public Hearing – Case No CUP 02-21 for Covenant Classical School for the Property Located at 200 South McMorrine Street to Operate an Elementary School;

Planner Kellen Long advised this request was a call for a public hearing for a Council Use Permit, which would be quasi-judicial in nature and would need to be held on June 28th, 2021.

Motion was made by Councilman Kem Spence to call for public hearing to be held on June 28, 2021, seconded by Councilman Chris Ruffieux. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

d. Consideration – Call for a Public Hearing – Heron’s Ridge Preliminary Plat for Phases 2, 4 and 5;

Planner Kellen Long explained that this call would not be for a quasi-judicial item. This hearing would concern the last three phases of the Heron’s Ridge subdivision. This originally appeared in 2018. The subdivision in question was located on the west side of River Road, across from River Road Middle School and consists of 140 single-family lots. The preliminary plat was approved in July of 2018 by the City Council, but the time for obtaining permits has expired, so they must reapply. No changes are being proposed from the original preliminary plat. She noted that this subdivision was annexed into the City in 2004.

Mayor Pro Tem Walton asked if they were supposed to widen River Road as part of this project. Ms. Long said she did not have any information on the widening of River Road. She said one project was submitted to DOT for sidewalks and a pedestrian crossway process, which had to go through a bidding process. It was originally submitted in 2019, but did not score high enough, so it would be rebid this year. She pointed out that that project was separate and apart from this plat approval.

Motion was made by Councilman Kem Spence, seconded by Councilwoman Jeannie Young to call for a public hearing on the Heron’s Ridge Preliminary Plat for Phases 2, 4 and 5 for June 28, 2021. Those voting in favor of the motion were; Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

e. Consideration – Call for a Public Hearing – FY 2021-2022 Budget;

Manager Freeman noted the Council had voted to bring the five-cent increase forward, so that’s what would appear for the public hearing on the 28th. He gave a brief overview of the budget process for 2021.

Motion was made by Councilman Kem Spence, seconded by Councilman Gabriel Adkins to call for a public hearing on the FY 2021-2022 Budget for June 28, 2021.

Councilman Horton reiterated that what’s moving forward for public hearing will include the five-cent tax increase, but no official budget had passed as of yet. He noted that the citizens would still have time to comment during the public hearing on the 28th, and he encouraged anyone watching to submit comments if they wished.

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

g. Discussion – In-Person Comment Protocol;

Manager Freeman said this was the suggested protocol for when we let citizens in to speak during public comment / public hearings as the Council was requesting allowing in-person participating again. He suggesting that we could let one person in at a time. The lobby would serve as a waiting area. Councilwoman Young asked if we had a specific number

we'd let in to wait in the lobby. Mr. Freeman said he'd be happy to walk off six-foot markers and see how many people we could accommodate. Councilwoman Young noted they could also wait outside and Mr. Freeman concurred.

Councilman Horton wondered about people who come in who have not been vaccinated. He noted the dangers of COVID would be no different if they were sitting in the room or just coming in quickly for comments. He questioned when we would go ahead and open our chambers completely. Councilman Horton asked if we had a problem with being not under state of emergency any longer. Attorney Morgan said we had to give them reasonable access, which we were definitely doing with the livestreaming and allowing for written comment submissions. Councilman Horton said he just wanted to make sure people could be comfortable and sit down.

Councilman Caudle said we should move public comments up sooner in the meeting, so we could attend to people quicker. Mayor Parker said the Council could certainly do that as a first step, but reminded the Council that it was part of their rules of procedure and would require a super majority vote. She noted that we are still very much in a pandemic and there are still people dying.

(Councilman Adkins left the meeting at 8:45 p.m. Councilman Ruffieux left the meeting at 9:00 p.m. Votes were still recorded.)

Councilman Caudle made the motion to move forward with allowing for in-person protocol for public comments. The motion was seconded by Councilman Spence. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

h. Black Lives Matter Proclamation (*Moved from Presentations During Agenda Adjustments*);

Councilman Brooks asked who normally did the proclamations? Can Councilors write proclamations and present them to the City Clerk to be placed on the agenda? The Mayor said they had to be signed by the Mayor and City Clerk, but this particular proclamation was not written by the Clerk. Councilman Brooks said in his opinion, the proclamation and intent was okay, but he felt it had a lot of missteps. He said the statements referencing the Chief of Police and the Mayor specifically should not have been included, but rather should have spoken to the Council and about the Council as a whole. He said we could have another proclamation about what the Mayor said or what the Chief of Police said, but it didn't belong in this one. He noted that he did not like the line that "all lives matter", so that statement should not be included. He opined that it should read something like, "Whereas, we maintain the words of our founding fathers." He said Chief Buffaloe's job had nothing to do with the mural, and the Mayor hadn't broken a tie, so there was no sense in that being in there. He reiterated that it should not say "all lives matter" because this is a concern about the loss of Black lives.

Councilman Horton said he thought Councilman Brooks brought some good points forward. Manager Freeman stated he'd put this together and brought it forward and he really didn't have a template to go off of when he put it together. Mayor Parker noted that sometimes there are guides, but not always. She said she had no problems with the changes Councilman Brooks had noted and it could be brought back once those changes were made.

i. Discussion – Upcoming Elections (*Added During Agenda Adjustments*);

Councilman Caudle said he only put this on because he wasn't sure what kind of information was going to be discussed. He said Emma from the BOE answered all of his questions. He had placed this on the agenda as a safety net, but was satisfied with everything she had brought forward and had no additional points he wished to cover.

j. Discussion – Salary Savings (*Added During Agenda Adjustments*);

Councilman Brooks said we are a tier one county and he can't vote for the property tax increase. He understood the urgency, but we are also coming out of the pandemic. He said if you raise business' and landlords' taxes, they will pass it on to their renters. He said he didn't intend to chastise those who were going to vote for it, because that was on their own conscious to deal with. He stated that Elizabeth City's population is in a steady decline and even with an increase in property tax, it will not raise us up from the depths. He mentioned the \$94,000 salary of the assistant city manager. He said we keep talking about the budget and where we can make cuts and that's \$94,000 we're no longer using. The HR generalist and the IT positions, the \$94,000 can take care of those salaries. He said he understood the hard tasks the manager had, but he sat on Council with a city manager who had managed to get it done with just himself and solid department heads.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Caudle had no further comments.

Councilman Horton said he had noticed when it came to protests lately, he'd seen more of the Pasquotank sheriffs present. He asked if we were paying them to be there. He asked if the sheriffs who killed Andrew Brown were patrolling the protestors. Mr. Freeman said not to his knowledge. Councilman Horton said he was receiving many calls of concern about it. Mr. Freeman said we need the help. He said we've been running about 10 officers. We don't have a full police force. Our officers have been on the ground every day. Councilman Horton said every sheriff is not bad, but we're living in a very sensitive season and you have to speak up – you can't just sit here. He said he believed the DOJ was going to get involved and make sure the transparency was taking place in our city. He said our community as a whole is still hurting; they are at a low place. People feel like injustice is still being served daily. He said he thought we need to send the right message to the right people. There's a letter that's been signed within the community, some of whom were on the Council. He said he wanted to talk about on the next agenda signifying our support to truth, transparency and accountability. He stated that our sheriff has a policy that they should not shoot into moving vehicles, but then his officers shot into a moving vehicle and caused someone to die. He said he was insulted that the County talked about the Council and said they wouldn't meet with us until things changed. He couldn't believe they were cowards and called the Council childish when they wouldn't talk to them. He said the family of Andrew Brown is hurting and it's sickening. What are we going to do? He said he would sound the alarm during every meeting because the City was hurting and it was divided. He said he was proud to see the large percentage of non-Blacks supporting the cause. He noted that all lives do matter, but in this season, Black lives matter.

Councilwoman Young had no comments.

Councilman Spence commended Deputy Chief Avens for dealing with the protestors, some of whom were being extremely disrespectful. He never saw him lose his composure or disrespect anyone. He said it was hard to maintain your composure when stones were being thrown at you. He said he wanted to openly commend Deputy Chief Avens and his officers for the outstanding job they have done.

Councilman Brooks thanked Corrina Ruffieux for her presentation. He said he was proud of the protestors and they are marching for their future. He said it was an injustice and anyone who said it wasn't was looking at it through a dirty lens. He noted that he had been accused three times of communicating threats and he knew the system knew he wasn't guilty, but he was outspoken. He said he got upset when they said Andrew Brown had a violent past. He relayed that he'd told CNN that's the first thing they would have said about him if they assassinated him. He said the anxiety level of the protestors was so high and he had been arrested for quoting a scripture, so he didn't need to be involved.

Mayor Pro Tem Walton said if you don't have empathy, you don't believe in the constitution. He said we are all connected because we are humans. Humans have rights. They have the right to live. Taking a person's life and thinking it's okay is not okay. He said if you don't speak up when you see people doing wrong, you are just as bad as they are.

Mayor Parker read some excerpts from an email praising the ECPD. She commended Corrina Ruffieux who was recently recognized for her work to obtain accreditation for our tourism website.

9. Closed Session – As Allowed by NCGS 143-318.11(a)(6) for Personnel and NCGS 143-318.11(a)(3) Consultation with City Attorney:

Motion was made by Mayor Pro Tem Johnnie Walton to enter closed session as allowed by NCGS 143-318-11(a)(6) and NCGS 143-318-11(a)(3) at 9:56 p.m. The motion was seconded by Councilman Darius Horton.

The Council returned to open session at 10:34 p.m.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to approve the settlement agreement in the amount of \$8,000. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Brooks, Horton, Caudle and Adkins. Against: None. Motion carried.

10. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 10:35 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

