

**City Council Regular Session
March 23, 2020**

The City Council of the City of Elizabeth City met in regular session on Monday, March 23, 2020, in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: Councilman Chris Ruffieux

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Suzanne Tungate
Chief of Police Eddie Buffaloe
Interim Electric Superintendent Bob Vannoy
Assistant City Manager Angela Cole
Human Resources Director Montique McClary
Public Utilities Assistant Director Amanda Boone
Parks and Recreation Dexter Harris
Interim Fire Chief Chris Carver
ECDI Director Debbie Malenfant
IT Director Matthew Simpson
Grants Management Administrator Jon Hawley
City Clerk April Onley
Executive Admin / Deputy City Clerk Doris Walton

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

Mayor Parker advised for those watching the meeting from home that the seating arrangements had been altered in light of state guidelines in order to adhere to recommended social distancing protocol.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda. Councilman Caudle noted that item 6 on the Regular Agenda, Presentation for Employee Retirement, be removed. Councilman Adkins requested a discussion on residential and commercial utility accounts be added to the Regular Agenda.

Motion was made by Councilman Darius Horton to approve the agenda with the necessary adjustments, seconded by Councilman Gabriel Adkins.

Councilman Horton requested that a discussion on Council Compensation be added to the Regular Agenda. He also requested that the item on Homeless Vouchers (B) be removed from the Regular Agenda. Mayor Pro Tem Walton requested that no action be taken on the public hearings this evening since no citizens had come forward to speak on the items.

Attorney Morgan advised that following the public hearings, the Council could certainly decide to take no action at this time if that was their wish. Mayor Pro Tem Walton asked

that a discussion on the use of inmates within the City also be added to the Regular Agenda.

Councilman Brooks agreed that it was important to give the citizens an opportunity to speak regarding the water meter issue, although he thought the Council had probably beaten the topic to death. City Manager Olson advised the Council that this would likely be their last meeting for 30 to 60 days, so we should keep that in mind. He also noted that if we did not approve the item this evening, we would likely lose our financing, so that was something else to keep in mind.

Mayor Parker noted that we are not setting a precedent with no one showing up to speak during a public hearing, but there would definitely be an area for discussion and the Council could proceed as they saw fit.

Those voting in favor of approving the agenda as amended were: Spence, 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. Comments from the Public:

There were no persons present who wished to speak.

4. Public Hearings:

a. Hold a Public Hearing – Water Meter Financing;

City Manager Olson advised the Council that the item presented for their consideration was the financing associated for the Beacon water meter purchase, which was a requirement of the LGC for such a purchase. The City is seeking LGC approval on the issuance of \$4,975,000 over a 10-year period for the smart water meters. BB&T was the only responsible bidder, and they issued a lending rate of 1.89% with no associated fees. The amount of interest the City will pay over the period is \$459,582.80. This particular offer will expire in May. For us to close on the deal, the LGC would have to approve our request during their May meeting.

Mayor Parker declared the public hearing open and inquired of the City Clerk if there was anyone present who wished to speak. Upon the Clerk's response that there were no speakers, Mayor Parker declared the hearing closed.

Mayor Pro Tem Walton asked when the LGC would next meet after the May date. Mr. Olson said it would be sometime in the first week of June. Mayor Pro Tem Walton said he felt we might get even better financing if we waited. He asked if it was correct that we could only use this money for the water meter financing. Mr. Olson replied that that was correct. Mayor Pro Tem Walton said he didn't understand why we couldn't integrate this money and process with some General Fund needs or items. Mr. Olson explained that Enterprise Funds and General Funds were separate. Mayor Pro Tem Walton said he still believed we should attempt to get the armory and use funding for something like that instead of spending so much money on water meters. Mr. Olson reminded Mayor Pro Tem Walton that we had numerous discussions last year regarding the armory and we did have a request in at the state for the armory, which was the proper procedure.

Mayor Parker requested that we focus on the issue at hand with the water meters in order to expedite the meeting.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence to authorize financing with BB&T for the Beacon Water Meter Project for debt issuance of \$4,975,000.

Mayor Pro Tem Walton expressed concern that the legislatives and executives were being mixed together. He said, “When you mix executives and legislatives together that’s called colluding and that’s not good.”

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

b. Hold a Public Hearing – Water Meter Financing;

City Manager Olson advised that based on the outcome of the previous public hearing, this item was now moot, but as it had been advertised, we still needed to proceed with the hearing and take no action.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers present who wished to be heard. Upon the Clerk’s reply that there were none, Mayor Parker declared the hearing closed.

Mayor Pro Tem Walton said he did not want to dismiss the idea and asked City Manager Olson to continue working on it as an executive. Mr. Olson said, “If I may speak frankly, we’ve been working on this for five years and your discussion has killed it. I don’t think it would be worth further staff time, to be honest with you. If you decided you don’t want to do the financing, this project disappears ... We will rework the budget accordingly.”

Councilwoman Young asked how long this would set up back if we still tried to go forward. Mr. Olson replied that we’d be pushed back to July or August at the earliest, particularly with the COVID issue looming. He noted that we don’t even know if the LGC will be meeting, but they’re trying to work through that. He said staff’s biggest concern is that this is the second time we put this in the market and it takes a lot of time and energy to pull it together for both staff and the bidder.

Councilman Brooks said the Council could always call a Special Meeting if they deemed it necessary and their concerns were satisfied. He said he understood where Mr. Olson was coming from. Mr. Olson said he felt that an order would be soon to follow from the Governor limiting Council’s right to hold meetings, which was part of his worry. He asked the Mayor if she concurred with that belief, and she said that she did.

Councilman Caudle noted that we’ve been through this twice and brought it back to the table with a nearly unanimous vote and yet we still can’t pull the trigger. “I don’t understand the hesitancy. We direct staff to do all of these things, but when it comes time to pull the trigger, we balk. Why do we do that? I don’t get what the hold back is ... If we direct them to do it again down the road, will we get to the same spot and do it again?”

5. Consent Agenda:

Mayor Parker requested that City Manager Olson read the items on the Consent Agenda into the record:

- a. Consideration – Accept FY 2020 PAL Mentoring Grant;**
- b. Consideration – Accept Let’s Go NC Pedestrian and Bicycle Safety Grant;**
- c. Consideration – Senior Center AARP Grant;**
- d. Consideration – Military Affairs Commission Community Grant;**
- e. Consideration – Acceptance of Property Donation – 806 Parkview Drive;**

Mayor Parker asked the Council’s pleasure on the presented Consent Agenda.

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

6. Regular Agenda:

a. Any Item Pulled from Consent Agenda;

No items were pulled from the Consent Agenda.

**b. Update / Discussion – Homeless / Voucher Program Policy Outcomes
(Removed During Agenda Adjustments and Approval);**

c. Consideration – Goals and Objectives;

Assistant City Manager Cole presented Council with the updated Goals and Objectives, as was presented and discussed during the February 2020 Retreat. The Mission Statement, “To create an attractive community that promotes opportunity for a good quality of life by engaging all citizens through partnership and providing quality service” remained unchanged. She outlined the seven goals as ensuring sound fiscal responsibility; improving the City’s infrastructure; strengthening intergovernmental relationships, including institutes of higher learning; providing activities that foster youth engagement and development; delivering cost effective, quality services; improving the quality and safety of neighborhoods; increasing community-wide business development opportunities to increase the quantity and quality of jobs. She advised that within those seven over-arching goals, there are smaller objectives within the organization.

Councilman Horton said that he believed the presented document was great, but he felt that it should have been presented during a Work Session, as it really did require a deep dive. He noted that we’re in the middle of a pandemic and he didn’t feel it was the right time to discuss it now.

Councilman Caudle noted that we’d gone through this at the retreat and he suggested that if anyone had an issue with a particular objective, we should maybe focus on that instead of going through each item again.

Mayor Pro Tem Walton wanted to know who put that Councilors should treat staff better because that had never been on the list before. Councilman Brooks concurred with Mayor Pro Tem Walton. He added the Council should really try to go by the Charter, as that was their marching orders.

Councilwoman Young asked if these goals and objectives needed to be adopted. ACM Cole replied that they did need to be adopted in order to become official action items. She advised that tonight’s aim was only to present back to the Council what their finite ideas and potential budget impacts were after staff had more time to dig into their less-formal ideas from the retreat. She said she did not intend to “get into the weeds” with them, as we’d certainly already done that. Primarily, we want to be aware of our challenges. Each item the Council identified now had a prospective budget, a champion, team members and resources associated with each. She briefly gave an overview of the deeper goals, including writing and submitting a minimum of 20 grants per year; continuing financial monitoring; completing a professional personnel compensation study; repairing infrastructure and repaving local roads; completing the water and electric utility smart meter installation; facilitate paving of all unimproved streets; continuing quarterly meetings with Pasquotank County; strengthening the City’s relationship with Pasquotank County; improving the Council’s relationship with and treatment of staff; improving the professionalism of the Council; continuing the internship program; exploring the opportunity for a Teen Center; continuing the Youth Leadership Academy; developing the City’s internal training capabilities and initiatives; achieving cybersecurity; developing and facilitating an environment for the City Manager to implement a City succession plan for leadership and key positions; completing the migration of the Community Development Department online application and permitting process; developing and adopting a 10-year City Master Plan; ensuring adequate public safety staffing levels and training; budgeting and obtaining appropriate public safety equipment; and attracting new downtown businesses, shoppers and visitors.

Councilman Brooks asked why item 9 regarding the treatment of staff by the City Council was now a goal. Councilwoman Young said she’d requested that item be added, as well as the item on improving the professionalism of the Council.

Mayor Pro Tem Walton said people keep having selective amnesia. He thanked Councilwoman Young for “fessing up” to adding the item. “When you do things in the dark, there’s a light somewhere that will shine. She fessed up and said she did, but I don’t

understand why she did. We're the owners. If the city manager treats us with respect ... I asked a person that was left in charge of a meeting to give me a document and that person tells me they're not going to do it, they have to go home and it was 7:00 in the evening. It's later now than it was then. Then the next morning, she says she's going to give it to me at 8:00 a.m. Did I get the document? No. And we're talking about respect?" He continued, "A police write-up says a councilwoman was being led to her car then a stout woman caught her and said city management wants to talk to you on the phone, can you go in and talk to them? We're the ones that's not being respected. The owners. How can we as a group, eight people, do legislative work when the legislative and the executive ... he might as well do both if he can do both things."

Councilman Caudle said if you don't want that one in there, make a motion to remove it.

Councilwoman Young said, "The last time I checked, I am a part of this governing body." She noted that the City Manager had requested that they all provide ideas and she did give him that particular item because she wanted to see the Council treat staff better. She said she also put Council professionalism on as well. "I am a part of this body and I'm allowed to put goals up just like any other councilperson."

Motion was made by Mayor Pro Tem Walton to eliminate Goal 9, Improving Council's relationship and treatment of staff, seconded by Councilman Michael Brooks.

Councilman Horton expressed concern that the homeless shelter was not added anywhere within the Goals and Objectives. He requested that it be added. He noted that he'd had to leave before the retreat ended, but he was under the impression that it would be placed in the final document.

Councilman Spence said he did not feel that we should negate anyone suggestion. He noted that Councilman Horton just said he wanted the homeless shelter and we're agreeable to that, so why would we remove Councilwoman Young's item? We should respect all suggestions.

Councilwoman Jeannie Young called for the question, seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Brooks, Walton, Young, Horton, Caudle and Adkins. Motion carried.

Those voting in favor of the motion to remove Goal 9, Improving Council's Relationship and Treatment of Staff were: Brooks, Walton, Horton and Adkins. Against: Spence, Young and Caudle. Motion carried.

ACM Cole requested in Goal 10 that the word "professionalism" be changed to "cohesiveness." Mayor Pro Tem Walton said an executive person should not be trying to do legislative jobs. ACM Cole apologized to Mayor Pro Tem Walton if she had in some way overstepped her boundaries in refining the document and changing the word. "We were not trying to regulate or micromanage." Mayor Pro Tem Walton said, "You're an assistant executive. Mr. Olson's an executive. We legislate. We make the policies. When you put executive and legislative together, it's total control. Us eight need to come together and unite and not go into back doors or we'll get what we have now."

Councilman Horton said he personally disagreed with the goal as a whole. "At the end of the day, I disagreed with Goal 9 because it felt like a way to micromanage Council. I didn't think it benefitted the Council." He said that improving the professionalism or cohesiveness was not necessary because he felt that they already were cohesive. "No goals should be directed to us as councilors, just to the City as a whole."

Councilman Caudle suggested "maintain cohesiveness" instead.

Councilman Brooks said he agreed with Councilman Horton because it felt like some of the goals were direct shots at the Council. He noted that no goals should be micromanaging the Council. He concurred with Councilman Caudle's suggestion of "maintaining cohesiveness" but with leaving off "of the Council:" because it made it seem like the Council was always misbehaving.

Councilwoman Young said her suggestions were not in an effort to micromanage but in order to help the Council grow and get help in that aspect. "We need to help each other

be more professional.” She worried that when people watch our meetings, they see bad behavior. She noted that it isn’t necessarily a shot at our Council, but all boards should strive for a high professional potential and try to work together well.

Mayor Pro Tem Walton said if you can’t take care of yourself first, you can’t take care of anyone else. We can make speeches about “my staff” and “my Council” but when you treat people a different way than how you speak, that matters.

Motion was made by Mayor Pro Tem Johnnie Walton to remove the word “professionalism” from Goal 10, and adding “maintaining cohesiveness of the City of Elizabeth City” instead of “City Council.” The motion was seconded by Councilman Darius Horton.

ACM Cole said the goal as worded was probably a bit too great because that would put us micromanaging the citizens and businesses of Elizabeth City, which we have no right do. She offered that perhaps we say, “Maintaining the cohesiveness of the City of Elizabeth City Government” instead. Attorney Morgan concurred that we would be overstepping our bounds with the original statement.

Mayor Pro Tem Johnnie Walton and Councilman Darius Horton accepted the amendment to include “City of Elizabeth City Government”. Those voting in favor of the motion were: Spence, Brooks, Walton, Horton, Caudle, Adkins. Against: Young. Motion carried.

City Manager Olson advised that it was going to be an extremely tight year financially and most of the goals would be hard to fund this year. ACM Cole noted that there was no goal that spoke to housing or to helping homeless. Councilman Horton said he’d like a separate goal for homelessness.

Motion was made by Councilman Darius Horton to add a separate goal to identify and implement a solution to the City’s homeless problem. The solution was seconded by Councilman Michael Brooks. Those voting in favor of the motion were: Spence, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

Motion was made by Councilman Billy Caudle to adopt the Goals and Objectives with the requisite amendments, seconded by Councilman Michael Brooks. Those voting in favor of the motion were: Spence, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

*(*Clerk’s Notation – Councilman Kem Spence left the meeting and was not present for any further discussions after this point.)*

d. Discussion – Commercial and Residential Utility Accounts (As Added by Councilman Adkins During Agenda Adjustments and Approval);

Councilman Adkins noted that the City had entered a State of Emergency due to the coronavirus, which also stated that the City would suspend residential cut-offs for a short period of time. He expressed concern for the numerous people out of work due to the pandemic. He said he’d gotten a lot of phone calls from business owners who were also struggling and were fearful that they would not be able to afford their utility bills. He pointed out that many restaurants have had to switch to either take-out only or close entirely. He asked City Manager Olson what would the City be doing to ease the burden on both residential and commercial customers who weren’t able to generate any money to pay their bills at this time; do we have a plan in place?

City Manager Olson replied that we stopped residential disconnects several weeks ago, but unfortunately, the City still has bills that must be paid. We’ve always had different policies for commercial and residential customers. He noted that when commercial customers come up for disconnection, they are often several months behind at that point, which could total thousands upon thousands of dollars, as we have different protocol for their disconnection as opposed to residential disconnection. Commercial accounts have more leeway and the City works hard to help our businesses stay afloat, even when we’re not suffering a pandemic. He added that in order to disconnect a commercial account, three signatures must be obtained for approval: The Finance Director’s, the City Manager’s, and the Customer Service Manager’s. Additionally, there’s a separate

process for notification. He noted that the City also makes every effort to work with our residential customers as well, but there seems to be a misconception that due to the pandemic no one has to pay their bill any longer, which is simply not the case. "We may not disconnect at this time, but we cannot forgive the bills. It would be against the law." He said we're looking at extending things from 45 to 60 days without disconnection. He added that he was hoping to have a draft of the financial grant package the City is trying to put together to assist businesses who are being hit by the pandemic, but it wasn't quite ready to go at this time. He assured the Council that staff has been working with ECDI Director Malenfant on how best to help some of our businesses.

Councilwoman Young asked that we please let the community know that we're going to give them a chance to pay their bills, but don't expect not to have to pay anything. We will help them in any way we can with payment plans and agreements, but what you owe will still come due. She noted people are all over Facebook saying they don't have to pay their utility bills, but that is not the case. She said the State of NC was encouraging daycares to stay open as long as they could, but that was something that could change quickly. Councilman Adkins asked if there was a limit on how many children could be in the daycare. Councilwoman Young replied that there was not, at least not at this time.

Councilman Adkins clarified that he didn't want to encourage anyone to not pay their bill or get out of paying their bills; he just wanted to make sure that we were cognizant of the fact that some businesses were in dire straits at this time. "Everyone's intention should still be to pay their bills, but I just wanted to know what the plans in place are to help the people who may need it."

Councilman Horton said that as a business owner he was also concerned with how we'd move forward. He opined that if the City Manager had some additional information he was going to share later that may trigger the Council's need to offer a motion, he felt that he should provide that information now rather than later. Mayor Parker said she didn't mean to imply that Mr. Olson couldn't provide information at this time. Councilman Horton said he understood that, but the Council had been cautioned against making motions during Comments and Inquiries, and he wanted them to hear any applicable information while they could still make necessary motions. "I'm not trying to be disrespectful. I can't wait for the comment section because then a motion could be ruled out of order." He asked Mr. Olson what the plan was for businesses at this time.

Mr. Olson replied that the financial package for businesses that he was working on with ECDI Director Malenfant was one of the items they had going now. Councilman Horton asked what they'd do if the Council was prohibited from meeting and couldn't vote to approve the package. Mr. Olson replied that was a concern of his, particularly since money would be involved and it should really be heard by the Finance Committee. He noted that he'd likely be able to send the Council something by Wednesday, but he wasn't sure when it could be implemented. Councilman Horton said he felt that this item should have been more of a priority than some of the items on tonight's agenda. City Manager Olson noted that the City had always employed a very liberal policy as far as utility payments were concerned and would continue to do so, but our bills were still due one way or the other. Councilman Horton asked if Mr. Olson expected any relief for the City as far as our personal bills went. Mr. Olson said that he did not.

Mayor Pro Tem Walton worried that if we're only allowing a suspension of disconnections for the next two weeks, then it looks discriminatory and only takes care of two particular wards. Mr. Olson said that was not correct. "We're in a new paradigm and we're working with our customers. We'll continue to suspend cut-offs for a period of time, but we will have to reinstate them at some point to maintain the integrity of the utility system." He reminded the Council of the failed utility integration and the agreements we did with many of our customers. He noted that he could not tell the Council everything we would do now because we didn't have everything set in stone yet.

Mayor Pro Tem Walton said he needed to know more than what Mr. Olson was telling him. He said if he wanted to be fair, he needed to suspend the cut-offs for a month and a half. "You're saying things but you're not putting them in writing. We need it in writing. You don't need to wait until the Council approves it when we don't even know when we'll meet again."

Councilman Brooks asked how long customers went without receiving a bill during the conversion. Mr. Olson said some went as much as three months. Councilman Brooks said we had to find a way to make sure people understood that even if you weren't being disconnected, you still have a bill, and you're still using electricity. He said he understood Councilman Adkins's concern for the businesses and he agreed that we needed to try to help them without doing drastic damage to the City's monetary flow. Mr. Olson said we only know what's going on at this point in time, but we do have policies in place that allow us to address certain issues now.

Motion was made by Councilman Gabriel Adkins to cease disconnections on both residential and commercial accounts dating back to the beginning of the pandemic and going forward. The motion was seconded by Councilman Darius Horton.

Councilman Horton requested clarity about a beginning and end date from the City Attorney. Mr. Morgan said that we should define the dates of beginning and end, otherwise the motion might suffer from being so open-ended that we would be at risk of bankrupting the City. He also advised that we were in a situation where the rules of procedure would need to be suspended, as this would generally be an item that appeared first before the Finance Committee for consideration.

Councilman Horton asked Mr. Olson if the State of Emergency would be lifted after the pandemic reached a level of control. Mr. Olson replied that the last information he received indicated that the State of Emergency would likely remain in place through the end of the calendar year. He said the reason they kept them in place so long was due to FEMA and other assistance. Councilman Horton said he agreed with what Councilman Adkins was saying, but he also understood where Mr. Olson was coming from about the City's finances. He asked Mr. Olson, from a managerial standpoint, what would be options of a good timeframe for this issue? He requested that Mr. Olson be very frank with him because that would help him with his vote. Mr. Olson responded that they should not look at a period of longer than 60 days. He noted that we are now entering the "shoulder months", March, April and May, which are the lowest bills of the year because you aren't heating or cooling. Additionally, if commercial businesses are not open at this time, they are likely using very little electricity. He added the real issue is more of a legal issue, but most businesses have business interruption insurance, although a pandemic may not be covered by that.

Councilman Horton said he felt if the manager was suggesting no more than 60 days, he would be okay with that because that was offering relief to businesses.

Mayor Parker reminded the Council that Attorney Morgan had advised that the first order of business would need to be suspending the rules of procedure since this would generally be an item that would need to go to the Finance Committee. Mr. Morgan suggested withdrawing the motion on the floor, making a motion to suspend the rules and then returning to the original motion.

Councilman Gabriel Adkins withdrew his motion to cease disconnections for residential and commercial accounts, seconded by Councilman Darius Horton.

Councilman Young offered that since we were in such an unknown time in the state and country, perhaps we should give a directive to the manager and staff to figure out a plan for the community instead of trying to figure it all out tonight. She opined that giving a directive to get a plan together would be a better course of action.

Councilman Caudle said he felt we should take a look at conflicts of interest. "I'm not throwing stones, but if you have a business in this town and you make this motion and you're directly benefiting financially from it, then you have a big conflict of interest from it. Big. Then we need to talk about that. Who among Council would that affect and they can't vote for this?"

Councilwoman Young said that she should not vote, as she had a business. Mayor Parker offered that Councilman Adkins also had a business, but noted that they could certainly recuse themselves. Councilman Horton said, "With all due respect, I disagree because we're all utility customers. Residential utility customers." He said he disagreed because it

isn't for one business owner, it's for every commercial utility customer in the City. He opined that it was not fair for Councilman Adkins to have to recuse himself because it was not a vote that benefitted him alone. Attorney Morgan noted that Council was covered by the residential policies already in place, but asked how many commercial customers currently sat on the Council. Upon the reply that there were two, Councilwoman Young and Councilman Adkins, and the Council would still maintain a quorum with those Councilors recused, he said he felt the only safe course of action would be for those members to recuse themselves. He noted it was a cautious approach, but he felt it was best.

Mayor Pro Tem Walton said he did not feel that they would be benefitting and they should not have to recuse themselves. Attorney Morgan said he felt there was a difference between a residential account and a commercial account.

Councilman Horton asked if they could give the city manager a directive to not disconnect commercial customers for 60 days. He noted that if the city manager made the policy, then the members of the Council would not have to recuse themselves. Attorney Morgan said that the Council, although indirectly at times, was still responsible for all policies.

Motion was made by Councilman Darius Horton, seconded by Mayor Pro Tem Johnnie Walton to suspend the rules of procedure to forgo forwarding the pandemic commercial disconnection policy to the Finance Committee.

Councilwoman Young said she wanted to be recused from the vote. Attorney Morgan said it was not proper to recuse just yet, as this vote was only to suspend the rules of procedure and not the actual vote on the suspension of commercial disconnections.

Councilman Adkins asked Attorney Morgan why he needed to recuse himself from the vote because we weren't forgiving commercial bills and only delaying the payment. Attorney Morgan explained that it could be argued that Councilman Adkins was gaining financially by delaying the payment.

Councilman Caudle asked if this would require a super majority and what that would mean in terms of those present. Mr. Morgan responded that yes, a super majority was required to suspend the rules of procedure and that at least four of the councilors present would need to vote in the affirmative.

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

Motion was made by Councilman Darius Horton that from the current billing cycle through the next 60 days forward we would cease disconnections for commercial accounts.

City Manager Olson said he believed that under the City Charter, he believed he could do that without a Council vote; however, he did want to make the Council aware that in 60 days when the City had no money to pay our bills, this would be the consequence of what we were doing and he asked not to be held liable for what was being done.

The motion to suspend commercial disconnections for the next 60 days was seconded by Councilman Michael Brooks.

Councilman Horton said the Council would not hold the manager accountable, and the only reason he suggested 60 days was because of Mr. Olson's earlier statement that we should not go beyond 60 days. He asked if Mr. Olson was now implying that 60 days would put the City in a financial bind. Mr. Olson pointed out that we have roughly \$5.5 million available at this time in the utility. In 60 days, we'll pay out about \$4 million in outside utility bills, which leaves about \$1.5 million to run the operations. We have payments to the General Fund we'll have to make, payments to employees and debt payments, which really pulls that total into a dangerous area. He added that some people will continue to pay their bills, so it probably will not be quite that dire, but he did want the Council to be aware of the possibilities that he's taking in consideration.

Councilman Horton asked if it was the consensus of the body, would Mr. Olson be willing to move forward with it? Mr. Olson said that he would.

Councilman Brooks said he still didn't understand how if commercial customers still have to pay their bills then how could it be believed that some members of Council might be benefitting from this vote? Attorney Morgan noted that he was trying to act cautiously; it could be said that the delayed payments were allowing them to repurpose those monies that would normally go toward their electric payments for something else. He added that his opinion was based in an abundance of caution and he wanted to protect the Council.

Councilman Brooks said we need to take into consideration that not all commercial customers will take advantage of this offer. "Where some will need it, some will not. It's not as dire as it could appear." Mr. Olson agreed, although he noted that most of our customer base is residential and not commercial, and he was much more concerned about residential than commercial. Councilman Brooks asked if we were going to offer a payment plan after the 60 days or were we going to expect them to pay everything up front. Mr. Olson said we'd allow them to pay half upfront and then put the rest on an agreement. He added that once we make an announcement that we're not disconnecting people, our bills will go to the bottom of the pile. "It's just human nature." He noted that if there's no threat of disconnection, people do not pay.

Councilman Brooks asked if the manager would send up a "red flag" if it looked like we were being financially harmed by the 60-day policy. Mr. Olson said he would. He reminded the Council that our margins are only 20%, and 80% of our bills are paid by what we collect from customers. He noted that another concern could be an intra-month cash flow problem. He urged the Council to remember that we are a business ourselves and we are a microcosm of what's going on around us. We may even reach a position where we have to furlough positions ourselves.

Councilman Horton wondered if there even should be a vote on this plan since the city manager already said he'd do this if it was the Council's wish. He said he felt it would be unfair to our citizens and staff if we asked them to put numbers and information together suddenly.

Councilman Darius Horton rescinded his motion to suspend the commercial disconnections for the next 60 days, seconded by Councilman Michael Brooks.

Mayor Parker asked where the Council wished to go with the motion at this time. Councilman Horton pointed out that the city manager had advised that it was under his purview in the Charter to suspend the disconnections, so the general consensus was all that was needed. City Attorney Morgan agreed that it would keep anyone from needing to recuse themselves if we proceeded this way.

Mayor Pro Tem Walton said he was not comfortable with it and he wanted timeframes in place to get things done.

Motion was made by Mayor Pro Tem Johnnie Walton to have the city manager move forward with the cessation of commercial disconnections within the next seven days. The motion was seconded by Councilman Michael Brooks.

Councilman Brooks asked Mr. Olson if he felt that was an agreeable time period. Mayor Parker told Councilman Brooks he'd already seconded the motion for seven days. Councilman Brooks replied that he'd had to second it because he felt that she was on the verge of calling the motion dead for lack of a second.

City Manager Olson stated that he was unsure of what sort of policy the Council was requesting that he implement in the next seven days. The existing policies in place already gave him the flexibility for the allowing no disconnections within the next 60 days, which was why the motion was rescinded. He added that if the Council would like him to refine the existing policy, he could do that, but his concern was that some commercial businesses could end up owing us up to six months of bills, which could be a considerable amount of money.

Mayor Pro Tem Walton asked how soon could Councilman Adkins get the document or policy that the city manager is referencing refining. Mr. Olson stated that he'd work on the protocol as quickly as possible. City Attorney Morgan interjected that he did not want to belabor the point, but as the manager had mentioned, there were currently commercial

customers who are already several months behind on their bills. Councilman Horton stated that we don't have information in front of us to make financial decisions. He said he believed Mr. Olson had received their concerns and understood them well enough to move forward. He noted that in his opinion, if there were accounts that were already several months past due, they should have been disconnected already, but he wasn't in Customer Service making those decisions. He urged the Council to allow the manager to take the Council's suggestions and implement them the best he could. Councilwoman Young concurred.

Councilman Brooks expressed concern that we had customers that far behind on their bills and the Council was just now hearing about it. Councilman Caudle explained that he'd taken the manager's comments as there were customers who were behind because they had already been provided with leeway, not necessarily that they were six months behind but that they could potentially become that far behind if we continue down this road.

Councilman Horton asked what exactly was the plan we were asking the manager to return with in the next seven days. "Basically, respectfully, what I'm asking is what are we expecting from him in seven days?" Mayor Pro Tem Walton replied that he expected to see the contract that would be the agreement within the next seven days.

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

e. Discussion – Council Compensation (As Added by Councilman Darius Horton During Agenda Adjustments and Approval);

Councilman Horton stated that this item had been discussed at length during the previous meeting, and Mr. Olson had informed them that they could not vote outside of the budget adoption to increase their compensation.

Motion was made by Councilman Darius Horton to direct the City Manager to include a raise of \$500 per month for the City Council to be included in the budget. The motion was seconded by Councilman Gabriel Adkins.

Councilman Caudle asked if this item hadn't just been voted down during the last meeting? Councilman Brooks said all that had been decided during the last meeting was that the Council would discuss the item no further at that time. Councilman Horton said at the last meeting, they voted to do nothing because they were told by state statute that they were unable to raise their salaries outside of the budget adoption, which was why he'd brought the item back in the manner that he had.

Councilwoman Young said she couldn't believe that Council would bring this topic up while we were in the middle of a financial crisis. She noted she was not directing her comments toward Councilman Horton, but she hoped that we were better than this and would not consider raising Council salaries while the City faced financial hardship. Councilman Caudle echoed Councilwoman Young's sentiments. "This is a ridiculous time to bring this up. People are getting laid off right and left and this is a slap in the face to all the workers. Not personally, just the idea of it is pretty ill-timed."

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

Motion was made by Mayor Pro Tem Johnnie Walton to prevent reintroduction on this topic for a period of six months. The motion was seconded by Councilman Darius Horton.

Attorney Morgan advised that a motion to prevent reintroduction would require a supermajority vote of the Council.

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

f. Discussion – Inmate Use (As Added by Mayor Pro Tem Johnnie Walton During Agenda Adjustments and Approval);

Mayor Pro Tem Walton stated that he and Councilman Brooks had both expressed concern with the City hiring inmates, but during a meeting they'd been absent, the item was moved forward to bring the inmates back on board. He said right after the retreat, a young lady retired and she said one of her reasons was that she was afraid that the inmates were coming back. City Attorney Morgan cautioned Mayor Pro Tem Walton against possibly giving identifying information. Mayor Pro Tem Walton said he wasn't going to overstep his bounds, but what he was saying needed to be said. He pointed out that we had stopped using inmates after the August 2017 attempted breakout at the prison. He worried that we'd run one of our best workers out because of this. "We're running good people away. That's not how we should be doing things." He opined that inmates should not be working here because it affected the safety of our employees. He asked the manager how risky it felt to have inmates working with our employees on a scale of one to 10, with 10 being the highest risk. Mr. Olson replied that it was one to two, and not much of a risk. Mayor Pro Tem Walton said if he felt it was that minimal, he should bring them in and put them in the Fire Department. Mr. Olson replied that that was not the way the agreement worked, and not a department that we could have inmates working within. He said that there were communities that utilized inmates in such a way, but ours was not one of them. Mayor Pro Tem Walton opined that bodies are bodies.

Councilman Brooks said he was surprised Mr. Olson would rate the risk so low because even today an inmate escaped from the courthouse. He noted that he worked in the system and knew better.

Motion was made by Mayor Pro Tem Johnnie Walton to withdraw the contract between the City of Elizabeth City and the usage of inmates. The motion was seconded by Councilman Michael Brooks.

Councilman Horton stated that he felt Mayor Pro Tem Walton had brought up some very serious allegations and felt we should go into a closed session for personnel at an upcoming meeting to discuss them. He said he was extremely concerned if we had an employee that was forced to resign because of being subject to working with inmates.

City Manager Olson noted that the employee in question retired and did not resign. He said that Mayor Pro Tem Walton had provided him with a letter, to which he did respond.

Councilman Michael Brooks requested a friendly amendment to include that we are withdrawing the contract due the coronavirus, safety being a Council Goal, as well as the recent inmate escape from the courthouse. The amendment to the motion was accepted by Mayor Pro Tem Johnnie Walton.

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

As the vote resulted in a tie, Mayor Parker cast the tie-breaking vote against the motion. Motion fails. Contract with inmates and City of Elizabeth City remains in place.

7. Comments and Inquiries on Non-Agenda Items:

City Manager Olson advised that Knobbs Creek, the Senior Center, Hugh Cale, Griffin Street, and the Public Safety lobby were all closed. All City travel has been cancelled until further notice. He said the workforce has been classified into essential and non-essential. A continuity of operations plan has been implemented and updated. Disinfection stations have been placed in the lobby of Customer Service. A draft sick leave policy that is compliment with the new federal law has been worked up to compensate non-essential employees who may be let go during the pandemic. He advised that the Police Department would be enforcing the Governor's latest orders for closings. The upcoming joint City-County meeting has been cancelled after a discussion with the county manager.

Councilwoman Young asked if their meetings would be cancelled by the Council themselves or by the Governor. Mr. Olson said we'd be working with the Governor's office on restrictions and keep the members updated.

Councilman Horton asked if there was a policy that needed to be adopted in terms of other ways to meet. He said he remembered the virtual policy, but could they adopt something temporary along those lines? Mr. Olson replied that the advice we're getting

still tells us that we must have a quorum physically present even if some members may participate electronically.

Mayor Parker noted that she and City Manager Olson do attend Emergency Management meetings and will continue to relay any and all information they are receive that they are able to give out as quickly as they can.

Councilman Brooks had no further comments.

Mayor Pro Tem Walton stated that it was a disgrace that we had turned our back on one of our best workers. He opined that we don't care about the things we should care about and aren't as concerned with safety as we should be. "It's who you are, where you live and how much you make. The haves and the have nots. ROI means return on investment. ROV means return on your vote. If you don't vote, you'll just go along with the flow. It doesn't make me proud."

Councilwoman Young asked that everyone try to put their best self forward during this crisis and try to show humanity and compassion.

Councilman Horton asked if Mr. Olson could please provide an email update on the two potential properties that might possibly be used as a homeless shelter. He urged everyone to pray for one another and look out for one another.

Councilman Caudle had no further comments.

Councilman Adkins had no further comments.

Mayor Parker reiterated that there would not be a joint City-County meeting. She advised anyone watching who would like more information on COVID-19 that they could visit the TDA's website, the City's website and the Governor's website. She read the PSA "Do The Five" from the World Health Organization and asked that everyone be safe.

8. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 9:58 p.m.

Bettie J. Parker
Mayor

April D. Onley
Interim City Clerk