

**City Council Regular Session
March 8, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, March 8, 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 Chris Ruffieux
Councilman Michael Brooks
Councilwoman Jeannie Young
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilman Darius Horton
Councilman Gabriel Adkins (*Arrived at 7:25 p.m.*)

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Finance Director Evelyn Benton
Chief of Police Eddie Buffaloe
Deputy Chief of Police James Avens
Interim Electric Superintendent Bob Vannoy
Assistant City Manager Angela Judge
Human Resources Director Montique McClary
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Interim Community Development Director Debbie Malenfant
Planner Kellen Long
Parks and Recreation Director Sean Clark
IT Director Matthew Simpson
City Clerk April Onley
Deputy City Clerk Doris Walton

(Clerks Notation: This meeting was conducted differently due to the COVID-19 pandemic. Councilors met in Chambers and staff members participated remotely through Google Meet. The meeting was live streamed on Channel 11 and the City's website for the public, who were not allowed to attend the meeting. The public comments were received via email and are included in full as received.)

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 Darius Horton to give the invocation, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda. Councilman Brooks said he would like to add a discussion on the Boys and Girls Club to the Regular Agenda.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to approve the agenda with the requested adjustment. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, and Caudle. Against: None. Motion carried.

2. Statement of Disclosure:

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

3. Presentation:

a. Presentation Honoring Life and Service of H. Rick Gardner

Mayor Parker read a proclamation in honor of the late H. Rick Gardner, a former Elizabeth City mayor, into the record:

**Resolution # 2021 –03-01
Honoring the Life and Service of Former Mayor
H. Rick Gardner**

WHEREAS, the Mayor and City Council of the City of Elizabeth City, North Carolina, wish to acknowledge and express their appreciation of former Mayor Henry Rick Gardner for his dedicated service to the citizens and community of Elizabeth City; and

WHEREAS, Mr. Gardner was a resident of Elizabeth City, and he served both this community and the state of North Carolina with dignity, having been elected by the people, first as a Councilperson from 1989 to 1991, and then as Mayor in 1993, a position he held for three consecutive terms; and

WHEREAS, as Mayor of Elizabeth City, he devoted his time, energy and talents to the City, providing a wealth of experience and sound judgement, and serving with unfailing integrity, dignity and thoughtful reflection; and

WHEREAS, during his time on the Council, he reviewed and considered all matters, facts and proposals presented to the Council, and at all times ensured that our elected officials kept the public's interest as their first priority; and

WHEREAS, H. Rick Gardner served as a strong supporter for the promotion and protection of the City of Elizabeth City's strengths and heritage, and sought to better the lives of both our employees and residents; and

WHEREAS, his legacy will serve as an inspiration to all who live, work, and visit in the City of Elizabeth City for generations to come; and

WHEREAS, the City's municipal building in which we conduct our daily business has borne Mr. Gardner's name for years, in honor of, and as an ode to his civic-mindedness and public service; and

WHEREAS, the City Council of the City of Elizabeth City is proud and honored to have H. Rick Gardner as one of our former elected officials, and is unendingly grateful to him for all that he brought to our City, both personally and professionally his time here.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Elizabeth City, in recognition of H. Rick Gardner's love for and dedication to the City of Elizabeth City does adopt this resolution in honor of his memory and of his many years of dedicated service to our community.

ADOPTED, this the 8th day of March 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

Mayor Parker said she would also like to take a moment to recognized International Women's Day, as March 8th each year was set aside for us to remember the importance of the women in our history and hose around us today.

4. Comments from the Public:

There were no public comments.

5. Approval of Minutes:

a. February 18, 2021 Retreat;

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

b. February 22, 2021 Regular Session

Motion was made by Councilman Kem Spence, seconded by Councilwoman Jeannie Young to approve the minutes. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, and Caudle. 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 – Approval of Budget Calendar Meeting Dates;

Date	Action
February 19, 2021	Distribute Budget Materials to Departments
March 8, 2021	Approval of Budget Calendar
March 8, 2021	Budget information submitted to Finance Department
April 5, 2021	Manager’s Presentation of Budget
April 12, 2021	General Fund Discussion
April 26, 2021	Enterprise Fund Discussion
May 10, 2021	Wrap-up Budget Discussion / Call for a Public Hearing
May 24, 2021	Hold a Public Hearing and Discussion
June 21, 2021	Adopt Final Budget

b. Consideration – Accept Award for Helmet Initiative;

c. Consideration – Accept Bid for 207 East Cypress Street;

d. Consideration – Authorize Application for NC League for Accountability System;

e. Consideration – Approve Budget Amendment for Purchase of Vehicle for Public Utilities Director;

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 Water and Sewer Fund - Maintenance Division Capital Outlay Account (31-8280-7400) be increased by \$40,000.00,

And that the Water and Sewer Fund - Maintenance Division Contracted Services Account (31-8280-4500) be decreased by \$40,000.00.

(This amendment will reallocate funding for the purchase the new vehicle for the Public Utilities Director)

ADOPTED, this 8th day of March, 2021.

Bettie J. Parker
Mayor

Attest:

April Onley, NCCMC
City Clerk

f. Consideration – Declare 512 Edge Street as Surplus;

**Resolution # 2021 –3-02
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891312973132 and Map 26-F-21 and having a physical address of 512 Edge Street; and

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

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. William Mouring via email correspondence; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891312973132 and Map 26-F-21, located at 512 Edge Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 8th day of March 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

g. Consideration – Declare 109 Hines Avenue as Surplus;

**Resolution # 2021 –3-03
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: 891320904207 and Map P122A-76 and having a physical address of 109 Hines Avenue; and

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

WHEREAS, the City Council has authorized an opening bid of \$1,000 received from Mr. Kirk Rivers 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: 891320904207 and Map P122A-76, located at 109 Hines Avenue is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,000.

ADOPTED, this the 8th day of March 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

(End of Consent Agenda)

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

Motion was made by Councilman Kem Spence, seconded by Councilwoman Jeannie Young to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, and Caudle. 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 – Call for a Public Hearing – Landmark Status for Middle School;

Manager Freeman recognized Interim Director Malenfant for her presentation. Ms. Malenfant explained the item at hand was regarding historic landmark status for the former EC Middle School building, located at 306-312 North Road Street. This is one piece of a much bigger puzzle toward economic redevelopment. She noted that this building does have quite a bit of significance to the community. The types of property that may seek landmark status must be important to the heritage of the community. Landmark status can increase the potential to attract visitors and economic investment. It can bring property to

be fully utilized with a higher tax value. There are benefits to property tax value as well as the municipality. There is a property tax deferral incentive to the owner if it's applied for through the tax office.

She stated that the local landmark designation process is defined by statute, and the ultimate decision is made by local government. The Council has only approved one property previously, which was the Weatherly Candy Company, now known as Weatherly Lofts. It's important to understand that something doesn't get landmark status just because it's historic.

She advised that this particular application was reviewed by HPC on Jan 13th and deemed to meet the requirements unanimously. It was then sent to the state preservation office. We received it back on 2/26, asked for one change in the report, which was made, and after which the state deemed it adequate. The property meets the age requirement (1923 and 1951 – more than 50 years old and architecturally significant). These buildings are the center of the City's public educational system in the early 1920s. The main building design was done by the state's 2nd and 3rd licensed architects, F.P. Milburn and Michael Heister. The buildings have a high degree of architectural distinctiveness and integrity. This school served grades 7-11 until 1946. The first group of 12th graders graduated in 1946. It was a white only system until 1964, when four black students transferred to the school. City and County schools consolidated in 1967. It became a junior high in 1969, a middle school in the 1970s through 2005 when it was vacated. If granted local landmark status, there will be a 50% property tax deferral annually. Currently, there are zero taxes for city and county collected. The estimated annual city taxes are \$18,012.50, and county are \$21,175. The 10-year city is at \$189,125, and county is \$211,750. The direct and indirect economic impact of construction would bring \$19.5 million and 147.5 jobs created. The annual anticipated annual sales tax revenue generated by spending of potential residents is \$115,651.55, which is roughly \$1.2 million over a 10-year period. The construction company will come to the Council for conditional zoning in the near future for this project.

Ms. Malenfant noted that J.D. Flanigan was available on the Zoom call if the Council had any questions at this time.

Motion was made by Councilman Chris Ruffieux, seconded by Councilwoman Jeannie Young to call for a public hearing on the local historic landmark designation for March 22nd. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

c. Call for a Public Hearing – CUP for Elementary School;

Planner Kellen Long explained that staff was requesting the Council call for a public hearing on an application filed by Grace Montessori Academy for property at 103 Tanglewood Parkway. The proposed elementary school/classroom is located in the general business zoning district and the Halstead Blvd Ext Overlay District. Based on the application, the school would have a total of 26 students ranging from 1st grade to 6th grade, along with three teachers on staff, with no plans of expansion. The school will operate five days a week from 7:15 a.m. to 3:30 p.m. This application was heard by the Technical Review Committee at its regularly scheduled meeting on February 23, 2021. During the Technical Review Committee meeting, comments were made by the City's Fire Department and building inspections divisions on improvements that needed to be complete for the interior space in order meet building code and fire code for the use of school. The applicant has been working on all said improvements with both divisions. A comprehensive list of the questions and comments made during the Technical Review Committee meeting is included in the staff analysis. After all comments and questions were addressed during the meeting, the Technical Review Committee voted unanimously to approve to the application pending all improvements required.

Motion made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence to call for a public hearing on the CUP for March 22nd, 2021. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

d. Consideration – Determination / Declaration of Various Properties as Surplus;

Manager Freeman explained we had received several bids for properties, which we generally bring forward for consideration, but the bids were very low. Councilman Spence said he didn't think the appraised values for some of our properties were right or recent. Councilman Horton asked if the City had any use for these properties. Mr. Freeman said he wanted to set a standardized process. He explained that he wanted to set a "bid floor" because without it, we were kind of "all over the place." Councilman Horton asked if the Council had to accept the bids if they started the process. Attorney Morgan confirmed that they did not; they could reject any and all bids at any time. Councilman Horton opined that if we don't have use for the properties, we might as well declare them surplus.

Councilwoman Young agreed that she wanted a bid floor put in place and she understood that would be coming up during the next work session. Manager Freeman said a procedure that was standardized would help the Council appear more transparent. Councilman Caudle agreed that we needed to make sure the County's listed tax value was right.

Councilman Brooks noted that the Council still got to determine whether or not they wanted to accept a bid. Attorney Morgan said if we set a floor, we might be on a slippery slope if we determined not to accept some bids if they came in on the floor.

Mayor Pro Tem Walton said he believed it would be hard to get a policy for this, and he believed it should be case by case. He asked if it cost the city anything to have the surplus property. Mr. Morgan explained that it just cost us to maintain it, such as keeping the grass cut and what not.

Councilman Horton said he agreed that we should probably keep the case-by-case scenario.

Motion was made by Councilman Horton to declare the following properties surplus for the following amounts: 102 Celeste Street – \$5,000; 511 Roanoke Avenue – \$3,000; 1110 Parkview Drive – \$3,000; 300 Shepard Street – Bid of \$1,500 / He declared the properties surplus. The motion was seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

e. Consideration – Land-Use Process;

Interim Director Malenfant explained zoning decisions and their importance. She noted that comments and concerns of councilors during the last meeting had been heard and follow-up was addressed and would continue to be. She noted that there are many legalities involved in zoning. Staff acknowledges falling short in preliminary guidance to the Council. She said they should have been more clear that it was a rezoning only. Staff refers to the Land Use Plan by which the City and County must refer to consider rezonings and developments. It's also used by state and federal agencies to make project funding, permitting and other decisions. It is used short-term and long-term (up to 20 years) for development, and we are a nine-year point now.

Planner Kellen Long explained the zoning map and different zoning districts. Every area of the city has its purpose of why it is zoned the way it is. Every zoning district has a purpose and a pattern for a reason. The center of cities has the highest density. General business is least intensive zoning district. When someone has a zoning request, most of the time the individual or company already has a plan, but that does not even need to be mentioned, because it's just the rezoning that is supposed to be considered. A rezoning request is just approving the rezoning. No plans are given to technical staff for anything concerning the development.

Ms. Malenfant stated that rezoning can be complicated and difficult to present. She just wanted to provide the Council with general information at a high level.

Assistant City Manager Judge said she thought the information was important, and staff felt it was important to provide the Council with a refresher on land use.

Councilman Brooks thanked staff for the information but said the Council had the highest level of discretion. He said he understood everything that was being said. He said he didn't need anyone to tell him to go look at any area he already walked past twice a day. He said Walker Avenue was low income, as was much of the third ward. The crime rate was high. He said there were a lot of things working on him lately. A while back, this same discussion about Walker Avenue came up with low income housing, and the residents were against putting apartments there. He noted it was the end by the fire station, Sutton and fire station, and they put affordable housing instead of apartments and that was good. He said he knew the crime rate of the area and didn't need anyone to tell him about it; he was there all the time. He said someone came up to him once and told him that they paid \$1,000 a month in low income housing. They wanted to buy a house but the bank said their debt to income ratio was too high. Paying rent is not bringing you out of debt. He said two days after the decision with the apartments, there was a serious shooting on Roanoke between the senior area and the daycare center. He mentioned the speeding problem. He said he was walking and someone went by going 60 mph and people came out of their house to tell him that happened all the time. He said they are the legislators and they make the decisions, but he thanked staff for their presentation.

Councilwoman Young thanked Councilman Brooks for bringing the Council up-to-date on the area because she wasn't as familiar with it. She said she understood that was his community and she wanted to help him fight for it. She asked for information on the crime in the area, if there were any statistics available. Manager Freeman said the Police Department had compiled information that could be provided.

Councilman Spence explained that in the third ward people wouldn't call the cops because they were afraid of the repercussions. He said people took things out of his backyard and he didn't even call the cops. He said even if some of them knew what was happening, they wouldn't call the cops because some of "them young boys, they don't play." It's not going to be on a spreadsheet. It's coming only from their hearts and their mouths to us. They don't call the police because they have to live there. It's not going to be on record. You can't track what's not being reported.

Councilwoman Young worried that this would hinder growth in our community. She said if this was the case, we couldn't let silence bring us down. We had to go there and work even harder. Not doing anything wasn't the answer.

Mayor Pro Tem Walton asked Ms. Malenfant how often the land use plan was redone. Ms. Malenfant replied that it was certified in 2012, 2019 and 2020. It's a long-range plan. Mayor Pro Tem Walton asked what had to be done to revisit the plan. He said the people who did the plan probably weren't dealing with what we're dealing with now. He asked Mr. Morgan about putting a moratorium on the plan. Mr. Morgan explained that it was extremely cumbersome to put a moratorium on development. Mayor Pro Tem Walton said we needed to look into it. He said we want to cram too many people into an area and we need to stop that. It might be great for the realtors, but not the people. He said we are running people away from the city with behavior like this. He wanted the things in place to be revisited.

Councilman Brooks thanked Councilman Spence for his comments and agreed that police reports were not going to show what was going on in the third ward. He said he didn't call the cops when people broke into his car either. He said the Council isn't anti-growth. If you want to bring people out of their low economic situation, you don't charge them a lot of money for an apartment. You get them equity in property. He said we're talking about the reality of how people in poverty stay in poverty. He said the developers should go find land in an area not already crowded, where people aren't already struggling. He said we don't need a police report to tell us what we see every day.

Councilman Adkins said we're trying to put a certain group of people in one area of the city. Growth could be a lot of things. He said there's so much going on in that area of the third ward that to continue to allow those things to go on would not be good. Too many people in this town are terrified and will not call the police for fear of what will happen to them. He said the developers needed to find another piece of land. Brining another community onto

this street would onto work. You'd need traffic lights. You'd be bringing a whole new atmosphere of people. There's too much going on in that area with all the different communities, but the Council needs to be wise in their decision and things need to be spread out. He said you don't know what might happen in the community that the kids would be exposed to. We can think about what a situation may bring to the city and not about the longevity of that situation and what it could cause in a congested area already. He said we might start creating congested intersections like what you see in Norfolk; too much is going on in such a small area to put something else there.

Manager Freeman thanked the Council for weighing in. He noted the purpose of the site visit last week was to create the dialog, not to question the Council, just to get their input. He said the fact was the zoning itself. As it's zoned now, a club could be placed there. He said the other side of the conversation is putting things in the place that welcomes the kind of elements that we want. He said we can address things such as speed bumps and traffic lights and bicycle lanes. He noted that Walker Avenue is a city street so we could put speed bumps on it ourselves. He asked the Council to give staff an opportunity to change the neighborhood because it could be changed with a development. He said the Council has the authority to dictate what goes into the development of the area, and reminded them that large cities like Charlotte and Raleigh do things like that every day.

Councilman Brooks said he wasn't falling for it.

Mayor Parker said she thought they had some productive sharing and felt there would be more to follow.

f. Discussion – Boys and Girls Club *(As Added During Agenda Adjustments and Approval);*

Mayor Parker yielded to Councilman Brooks for his added item for the Boys and Girls Club. Councilman Brooks said with the middle school being renovated, the Boys and Girls Club would need somewhere to relocate. He asked if there was anything to City could do monetarily to help them. Prior to the pandemic, 150 children and teens had been served daily by the club. It had served as a remote learning center during the pandemic. He said he understood the land for the Boys and Girls club was donated, but he wanted staff to give some feedback about whether or not there was any funding we could give. Our most valuable asset is our children because they are our future. He asked that staff bring back any way the City can help, particularly with money. Manager Freeman asked if he was looking for a one-time donation. Councilman Brooks said whatever we can do. He said he would have one of the board members call Mr. Freeman.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Adkins had no comments

Councilman Caudle had no comments

Councilman Horton stated that it was important to recognize people not just when they pass away, but while they're still living. He requested the Council and Mayor to name February 26th in honor of Mayor Pro Tem Walton, as he was inducted in 2021 CIAA Hall of Fame. Mayor Parker said she would research the feasibility of that request.

Councilwoman Young had no comments.

Mayor Pro Tem Walton thanked Councilman Horton. He noted that Women's Day was the backbone of everything. He said he was looking forward to the future. He didn't want to do things that were going to hold him back. He mentioned the big trucks on Herrington Road and Southern Avenue. When the roads get torn up, DOT doesn't want to come out and resurface them for years. He asked Manager Freeman to get a truck route to keep them away from those roads if possible. He said there used to be a different route for trucks.

Mayor Parker advised the public about the COVID-19 scams going around NC. She said the vaccines are free, they cannot be sold and you cannot buy one. You cannot get one mailed to you. They are only being administered at healthcare locations or designated sites. No one can guarantee you a spot on a waitlist or buy a spot in line. Fake websites that

resemble health department websites.: You do not need to share your bank account, SS# or credit card to get a vaccine. She mentioned that scammers have tried to trick people using a falsified email address and pose as her numerous times. She said there were still 50,000 new COVID cases a day and 2,000 deaths a day. We are not out of the woods yet. She said the CDC guidelines tell us to keep holding the line with safety protocols as we have been. She congratulated Mayor Pro Tem Walton on being inducted into CIAA Hall of Fame.

9. Closed Session – As Allowed by NCGS -143-318-11(a)(3) – Consultation with City Attorney;

Motion was made by Mayor Pro Tem Johnnie Walton to enter Closed Session at 8:46 p.m. as Allowed by NCGS 143-318-11(a)(3) – Consultation with City Attorney. The motion was seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

The City Council returned from Closed Session at 9:34 p.m.

10. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 9:34 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

