

**City Council Regular Session  
May 10, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, May 10, 2021 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman  
Finance Director Evelyn Benton  
Deputy Chief of Police James Avens  
Interim Electric Superintendent Bob Vannoy  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Fire Chief Chris Carver  
Grants Administrator Jon Hawley  
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 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 requested to add a discussion on the Community Relations Committee to the Regular Agenda. Councilman Horton asked to add Juneteenth to the Regular Agenda. Mayor Pro Tem Walton asked to add a Special Project Recognition to the Regular Agenda.

**Motion was made by to approve the agenda as amended by Councilman Darius Horton, seconded by Councilwoman Jeannie Young. Those voting in favor of the motion were: Spence, Caudle, Young, Ruffieux, Walton, Brooks, Adkins and Horton. 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. Presentations:**

#### **a. Proclamation – Public Works Week;**

## ***PROCLAMATION PUBLIC WORKS WEEK IN ELIZABETH CITY***

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Elizabeth City; and,

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government, who are responsible for rebuilding, improving and protecting our water treatment, wastewater treatment, water distribution, wastewater collection, streets, fleet, stormwater, solid waste collection, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in Elizabeth City to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their community; and,

**WHEREAS**, the year 2021 celebrates the theme “Stronger Together” and marks the 61<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association.

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Bettie J. Parker, Mayor of the City of Elizabeth City, do hereby designate the week May 16<sup>th</sup> – 22<sup>nd</sup>, 2021 as

### **“Public Works Week in Elizabeth City”**

And I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our many public works and to recognize the contribution, which public works officials make every day to our health, safety, comfort, and quality of life.

This 10<sup>th</sup> day of May 2021.

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Bettie J. Parker  
Mayor

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April D. Onley, NCCMC  
City Clerk

### **4. Comments from the Public:**

Mayor Parker inquired of the City Clerk if there were any comments from the public. Upon the Clerk’s response that there was one, the Mayor requested it be read into the record of the meeting.

**Keith Rivers –President of NAACP** (*\*Received via email and presented here in full*) “I am writing to you today as President of the Pasquotank County Branch of the NAACP. This letter is in support of establishing Juneteenth as a holiday in Elizabeth City, North Carolina. The collaborative partnership between the Pasquotank County Branch of the NAACP and River City Community Development Corporation is requesting that an ordinance be filed to make Juneteenth an official city-wide holiday and to make that day a paid holiday for city employees. Juneteenth commemorates June 19, 1865, the date that federal soldiers arrived in Galveston, Texas to take control of the state and ensure all enslaved people were freed. Juneteenth honors

the end of slavery in the United States and is considered the oldest national celebrated African-American holiday. Currently, forty-seven states and the District of Columbia recognize Juneteenth as a ceremonial holiday. River City Community Development Corporation, under the leadership of Dr. Lenora Jarvis-Mackey, has held Juneteenth Community celebration since 2001. These observances were well-attended and brought early attention to the historical significance of this holiday. Since the death of George Floyd, more attention has been focused on making the holiday a paid holiday for state employees. Texas, New York, Pennsylvania and as recently as last year, Virginia instituted Juneteenth as a paid holiday for state employees. Juneteenth matters because it marks the ending of slavery in this country, and a shared component of this country's history. To make the nineteenth day of June a paid holiday reaffirms the belief that African-Americans made a valuable contribution to the history of this country. Providing it as a paid holiday also signals that we are observing something that is important to the members of our community. We should recognize that this year, more than any other time in history, celebrating freedom on Juneteenth comes with the heavy weight of grief and exhaustion from fighting for civil rights for generations. Establishing an ordinance to recognize and celebrate June 19<sup>th</sup> as a paid city holiday will have a positive impact on our community. The NAACP and River City Community Development Corporation are requesting that you enact this ordinance for the citizens of Elizabeth City.

**5. Approval of Minutes:**

**a. March 29, 2021 – Joint City-County Meeting;**

**Motion to approve the minutes was made by Mayor Pro Tem Johnnie Walton, 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.**

**6. Consent Agenda:**

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

**a. Consideration – Approve Budget Amendment for Home and Community Care Block Grant for Older Adults;**

**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 Senior Center Departmental Supplies Grant Account (10-6300-3301) will be increased by \$34,270.00,**

**And that the General Fund Senior Center Grant Revenue Account (10-3490-6301) will be increased by \$34,270.00.**

**(This amendment will increase the budget for the Senior Center to cover grant reimbursable costs)**

**ADOPTED, this 10th day of May, 2021**

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**Bettie J. Parker**  
**Mayor**

**Attest:**

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April Onley, NCCMC  
City Clerk

**b. Consideration – Approve Budget Amendment for Coronavirus Emergency Supplemental Funding Grant;**

**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 Police Departmental Supplies Account (10-5100-3300) will be increased by \$8,262.00.

And that the General Fund Coronavirus Emergency Supplemental Funding Grant Revenue Account (10-3490-5165) will be increased by \$8,262. 00.

(This amendment will increase the budget for the Police Department to cover grant reimbursable costs as received by grant proceeds.)

ADOPTED, this 10th day of May, 2021

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**Bettie J. Parker**  
Mayor

**Attest:**

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April Onley, NCCMC  
City Clerk

**c. Consideration – Declare 512 West Cypress Street as Surplus;**

**Resolution # 2020 –05-01  
Declaring Real Property Surplus  
and Authorizing Sale by Upset Bid Process**

**WHEREAS**, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891419619831 and Map 39-B-35 and having a physical address of 512 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 \$2,000 received from Mr. Lonzo Gregory. via written 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: 891419619831 and Map 39-B-35, located at 512 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 \$2,000.

**ADOPTED**, this the 10<sup>th</sup> day of May 2021.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk, NCCMC

**d. Consideration – Acceptance of Final Bid for 511 Roanoke Avenue;**

**e. Consideration – Acceptance of Final Bid for 1110 Parkview Drive;**

**(End of Consent Agenda)**

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

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

**7. Regular Agenda:**

**a. Any Item Removed from the Consent Agenda;**

No items were removed from the Consent Agenda.

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

Manager Freeman recognized Grants Administrator Jon Hawley to provide a briefing for the item. Mr. Hawley explained that phase one of this project was finished several years prior and it took us some time to get funding for phase two. This particular item concerns phase two. On February 18, 2018, and November 19, 2019, the NC Department of Environmental Quality awarded the City two grants for Phase II of the Raw Water Transmission Main Replacement Project. These two grants come from the Community Development Block Grant-Infrastructure Program, and together provided the City \$1.07 million towards this vital project. As the Council may recall, the City contracted with Enviro-Tech Unlimited Construction Services to perform this work, which included replacing nearly 8,000 linear feet of deteriorated raw water transmission main with new, larger-diameter pipe, and replacement of six valves that support the transmission main's operation. Enviro-Tech completed all Phase II work earlier this year, allowing the City to move towards closing out these projects. As part of closeout, the CDBG-I Program requires holding a public hearing to present the final project costs and outcomes.

The Phase II work is further divided in Phases IIA and IIB, which correspond to the respective grants we received for the project. City staff propose to hold a virtual public hearing at the May 24, 2021, Council meeting to discuss the Phase IIA grant. We request Councilors call for this virtual hearing. We plan to request a separate hearing be held next month for the Phase IIB project. (City staff had originally hoped to combine these hearings, but we have learned we need more time to meet the closeout requirements for Phase IIB.) To close out this grant, the City must submit our closeout documentation, including evidence of the public hearing, before June 1, 2021.

**Motion was made by Councilman Billy Caudle to call for a public hearing for the closeout of the raw water transmission main project on March 24, 2021. The motion was seconded by Councilwoman Jeannie Young. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Brooks Young, Horton, Caudle and Adkins. Against: None. Motion carried.**

**c. Consideration / Discussion – City Charter;**

Mayor Parker recognized Councilman Brooks for his comments. Councilman Brooks asked why he was so late in finding out that the curfew had been put in place and then later, lifted? Councilman Horton asked where Attorney Morgan was this evening. Manager Freeman replied that he was on vacation. Councilman Brooks continued that when CNN called him asking him if he could verify something, and he as a councilor didn't know, he had a big problem with that. Councilman Adkins said he was only aware because he was in the midst of some of the protests that were going on and heard the conversations between the manager and police chief. He said hearing him say this tonight, when the decisions were made for a curfew, he thought a phone call was made to the Council. He didn't know that some of the Council knew and some did not. He thought there was a consensus. Councilman Brooks said the charter said that the Mayor can only do what is directed by the Council, so the Mayor should not have been able to declare a state of emergency or a curfew without Council's okay or knowledge. He said "even in a state of emergency, you still have to do as allowed by statute." He said since the City Attorney wasn't present, we'd have to leave the item alone tonight.

Manager Freeman stated that he was making sure the Council received this by email. He said he would confirm that we had the right addresses. Councilman Brooks said his email was working perfectly and that wasn't the problem. This was how our government was supposed to work.

Mayor Parker said curfews were put in place because she and the city manager received the information from Emergency Management and deemed it necessary.

Councilman Brooks pointed out that we have a council-manager form of government and "we" are a part of it. It's an insult that an email comes out to tell the legislative body what decisions were made for us. He said they should at least be called. There's no way that we shouldn't have known about it. NCGS says what I just said. A state of emergency doesn't give the right to call a curfew without the whole legislative body being aware of the decision.

Councilman Spence said this is new to the city and if we made an error, so be it. We can use it as a learning curve. He did not feel that anyone would have done this to be malicious. If anything was done, it was completely in error. He noted that Mayor Parker said things had to be done quickly.

Mayor Parker agreed that things have been moving fast and quick decisions had to be made. She said at the next meeting, Attorney Morgan should be available and he could hopefully answer our questions. She noted the news media had been very persistent with the manager and herself. She said sometimes we may not have always been briefed with the intel we want when we're being asked questions and that we should not mind saying we have not been briefed and as soon as we get a chance to get briefed on the intel, we can get back to someone. She agreed with Councilman Spence that this situation was absolutely brand new, and we have done well with maintaining everything. A lot had to go into keeping the calmness that we had and a lot goes on behind the scenes.

**d. Discussion – Community Relations Committee** *(As Added During Agenda Adjustments);*

Mayor Parker recognized Councilman Brooks for his comments. Councilman Brooks advised that during the last meeting, the CRC sent a letter asking the City and County to release the footage, and he commended them. He said the CRC did not start off being the CRC. It used to be called Community Race Relations. He stated that he was so proud of all the young people participating and showing how to march in unity. He said we couldn't act like these situations did not exist. He stated that a search warrant is not a death certificate. We are presumed innocent until proven guilty. "They murdered a presumed innocent, unarmed man, execution style." He cited statistics from the University of Maryland that said half of black men by the time they are 23 have an arrest record. He said people cringe when you talk about race, but it's not going to go away. He reminded the Council that in his past, he'd quoted a scripture, which led to him getting arrested and going to court. He said he would like to hear the number of people who were not black and male who were arrested and went to court for quoting scripture. He said we can act like race doesn't exist, but it exists and discussions have to happen. We can't eliminate discussions on race.

Mayor Pro Tem Walton agreed that race was a difficult issue. He said often he and Councilman Brooks were the only two who weren't afraid to discuss it. He said no one wanted to talk about it. Racism exists, and if you talk about it, it will get better. He said "If you don't talk about it, you already told me what you think about it. You accept it."

**e. Consideration – Juneteenth** *(Added During Agenda Adjustments);*

Councilman Horton said that we do have to have conversations concerning racism because it is alive. People don't always realize they are operating with racist comments or a racist mind because they think it's acceptable. He said the past few weeks had really made him think about what his predecessors had gone through when fighting for justice. He asked Manager Freeman if Juneteenth was a regular workday for City staff. Manager Freeman confirmed that it was. Councilman Horton asked what the process would be to make it a paid holiday. Manager Freeman said he would look into it, and it would be an honor to make it a paid holiday. This year, it fell on a Saturday, so staff would be given the prior Friday.

**Motion was made by Councilman Darius Horton to call for a public hearing on May 24<sup>th</sup>, 2021 to consider making Juneteenth a paid day of leave for staff. The motion was seconded by Councilman Kem Spence.**

Councilman Brooks said Juneteenth was an extremely important holiday. On July 4<sup>th</sup>, African-Americans were still enslaved as a people. It's important to have a public hearing and talk about Juneteenth. He believed it would help pump pride into our young people. We've been loyal celebrating July 4<sup>th</sup> like African Americans got their freedom with everyone else, but they didn't get their true freedom until the Emancipation Proclamation was signed much later.

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

**f. Discussion – Special Projects Recognition** *(Added During Agenda Adjustments);*

Mayor Pro Tem Walton said he thought the Andrew Brown tragedy put us in line to solidify Juneteenth in concert with the NAACP. He asked about the building by the museum that was supposed to be torn down. He asked if that could be cleaned up and have something there on the 19<sup>th</sup>. Manager Freeman said the Council voted to demolish the building, but he believed it could be repurposed so the cleaning process had already begun. He said they could push for Juneteenth. He was waiting on a quote, but they could redirect the quotes and get the paint done. They had already identified a location that they could store the items currently inside the building. Mayor Pro Tem Walton asked how much money had been paid for the building? Mr. Freeman said \$70,000 or so. Mayor Pro Tem Walton opined that was too much to tear it down and they could use it another way. He said he'd like a lot of people to join in. He said it should be kept fresh on people's minds to keep events from happening again. He suggested calling it something like "Andrew Brown Day." Manager Freeman said he would have final numbers shortly.

Councilman Horton said he supported that idea, but the Council had already voted to tear the building down – shouldn't they rescind their vote? Mr. Freeman said he would prefer it all to happen at one time once he had final numbers to repurpose the building.

**Motion was made by Councilman Darius Horton to not demolish the former Verizon building. The motion was seconded by Councilman Michael Brooks.**

Councilman Adkins asked what Mayor Pro Tem Walton wanted to do with the building. Mayor Pro Tem Walton replied that it could be a visiting center for African-American history. He felt that the NAACP and special projects could coordinate. Councilman Caudle said he wasn't opposed to keeping the building, but he thought we were tearing it down because it was sinking into the ground. Mayor Pro Tem Walton opined that if it was going to cost \$35,000 to tear it down, we should spend a little more and save it for something else. Councilman Caudle reminded the councilors that we didn't buy it for the building, we bought it to land bank it. Councilwoman Young agreed that we wanted the property itself, not the building. She said she was under the impression that the building wasn't worth restoring was because it had asbestos in it. Manager Freeman said he looked into it with the Fire Chief. Councilwoman Young asked who the report was from? Manager Freeman said he wasn't sure, but he had Chief Carver look into it. Councilman Caudle said the bid to tear it down had been two-fold depending on whether or not there was asbestos.

Councilwoman Young said she'd like more information before she agreed to the vote.

Councilman Brooks said we could put a mural of Andrew Brown on the building. He said it would be a constant reminder that Elizabeth City doesn't tolerate racism. He reminded everyone that this was not a casualty caused by the Elizabeth City Police Department, but by the Pasquotank County Sheriff's Office.

**Those voting in favor of the motion to not demolish the building were: Spence, Ruffieux, Brooks, Walton, Horton, Caudle and Adkins. Against: Young. Motion carried.**

#### **8. Comments and Inquiries on Non-Agenda Items:**

Councilman Adkins commended citizens who have continued the fight for justice for Andrew Brown through their peaceful marches. He said he knew there were a lot of steps now with having to get permits and there had been a lot of arrests, and it was important to keep transparency. He said a lot of the frustration had been with things that had not been explained fully. He said people didn't understand why they had to have a permit since we weren't enforcing them at first. He said we need to continue to be transparent and let our citizens know that we stand behind them. He said the Council have sometimes been looked at as bad guys, but he wanted to let the citizens know that he stands with them. He publicly announced the Grassroots Community March on May 16<sup>th</sup> at 1:00 p.m., starting at the Waterfront. He said they were hoping to have 1,000 participants.

Councilman Caudle had no further comments.

Councilman Horton said he supported the Grassroots Committee and hoped they had a good turnout. He said he'd had many phone calls from different constituents asking about the possibility of the meeting with the County. He asked the Mayor if she had heard anything yet. Mayor Parker said she'd forwarded an email response she received from Chairman Griffin, in which he said that the County would discuss the possibility of having a joint meeting during their next meeting, which was May 17<sup>th</sup>.

Councilwoman Young had no comments.

Councilman Spence said he appreciated the citizens remaining peaceful during such a trying time. He said that was his prayer from the beginning was that everyone would be able to remain calm. He asked if we had a schedule when we cut city lots? Manager Freeman said that we did and asked for the address in question. Councilman Spence listed 511 Roanoke, the one that was just approved this evening. He expressed appreciation to City staff for everything that they had done during this time.

Councilman Ruffieux had no comments.

Councilman Brooks said before the curfew there were no arrests, and after the curfew, there were arrests. He said arresting people for violating the curfew was ridiculous. Having police in riot gear was uncalled for because they were not rioting. It was causing people to have an arrest on their record would make it even harder for people to get hired. He said the city should help get these records expunged. He stated that he was very proud of the young people who were out marching and protesting. He said as long as they kept doing it, he didn't have to do it himself. He said young people could put pressure on the judge to show the body cam footage. If they said "until you show the footage, we won't go to businesses, the owners of the establishments will put pressure on the judge to make him show the footage. They have the power within their grasp." He urged the youth to prepare themselves to run for the City Council. He said all schools had a city government. If we took each president of each city government from each school and had them represent and pick their chairman and report to us what they want from us. He said we should give them \$100 every month. He said they should be on TV too. He said that would encourage others to get involved. He said "it's only \$800. You can take mine. I don't care if it's going to help them get engaged." He pointed out that under section 4.6 of the Charter, it said that the City Manager could create and fill positions as confirmed by the City Council.



Mayor Pro Tem Walton reminded everyone of the importance of going forward and building back better. "If the policies we have aren't what we want, we have to make new ones." He pointed out that if we didn't get to 70% of herd immunity, this pandemic would never be over. He said you don't always know people's motives, but you can see their judgement, and we can do better.

Mayor Parker said the City Council continues to express sympathy to the family of Andrew Brown Jr. She thanked the citizens and organizations for their expressions of support. She thanked the businesses for their patience and protestors for their peaceful marches. She said her hope was that the City of Elizabeth City remained on the path of being a model for voicing concern when a violent act is thrust upon us. The shooting death of Mr. Brown happened here, even though not by our officers, and we were drawn into it. She said City officials do not operate in a bubble or vacuum when it comes to dealing with a crisis. She explained that she and the City Manager had been engaged in numerous media interviews trying to differentiate the City of Elizabeth City from Pasquotank County. She reminded everyone of the other crisis, the coronavirus. She urged everyone to continue to follow the CDC guidelines.

## **10. Adjournment**

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

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Bettie J. Parker  
Mayor

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April D. Onley, NCCMC  
City Clerk



