

**City Council Regular Session
June 28, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, June 28, 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
Councilman Darius Horton
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilman Gabriel Adkins

MEMBERS ABSENT: Councilwoman Jeannie Young
Councilman Chris Ruffieux

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, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Motion was made by Councilman Billy Caudle, seconded by Councilman Kem Spence to approve the presented agenda. Those voting in favor of the motion were: Spence, Brooks, Walton, 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. 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, the Mayor asked that they be called forward to the podium.

Jeff Davis – 216 Linwood Drive, Elizabeth City, NC – Mr. Davis advised that he was a public utilities employee. He said there were vacancies in more than half of positions in his department because of low pay. Many employees have to work second jobs. He stated that the findings of pay study should be fully implemented.

Troy Selsey – 411 Perry Street, Elizabeth City, NC – Full-time city employee and was homeless because he could not afford to make a living on our pay.

Tommy Hopson – 1314 Jessica Street, Elizabeth City, NC – Mr. Hopson said he was an employee in the Electric Department. He noted that he cannot address all of his concerns because of the time constraints. He thanked Bob Vannoy for everything he did for their department. He said that Councilman Brooks went over to city garage in an attempt to intimidate city workers against voicing their opinion. He stated that he wouldn't put it past the Council to go into closed session and make a resolution to fire someone if they were homeless. He said he didn't put anything past them because they gave themselves a raise during a pandemic.

Tyler Liebno – 410 Harney Street, Elizabeth City, NC – Mr. Liebo advised that he worked in the Fire Department. He thanked the members of the Council who showed up for the June 23rd special meeting even though there wasn't enough of them present for a true meeting. He said the Council did not respect his time because he had to work a second job to support his family. His current salary is \$40,000 less than the national average and it would be very easy for him and other employees to find another job. He found it outrageous that a municipality is losing jobs to fast food restaurants. Firefighters who have left have done so because of lack of time with their families and low pay. The fire crew is too young now – houses will end up burning down because no one will be here to work. He urged the Council to show us that our time is of more value. What was the purpose of a pay study if we aren't going to implement it?

Brian Hall – Elizabeth City, NC – Mr. Hall said this was about Elizabeth City's brand and implementing that brand. How are we the harbor of hospitality if we are not hospitable?

Hashim Harper – 1505 E. Penny Drive, Elizabeth City, NC – Several members of his family work for the city and they are all struggling to get by.

Latoya Harper – 1505 E. Penny Drive, Elizabeth City, NC – Mrs. Harper said she worked in Data Processing and had been with the City for 10 months. All employees are important to how the organization functions. Her sons work here as well. They're getting ready to graduate college and are looking at other cities because they don't believe they will be able to make a good living here. She urged the Council to remember that the employees will also be paying the taxes, so the increase affects us in many different ways.

Devin Tillmon – 201 Rivers Edge Circle – Apartment 203, Elizabeth City, NC – Code Enforcement – Has not been here long, but learned that all departments have to work together to make the city efficient. If one department lacks, the city lacks. The employer/employee relationship should be looked at like a husband and wife relationship. If one person feels they are not valued and appreciated, it can end up in a divorce. Employees will leave their jobs because they aren't happy and they need to do what's best for themselves and their families.

Doretha Harrell – 130 NC Hwy 34 N, Camden – Customer Service Manager – She said she was not able to attend the last meeting but the City Clerk read the letter into the record on her behalf. Customer Service is the face of the city and often the first point of contact. The pay scale for Customer Service is inadequate. There seems to be a sense that Customer Service is not as important as some of the other departments. All revenue is received through this department, as well as business registrations, new construction services, water leaks, accounts receivable – anything that deals with processing revenue. Staff must be versed in many departments in order to effectively answer the switchboard. They deal with outside agencies on a regular basis. She does not want to lose any of the customer service workers, but many leave due to salary. The most veteran employee in the department has only been there for four years. This particular employee started at \$13 an hour and four years later is only at \$13.57. Only moving up 57 cents in four years is shocking. Please consider a salary increase

for customer service staff and perhaps implement a merit system or pay scale that would allow for raises.

Daryl Johnson – 1906 Savin Road, Elizabeth City, NC – Thanked the Mayor, city manager, and Councilwoman Young for talking to him on the phone. He felt that protests are bleeding the City dry. He checked with a lawyer and discovered that it is not a first amendment right to block roads or divert traffic. He found out that it is if the government entity allows it to happen by issuing permits. The city issues permits daily, which costs a lot of money to do that could be used for raises for employees that deserve them. He stated that he does not understand why we are allowing this to go on for so long. He said it's time for everyone to come together and make progress in the direction of healing and putting the City back together.

Bill Hiemer – 107 Osprey Cove, Elizabeth City, NC – Mr. Hiemer said we must have a tax increase if we hope to move forward. All city employees should receive competitive wages. He stated that the pay raise the Council gave themselves was a poor decision. He pointed out that there were 10 comments received, all negative and it was still passed. So much for listening to constituents. He asked the Council to drop their raise and give it to employees.

4. Public Hearings:

a. Hold a Public Hearing – Adoption of the FY 2020-2021 Budget;

Mayor Parker opened the public hearing and inquired if there were any speakers. Upon the Clerk's reply that there were, the Mayor asked that they be called forward.

Daryl Johnson – 1906 Savin Road, Elizabeth City, NC - opposed to any tax increase until the City starts doing things much differently. We are bleeding money because of the protest. The City is getting \$2.5 from the federal government this year and next year. That money can be used for infrastructure and other things, which can allow money to be freed up to give employees a raise. If that's not possible, give them bonuses. It's important to take care of the employees to retain them.

Sharon Cooper – 508 Water Crest Circle, Elizabeth City, NC – Mrs. Cooper accused the Council of making living and owning property in Elizabeth City a financial hardship. She pointed out that they'd given themselves a 36% pay raise in the middle of a pandemic while many people were jobless and having to survive off handouts and the Food Bank. She said that while she did feel that some employees did deserve a raise, she did not appreciate the heavy-handed overreach the Council was taking with the increases they kept making.

Having no other speakers, Mayor Parker closed the hearing.

Motion was made by Councilman Gabriel Adkins to adopt the 10-cent property tax increase for the FY 2021-2022 budget, with monies generated for employee raises. The motion was seconded by Councilman Kem Spence.

Councilman Caudle asked if Councilman Adkins was aware how much a 10-cent property tax increase would create? Would it all go to employee raises? Attorney Morgan noted that Councilman Adkins would need to amend his motion:

Motion was made by Councilman Gabriel Adkins to adopt the 10-cent property tax increase for the FY 2021-2022 budget. The motion was seconded by Councilman Kem Spence.

Councilman Horton said he wanted to go on record and let people know the reason a pay study was conducted was because the Council understood about the lack of compensation for City staff. He said he believed every member of the Council supported City employees and wanted them to get the wages that they deserved. To listen to employees come and talk about how it would be better for them to work at Walmart, it made it the Council's job to give the employees what they need and deserve. If that was not our goal and part of our stance, we would have never had the pay study in the first place. He asked Mr. Freeman if salary increases were included during the retreat? Manager Freeman said they were not. Councilman Horton said his dilemma was that the budget is a process that's been worked on for months and here we

are on the end of the budget and now we're faced with a concerning situation where we have people who are hurting and they need relief. As a Council, we have a responsibility to pass the budget by July 1st, and here we are and everyone has come in, some of them disrespecting Council, when we're trying to come up with a way to support them and take care of them. If we raise taxes to take care of employees, they are going to feel it somewhere else. If they rent, their landlords are certainly going to raise their rent. We have been through a tough season with people losing jobs and I am just not for putting more taxation on people. I am in support of finding a way to implement the results of the pay study. He asked Manager Freeman if he had come up with any way that we can provide assistance to our employees without raising taxes? This all came up last week and I'm concerned because this is what we need. Have you found any way to implement this? Can the money we're going to receive be used as bonuses?

Manager Freeman said the money has not gotten a date yet. There was a definition of essential workers in this that only speaks to public health workers and the like. We cannot give people a bonus. Councilman Horton asked if it can't be used toward salary at all then? Manager Freeman said that's what it looked like. Councilman Horton said we have enough negativity going on in our city. Our citizens have been through enough. It takes a lot as an employee to stand behind the podium and voice their concerns. They were already struggling financially and now we've put out a report that says "yeah, you're definitely underpaid." It is the Council's job to find a way. When did the results of the pay study come out?

Director Benton said the first version was May 14th. Manager Freeman confirmed May 14th was the first draft, which then had to be gone through and analyzed. Councilman Horton asked if we were to go with 10 cents, would it be enough for everyone across the board to be where they need to be? Manager Freeman said it would raise it to the minimum. Councilman Horton said the Council had to come up with a plan. They were all for implementing the pay study. Most pay studies are implemented in processes, not overnight, correct? Manager Freeman said yes, that was correct, but the challenge was that this would still only bring the salaries up to a minimum market rate. Councilman Horton asked if there were things that could be cut from the budget to make sure that we provide some relief to the employees without raising taxes 10 cents. Manager Freeman noted that we tried, and we started earlier than ever. We started with two cents and four cents prior to the pay study results. Councilman Horton pointed out that we have Councilors who aren't here and everyone should have to be here to vote on this issue – it should not be some people don't have to vote on this because they aren't present. This is a big issue. Even if we go to 10 cents, people still aren't going to be where they think they should be.

Mayor Pro Tem Walton said he agreed with what Councilman Horton said. He said he had the option to have a medical procedure instead of coming to this meeting, but he knew how important it was to attend so he was here. He said he and the Mayor were called to talk to the directors prior to calling the special meeting. He felt everyone should be brought up to at least \$15 an hour, which isn't a lot of money. Everybody should make \$15 an hour. He said directors don't need to be brought up, but people who are broke and living in their vans do. He said he asked people to bring a plan back and no one did. He stated that he did not feel that a five-cent increase would be enough. He said Council needed to do their part and do it fairly. He opined that the pay raise Council received was not enough when compared to what they had been through this year. He urged the other Councilors to let their consciences be their guide. He said he did believe that 10 cents was too much to bring on the tax payers. He said he felt more comfortable with something like 8.5 cents. He noted their directive to the directors was to bring a plan forward and no plan was brought to them. We could take the 8.5 and bring the lower level up.

Councilman Brooks said he was okay with the 8.5 cents and having it brought back. He said it was the 12th budget and he'd never seen one like this. He said he was very much in tune with the employees and he knew how hard they worked. As elected officials, we can't give employees commands, but we need to make sure their safety is taken into consideration. He asked where five cents would take the City? Mrs. Benton said the five-cent increase would address 142 employees, bringing them up to the minimum. Councilman Brooks said his concern was that more than a few employees should be taken care of. He said two years ago we gave the Fire, PD, and Electric a 6% increase without raising property taxes – how did we manage that? Why can't we do that again? So, when I see them come up here and talk about where they are and I know this happened, I have to say, "Wait a minute." This is documented.

Nobody can pull the wool over your eyes about this. I know what happened. What does the 10 cents do? Mrs. Benton replied that it addresses everyone, the entire study. Councilman Brooks wanted to know how. Mrs. Benton explained that everyone gets a 4% increase, and those not brought to the minimum level with their 4% are given an extra amount to get them to their minimum level. Councilman Brooks said we must bring those employees that are not up to the minimum, we must bring them up. Everyone needed an increase across the board. He said the department heads at 4% was not fair. He said the ones at the bottom end should be up to where they can take care of themselves and their family. Even if we bring them up where they're supposed to be, they're still going to have a part-time job. It's not like if you bring them up, it's a ton of money. We can't make a drastic change overnight. I'm only concerned with those who aren't making close to six figures. He said he agreed with eight or 8.5. Once we did the pay study, we tied our own hands. We have no choice now. He said the employees convinced him to run for Council again and he would never turn his back on them. He asked Director Benton to find out how we gave people 6% raises without raising taxes. He said he believed it was feasible. We have \$94,000 that someone just left – take it and eliminate it. We have to have fiscal responsibility. He encouraged people to look at the minutes and his track record.

Councilman Spence said the employees did not ask for the pay study to be conducted. He said he could understand part of what Mayor Pro Tem Walton was saying about the department heads getting the same raise, but to have the City Manager and the Finance Director go back and start all over with an 8.5-cent increase when we already have a balanced budget would be ridiculous. He reiterated that we are not talking about a 10% increase, we are talking about a 10-cent increase. He said some of the department heads were not where they needed to be either. The budget had to be finished, July 1st.

Councilman Kem Spence called for the question. The motion was seconded by Councilman Gabriel Adkins. Those voting in favor of the motion were: Adkins and Spence. Against: Caudle, Horton, Brooks and Walton. Motion failed.

Attorney Morgan told the Council if they truly wanted to come back with different amounts now, they'd need to recess this public hearing. Mayor Pro Tem Walton asked for clarification from Mr. Morgan on the reason for recessing the meeting. Mr. Morgan explained we had to have a balanced budget and if 8.5 cent was voted on, we were not prepared for that. Mayor Pro Tem Walton opined that all Director Benton would have to do is subtract some numbers, why would that be difficult? Manager Freeman said there was a lot more to it than that. Mayor Pro Tem Walton reiterated that all you had to do was subtract and it was not hard.

Councilman Caudle said this is an impactful budget and the entire process has been confusing. He said he was not opposed to an employee increase, which was why the pay study was implemented in the first place. He said we were looking at compression and job classification. The number one thing that bothered him was that they had not officially seen the results of the pay study, so he could not judge it properly. What is the minimum they keep speaking of? Why wasn't the pay study shared? They have asked for it on numerous occasions and not received it. Mayor Parker said she thought it was given to them. Councilman Caudle said it was not. He said he was all about a raise, but he'd like to see it funded from other sources. We've not tightened our belt through any other area at all. We've just added and added and added. If we give across the board raises, then if you have a job classification that is 20% deficient, you're not solving the problem. I thought that was the point of the study to identify that so we could fix it over time, not just fund it in one year. I don't like the idea of a huge tax increase to do this – this doesn't really solve our problem. I'd like to know what we're funding and why we're funding it. I'd like to remind everyone we are also raising sewer rates 28%, and although I know we need improvements in our sewer, I need to know what we're going to do with that. That's a significant amount and I'd like to know the details. We're just throwing money at something and not targeting anything. He said he didn't want anyone to tell him what the study said, he wanted to draw his own conclusions.

Councilman Adkins pointed out that it was already almost 9:00 p.m. and we had employees still waiting outside hoping that the Council was going to do right by them. He said he was one of the Councilors who voted for a raise for the Council, but why won't we put the same energy into our staff? They took time out of their schedules to come and lay their stories out for us. I was at the meeting on Wednesday night and I don't think there was a dry eye in the place

listening to our staff and knowing what a 10-cent raise would do. The department heads deserve their minimum too. We have people outside at 9:00 p.m. at night after working all day long just hoping that we'll make a good decision. We didn't even have a debate like this over ourselves. 8.5 is almost 10. We need to do the best thing for our employees.

Councilman Horton said it was good to see the employees here. It wasn't that they didn't want to pay them, it was just a process. He said no one was making them stay outside – they could go home; it was being livestreamed. We will make sure they get what they need, but it is a process. If the department heads were not to get a raise, that frees up more money. We have a position open for \$94,000 and that frees up money. If we were to consider the 8.5, could we have the meeting on Wednesday?

Councilman Spence said we have beaten this horse to death now.

Mayor Parker passed the gavel to the Mayor Pro Tem Walton. She said we have been dealing with the budget for months now and come back and forth. "As I listen, I hear a lot of "I's." But what you're missing is it is not about you, it's about the employees. You can make the decision tonight as to what you're going to do. Attorney Morgan has said we must have a balanced budget by July 1st. We tried to get you to meet last Wednesday to get you to listen to the employees. We have met several times back and forth. I'd like to point out that last year this time, I had to break a tie and it was all about your salaries, Council salaries being increased. We talked about it several weeks before. You wanted \$500 a month increase, 70-plus increase. I told you no, I would not do \$500, you could do \$250 and that was it. It initially started out because of your insurance. Some of the ones of you talking tonight wanted city insurance and the manager told you that you'd have to become city employees in a limited capacity. I said no because I am retired and I don't intend to become employed for the rest of my days. So for those of you concerned about your insurance, that might not have been the purpose, but that's what you said, I voted to carry it from Finance to the Regular session for consideration. You were pleased to finally get that raise for yourselves because I broke the tie in favor of not holding up a \$69 million budget over your raise. It was ridiculous because you wanted to hold up the budget. Now tonight you want to hold up the budget again. You might be waiting on me to break the tie, but let me tell you right now, I'm not breaking a tie for you tonight because it's not about you. You had a chance to bring in any other amounts. 8.5 is a small difference from 10 cents, but you want to hold it up. Councilors had plenty of time to decide on this before June 28th. I will not break a tie for you tonight."

Councilman Kem Spence called for the question, seconded by Councilman Gabriel Adkins. Those voting in favor of the motion were: Spence, Caudle, Adkins. Against: Brooks, Walton, Horton. Mayor Parker broke the tie in favor of calling for the question. Motion carried.

Returned to the motion to pass a 10-cent tax increase as originally made by Councilman Gabriel Adkins, second by Councilman Kem Spence. Those voting in favor of the motion were: Spence and Adkins. Against: Caudle, Horton, Brooks, Walton. Motion fails.

Motion was made by Mayor Pro Tem Johnnie Walton to have the city manager and directors bring back a budget they will approve of to include 8.5 cents in tax increase. The motion was seconded by Councilman Michael Brooks. Those voting in favor of the motion were: Spence, Brooks, Walton, Adkins, Horton. Against: Caudle. Motion carried.

Attorney Morgan advised that we'd need to recess to Wednesday, June 30th at either 5:30 or 6:00 p.m. when live streaming is available. We do not need another public hearing, just a continuation of this one.

Councilman Adkins said we knew this meeting was going to be tonight. "I am out of town Wednesday and now we have to make changes and come with a different amount. This should have been gotten straight tonight. I can't be here Wednesday and I made it my business to be here tonight to vote on this matter. I want the public to know I won't be here. It's not fair."

Councilman Horton asked if the rules could be suspended for roll call voting. Mr. Morgan said he was not in a position to answer that, so he would say no at this time. Councilman Horton wanted to know if they could participate electronically. Why can't we make a motion as the governing body and allow electronic voting? Mr. Morgan explained it was because that is a recessed meeting. We'd have to suspend the rules, amend this agenda and allow it.

Mayor Parker called for a two-minute recess at 9:12 p.m.

Motion was made by Councilman Kem Spence, seconded by Mayor Pro Tem Johnnie Walton to recess the public hearing until Wednesday, June 30th at 6:00 p.m. to vote on a budget with a 8.5-cent tax increase. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton. Against: Caudle and Adkins. Motion carried.

Councilman Brooks asked if he needed to do a motion for the \$94,000 for the assistant city manager to eliminate the position and add it back to the general fund. Director Benton said it was in the budget. Mayor Parker said the manager said he needed the position. Councilman Brooks said he did not believe that position should exist. We needed IT positions much more. We are robbing the general fund. Mayor Parker said the manager said he needed a strategic planner. Councilman Brooks said he did not agree with that.

Councilman Spence asked why we needed a motion just to get consensus from the Council? Mr. Morgan said we lost a position at \$94,000 a year; it was just in the budget as he understood and it could be allocated elsewhere. He said it should be yielded to Manager Freeman and he could explain whether he needed the position or not. Councilman Brooks said it was up to the Council to decide. He said he could understand why we wanted Angela there with her skills and knowledge, but no one we could put there now would have the knowledge or expertise to command that amount of funding. Do I need to make the motion? We're the ones who opened up the position. Mr. Morgan asked if he wanted to make a motion to eliminate the position?

Councilman Horton asked if the position was eliminated, could it go to bring up the employees to where they needed to be? Manager Freeman said it would be salary savings, so yes. He said the assistant city manager position existed when Mr. Olson arrived and he chose not to use it. He said it was advantageous for him to use the previous ACM, but she is now gone. We need someone to do strategic planning and special projects and it all falls on his shoulders. We don't have someone that could fill the role now, but I believe the person is out there.

Councilman Brooks said the position was not always there. Manager Freeman interjected that is was and Olson just didn't fill it. Councilman Brooks said Mr. Olson came to the City Council and asked to fill the position. Mr. Freeman interrupted and Councilman Brooks said to let him speak; he'd been on Council for 12 years. It wasn't always there. Let's not deal with it. Rich came to Council and asked us for this position – if it was filled there, he wouldn't have had to come to us and ask. He could have just filled it. I normally have that in front of me. Our job isn't to tell you what you think you need to have in place. I'm not saying we have to close the position. If you say you need someone else to do this, I guess Council could still okay. If you need a strategic planner, okay, but we're not paying \$94,000 for it. If I don't have to make the motion, that's fine. Manager Freeman said it would still have to come back to Council regardless for confirmation, just like he did with department heads. He said he had the memo. Councilman Brooks said he had the memo too. Councilman Caudle told him to make the motion, it's 9:30. Councilman Brooks said it's a good conversation.

Motion was made by Councilman Michael Brooks to close the Chief of Staff / Assistant City Manager position. Motion died for lack of a second.

b. Hold a Public Hearing - Preliminary Plat for Heron's Ridge Subdivision, Phases 2, 4, & 5, Which Includes the Creation of 140 Single-Family Lots;

Kellen Long explained that Heron's Ridge is a single family residential subdivision with a total of 245 lots in five phases located on 87 acres. It's located on the west side of River Road across from River Road Middle School. Developers are seeking preliminary plat approval for the remaining three phases (2, 4 and 5), which will consist of 140 single family lots on 48 acres,

with an additional lot for open space and detention pond uses. The preliminary plat was approved in July 2018 by the Council.

Mayor Parker declared the public hearing open and asked the Clerk if she had any speakers. Upon her response that she did not, the hearing was declared closed.

Mayor Pro Tem Walton asked Mr. Robey if infrastructure was already in place. Mr. Robey said some infrastructure was in place. Mayor Pro Tem Walton asked how soon do we have to make sure that happens? Mr. Robey said the property is being sold to another developer who is interested in moving the project forward at this time. Mayor Pro Tem Walton asked if we can't maintain the infrastructure? It's already shovel ready? Mr. Robey said that was correct. The sewer pump station for the project is already constructed and has been serving existing homes, and there are water mains available that can be extended.

- **Motion was made by Councilman Gabriel Adkins to approve SUB 06-21 with the following conditions: Must submit copies of reissued permits for those that have expired. Must install additional fire hydrant midway between Ensenada and Aydlett based on Fire Administration's request.**

Prior to final plat approval

- **Pond 3, Tax Map P123C Parcel 247, shall be annexed into the City Limits;**
- **A copy of the supplemental property/homeowners conditions, covenants and restrictions shall be submitted for review and approval by the City Attorney. This document shall clearly state the HOA maintenance responsibilities for the drainage facilities, including the ponds; and**
- **A fee in the amount of \$23,880 shall be paid into the City's Park and Recreation fund.**

Seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

- c. Hold a Public Hearing - CASE NO: CUP 02-21, Submitted by the Steering Committee for Covenant Classical School for the Property Located at 200 South McMorine Street to Operate an Elementary School;**

Mayor Parker opened the public hearing and inquired if there were any speakers. Upon the Clerk's response that there were none, Mayor Parker closed the hearing.

Mayor Pro Tem Walton asked for the applicant to speak. He asked their name. He said it was so vague he had a lot of unanswered questions. Mr. Suaava asked if there was anything in particular they'd like him to speak about. Mayor Pro Tem Walton said he heard there were not enough entrances. Mr. Suaava said he was not aware of that. Mayor Pro Tem Walton asked if they knew Mr. Golden. Mr. Suaava said he did not. He said he met with the church and the pastor, who seemed to be readily on board. He said he not heard the concerns that were listed tonight. Mayor Pro Tem Walton asked if he'd spoken with Phil Hornthal. Mr. Suaava said he did not know who that was.

Councilman Horton said he was in a Christian school until eighth grade. He said he received the email and reached out. He said the email said they were speaking on their own behalf. He said he understood from staff that there were many moving parts to this.

Motion was made by Councilman Darius Horton, seconded by Councilman Billy Caudle to approve CUP 02-21 with the following conditions: Must provide the requested report by a registered design professional to identify the safety features of the state fire and building code that would be damaging to the contributing historic features of the property, if the historic features were required to be replaced to meet code. Must install a firm alarm in the hallway closest to the classrooms, that will consist of pull stations and horns/strobes in the classrooms and hallway.

Must complete all necessary inspections before operation begins, including but not limited to, building inspections, fire administration, planning, and Albemarle Regional Health Services. Continual adherence to the development standards as stated in the City of Elizabeth City's Unified Development Ordinance. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

d. Hold a Public Hearing – Closeout of the Raw Water Transmission Main Replacement Project Phase IIB;

The Elizabeth City City Council held a public hearing during its 7 p.m. regular session on June 28, 2021, for the closeout of a project funded by a Community Development Block Grant-Infrastructure award from the NC Department of Environmental Quality, specifically Grant No. 17-I-2960, or Phase IIB of the Raw Water Transmission Main Replacement Project. Present were Mayor Bettie Parker and City Councilors Billy Caudle, Gabriel Adkins, Michael Brooks, Kem Spence, Johnnie Walton and Darius Horton. City Manager Montrè Freeman called on Grants Administrator Jon Hawley to present the matter.

Mr. Hawley said this public hearing, held June 28, 2021, is called for the purpose of a final review, discussion, and closeout of a Community Development Block Grant-Infrastructure award to the City of Elizabeth City. This grant was part of the "Raw Water Transmission Main Replacement Project"; the grant individually is known as Grant No. 17-I-2960, also called Phase IIB.

Mr. Hawley said the CDBG-I Program's purpose is to improve the quality of life for low-to-moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service. CDBG-I assistance is intended to assist residential areas where at least 51 percent of beneficiaries are low- to moderate-income, as defined by the United States Department of Housing and Urban Development.

Mr. Hawley said the North Carolina Department of Environmental Quality awarded CDBG-I Grant No. 17-I-2960 to the City of Elizabeth City on February 28, 2018; the grant amount is \$903,581. The grant's purpose was to replace approximately 7,980 linear feet of deteriorated, 10-inch cast iron pipe with an equivalent length of 14-inch PVC pipe. This pipe is between the City's wellfield and West Main Street Extension, running along Wellfield Road.

Mr. Hawley continued that, on September 12, 2019, the City received three construction bids for the scope of work originally comprising Grant No. 17-I-2960. These bids significantly exceeded available grant funds. The City therefore requested additional grant support from DEQ and to divide the scope of work into Phases IIA and IIB. Phase IIB was funded through Grant No. 17-I-2960. Phases IIA and IIB were awarded to the lowest construction bidder, Enviro-Tech Unlimited Construction Services, on December 18, 2019, in the amount of \$1,043,335.

Mr. Hawley said the City reports at this public hearing that Phase IIB of the Raw Water Transmission Main Replacement Project was completed and brought into operation as proposed in our grant documents and bid documents, with the exception of the following amendments and change orders:

- The City requested a project amendment to reduce the project's scope from approximately 7,980 linear feet of pipe replacement to 5,890 linear feet. This project amendment was in response to the terms of additional DEQ grant assistance for the project. DEQ approved this amendment on November 18, 2019.
- The City requested one change order that extended the deadlines for substantial completion and final payment, due to the contractor encountering weather delays in mid-2020. DEQ approved this change order on August 21, 2020.
- The City requested a second change order for another time extension – due to weather and other delaying factors – and a connection to a previously-unaccounted-for well. DEQ approved this change order on November 3, 2020.
- The City requested a second project amendment that increased Phase IIB's scope of work to include replacement of six valves that are integral to the Raw Water Transmission Main's operation. DEQ approved this amendment on February 10, 2021.

- The City requested a third change order that included adjustments to the project's final quantities, the replacement of the six valves, and adding days to the construction contract. DEQ approved this change order on May 10, 2021.

Mr. Hawley said the initial project cost for Phase IIB was \$876,115. With the three change orders and two amendments, the final project cost was \$900,028.97. The City reports that only approximately \$879,514.35 in grant-eligible costs were incurred. This is approximately \$24,066.65 less than the grant award of \$903,581. The City anticipates and accepts that DEQ will retain any unclaimed grant funds.

Mr. Hawley said the City further reports that all project vendors have been paid fully for their work, and the City has submitted its final reimbursement request to DEQ in order to close out Grant No. 17-I-2960.

Mr. Hawley said, through the scope of work contained in Grant No. 17-I-2960, the City proposed to benefit the entire low-to-moderate-income (LMI) population of Elizabeth City. Census data has determined the City's LMI population is 55.6 percent. In this public hearing, the City confirms that the entire LMI population – 55.6 percent of residents – has benefited from the completed project.

Mr. Hawley said the City also confirms in this public hearing that no individuals were displaced or required relocation assistance as a result of the work performed under 17-I-2960.

Mr. Hawley said the City will submit its closeout documentation within one week of this public hearing. Project documentation will be maintained for review during normal business hours at 302 East Colonial Avenue, Elizabeth City.

Mayor Parker opened the public hearing and inquired if there were any speakers. Upon the Clerk's reply that there were none, Mayor Parker closed the hearing.

Motion was made to approve the closeout by Councilman Billy Caudle, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

5. Approval of Minutes:

a. April 12, 2021 – Regular Session

Motion was made by Councilman Billy Caudle, seconded by Councilman Darius Horton to approve the April 12, 2021 Minutes. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

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 – Declare 601 Shepard Street as Surplus;

Resolution # 2021 –06-04

**Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891308974866 and Map 26-C-1A and having a physical address of 601 Shepard 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 Ms. Bunny Bowers 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: 891308974866 and Map 26-C-1A, located at 601 Shepard 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 28th day of June 2021.

Bettie J. Parker

Mayor

April D. Onley

City Clerk, NCCMC

b. Consideration – Declare 500 West Cypress Street as Surplus;

Resolution # 2021 –06-05

**Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891419712902 and Map 39-B-29 and having a physical address of 500 West Cypress 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 \$3,000 received from Ms. Beatheia Weeks 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: 891419712902 and

Map 39-B-29, located at 500 West Cypress 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 \$3,000.

ADOPTED, this the 28th day of June 2021.

Bettie J. Parker

Mayor

April D. Onley

City Clerk, NCCMC

c. Consideration – Declare 104 Bell Street as Surplus;

Resolution # 2021 –06-06

**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: 891416824514 and Map 36-A-23-25B and having a physical address of 104 Bell 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 \$4,500 received from K & N Investments 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: 891416824514 and Map 36-A-23-25B, located at 104 Bell 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 \$4,500.

ADOPTED, this the 28th day of June 2021.

Bettie J. Parker

Mayor

April D. Onley

City Clerk, NCCMC

d. Consideration – Declare 209 East Burgess Street as Surplus;

Resolution # 2021 –06-07

**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: 891420817142 and Map 12-D-4 and having a physical address of 209 East 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 \$11,000 received from Mr. Aaron Griswell 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: 891420817142 and Map 12-D-4, located at 209 East 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 \$11,000.

ADOPTED, this the 28th day of June 2021.

Bettie J. Parker

Mayor

April D. Onley

City Clerk, NCCMC

e. Consideration – Application for BJA’s “Local Law Enforcement Crime Gun Intelligence Center Integration Initiative” for FY2021;

f. Consideration – Apply for Community Policing Development Microgrants Program for FY2021;

g. Consideration – Donation of Surplus Vehicles;

h. Consideration – Authorization of Live Fire Training – 103 Russell Lane;

i. Consideration – Amendment to the Elizabeth City Police Department’s Project Safe Neighborhood Grant Application for FY2020;

j. Consideration – Approval of Year-End Budget Amendments;

BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2021:

SECTION I. That the General Fund Delinquent Tax Revenue (10-3020-2019) will be increased by \$104,580,

That the General Fund State Street Aid (10-3430-0000) will be increased by \$69,360,

That the General Fund Coronavirus Grant PD (10-3490-5165) will be increased by \$21,184,

That the General Fund NCDPS Grant - PD (10-3490-5170) will be increased by \$5,472,

That the General Fund BCBS Incentive Grant (10-3500-4000) will be increased by \$175,000,

That the General Fund Pmt from NCDOT – Prov Bridge (10-3500-5800) will be increased by \$143,802,

That the General Fund Bldg Permit Insp Fee Revenue (10-3550-0000) will be increased by \$358,122,

That the General Fund CDBG – CV Grant-AAUW (10-3490-3100) will be increased by \$50,000,

That the General Fund Fund Balance Appropriated (10-3990-0000) will be increased by \$125,780,

That the General Fund Administrative Salaries & Wages (10-4200-0200) will be increased by \$47,0000,

That the General Fund Administrative Department Supp (10-4200-3300) will be increased by \$20,632,

That the General Fund Administrative Capital Equipment (10-4200-7400) will be increased by \$40,445,

That the General Fund Finance Contracted Svcs (10-4400-4500) will be increased by \$5,000,

That the General Fund Tax Foreclosed Property (10-4600-4601) will be increased by \$14,000,

That the General Fund Legal Fees (10-4700-0401) will be increased by \$9,000,

That the General Fund Police Overtime (10-5100-0220) will be increased by \$375,000,

That the General Fund Police Travel (10-5100-1400) will be increased by \$80,000

That the General Fund Police M&R Vehicles (10-5100-1700) will be increased by \$34,000,

That the General Fund Police Dept Supplies and Grants (10-5100-3300) will be increased by \$61,000,

That the General Fund Powell Bill – Prov Rd Bridge (10-5700-7314) will be increased by \$215,000,

That the General Fund Senior Center Contracted Svcs (10-6300-4500) will be increased by \$10,000,

That the General Fund Senior Center M&R Buildings (10-6300-1500) will be increased by \$15,000,

That the General Fund AAUW Coronavirus Grant (10-6600-5893) will be increased by \$50,000,

And that the General Fund Pay Classification Update (10-6600-0402) will be increased by \$18,957,

And that the General Fund Human Resources Salaries (10-6800-0200) will be increased by \$17,000,

And that the General Fund Human Resources Part-Time (10-6800-0300) will be increased by \$11,000,

And that the General Fund Human Resources Supplies (10-6800-3300) will be increase by \$15,000,

And that the General Fund Human Resources Capital Outlay (10-6800-7400) will be increased by \$10,500,

And that the General Fund IT Overtime (10-6900-0220) will be increase by \$4,766.

(This amendment will increase budgeted revenues and expenditures for various General Fund departments prior to the end of the fiscal year. All revenues increased except for Fund Balance Appropriated represent amounts already received in excess of previously budgeted amounts and are being used to off-set the increased expenditure estimates.)

ADOPTED, this 28th day of June, 2021.

**Bettie J. Parker
Mayor**

Attest:

k. Consideration – Airport Letter;

(End of Consent Agenda)

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

Motion was made by Councilman Darius Horton, seconded by Councilman Kem Spence to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Brooks, Walton, 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 – Public Access Grant for George M. Wood Park Repairs;

Jon Hawley advised that he'd submitted pre-application to Division of Coastal Management who viewed it favorably and asked us to present a final application. There would be a 10% match for the project, which would amount to just over \$10,000.

Mayor Pro Tem Walton said he felt the County should take half of this. He said the County won't talk to us, so maybe they would talk to Mr. Wood, as he was a commissioner. He did not feel we should foot the entire bill. Councilman Caudle noted that this property sat in Camden County. He said since it was part of Parks and Rec, the County would likely be paying for half anyway, just by our mutual agreement. He said he was happy that it was being worked on because it was a lovely area.

Motion was made by Councilman Billy Caudle, seconded by Councilman Michael Brooks to submit final proposal.

Mayor Pro Tem Walton said he wanted to amend the motion – he wanted it approved only if the County would pay for half. Councilman Caudle said that would be up in the air because it was located in Camden County. If it was paid through Parks and Rec, they'd be paying half anyway. Mayor Pro Tem Walton said Wood was a commissioner and if they won't talk to us, they should talk to him. He said if they wouldn't contribute, we shouldn't go forward with it. Councilman Caudle said he could not agree with that because we don't know which county is responsible and we'd be holding up a grant application. Mayor Pro Tem Walton said this is the problem now, we let people get away with everything. Councilman Brooks said just because Wood was on the board, it didn't mean they were going to listen to him either. He said the grant was necessary and \$10,000 would not break the bank. It would be good if one of the other counties helped, but it was a good opportunity for us. Councilman Horton said he concurred with Mayor Pro Tem Walton, but he wanted to see the County put money in this as well. Mayor Pro Tem Walton said it was about principles. The last 64 days, we'd been going through things that were tearing the community up because people think they could get away with anything. Two agencies are supposed to be looking out for the community but we can't talk to one another.

Mayor Parker asked Mayor Pro Tem Walton for his pleasure. Mayor Pro Tem Walton reiterated that the county needed to pay for half. Councilman Brooks said we're going to hold up the park because of this? In an ideal world, it sounds good, but we want people to be able to enjoy something. Let the grant go forward. If they say they're not going to do anything, the grant dies. We can't let the people suffer. It's like the County and the City are having a civil war and the casualties are the citizens. I wish we were talking and they would help out, but I don't think the people should be the victims of the county and the city not getting together.

Councilman Caudle asked Mayor Pro Tem Walton to make his amendment that the match comes out of Parks and Rec so the County automatically has to pay. He said he would be happy to accept that.

Councilman Caudle accepted that amendment. Councilman Brooks accepted the amendment as well. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

c. Consideration / Discussion – Proposal to Add Firefighters to City’s 401-K Supplemental Plan;

Director Buffaloe said he’d like to add firefighters to the supplemental 401K plan. This is one of the ways we can put money in the firefighters’ pockets. Law enforcement already participates. A total of 110 first responders would be added to this plan if passed. He noted that it would serve as a recruitment and retention tool.

One employee could retire, which would cost us roughly \$19,000. Mayor Pro Tem Walton asked what the next number was who could qualify? Chief Buffaloe said we had one in 2023, two in 2024. About seven in the next five years. (Councilman Spence left at the meeting at 10:12 p.m.)

Councilman Caudle asked if this was 100% funded by the City? Chief Buffaloe said it was. Councilman Caudle asked if the employees can contribute too? Chief Buffaloe said they could. It managed through the state.

Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Gabriel Adkins to approve the proposal. Those voting in favor were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Brooks said it’s not unconstitutional for protestors and he believed the statement was untrue when it was made earlier. It is a violation of first amendment rights. He said he’d like to see the lawyer the man said he talked to. He said one of the firefighters said he made \$40,000 less here and nowhere did it say they were \$40,000 under where they were supposed to be. He said his understanding was the Council can correct nonfactual information when it’s being spoken. Mayor Parker told him to look back in his rules of procedure. Councilman Brooks said he knew the rules of procedure, as he’d been here for 12 years.

Councilman Horton had no comments.

Councilman Caudle had no comments.

Mayor Pro Tem Walton said don’t let quick decisions happen. If we let another elementary school in, you can dismantle public education. I don’t know how many students he’s talking about. We have to support public education. It’s what our forefathers brought forth. STEM school is a charter school. NEAAAT graduated kids and they’re right back in with the kids they tried to get away from. We as a community allow too many things to happen and they come back and bite you and it’s nobody’s fault but ours because we allowed it happen. We have to be leery of that.

Mayor Parker said the meeting from Wednesday can be seen on the City’s website. For the past four years, she’s seen how hard the employees work. Our employees are essential workers and on the front lines during the pandemic. While still reeling from the pandemic, the shooting death of Andrew Brown Jr. happened and the city dissolved into civil unrest. She read an editorial that appeared in The Daily Advance that was extremely upsetting and rude to City employees. She said our employees have to deal with irate customers, including the columnist, who has been banned from City Hall since July of last year. This type of behavior is extreme, yet the employees continue to serve. She said the columnist also mentioned the new holiday allotted to City employees (Juneteenth) saying that it was not an acknowledged city holiday, however it was signed into law by the President this very year. She related a story from when a young lady told her she was not welcome in a fellowship hall, saying, “You are only here because the governor is here. You need to take your little white flower and leave.” She said she quietly walked away and let the pastor know what happened, as she was not the only one who was turned away. A city employee, Inspector Graham, insisted she go back into the fellowship hall and continue to represent the City. The way the young lady felt empowered to be disrespectful was shameful.

9. Closed Session As Allowed by NCGS 143-318-11(a)(6) Personnel

Motion to go into Closed Session was made by Mayor Pro Tem Johnnie Walton for discussion of personnel at 10:40 p.m. The motion was seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle and Adkins. Against: None. Motion carried.

The Council returned to open session at 10:52 p.m.

10. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 10:52 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

