

**City Council Regular Session
May 3, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, May 3, 2021 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Finance Director Evelyn Benton
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
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

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 Brooks to give the invocation, followed by the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Councilman Adkins made the motion to move the Closed Session for Consultation with the City Attorney as allowed by NCGS 143-418-11(a)(3) to directly after the Statement of Disclosure.

Mayor Parker noted there was another adjustment to call for two public hearings to be held during the May 24th City Council meeting. Attorney Morgan explained that because the public hearings had been advertised for a different date and that meeting had been canceled, they would need to call for a new date.

Mayor Parker pointed out there was also a Roanoke Avenue discussion. Councilman Horton requested a discussion on recent events to the agenda.

Motion was made by Councilman Gabriel Adkins, seconded by Councilman Darius Horton to add the Closed Session for Consultation with City Attorney to directly follow the Statement of Disclosure. Those voting in favor of the motion were: Spence, Caudle, Young, Ruffieux, Walton, Brooks, Adkins and Horton. Against: None. Motion carried.

Motion to approve the agenda as amended was made by Councilman Kem Spence, seconded by Councilman Chris Ruffieux. Those voting in favor of the motion were:

Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

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. Closed Session as Allowed by NCGS 143-318-11(a)(3) for Consultation with City Attorney:

Motion to enter Closed Session was made by Councilman Billy Caudle, seconded by Councilman Chris Ruffieux for consultation with city attorney at 7:04 p.m. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins.

The Council returned to open session at 7:17 p.m.

4. Comments from the Public:

Mayor Parker inquired of the City Clerk if there were any comments from the public.

Elizabeth City Pasquotank County Community Relations Commission – The commission demanded the immediate release of any and all evidence related to the shooting death of Andrew Brown Jr. They noted that Elizabeth City is surrounded by rumors right now and the best way to expel those rumors would be to release the evidence.

5. Public Hearings:

a. Hold a Public Hearing – CASE NO: TA 02-20 filed by the Community Development Department to update and modify the City’s Unified Development Ordinance to reflect the new Chapter 160D of the North Carolina General Statutes;

Manager Freeman noted that both of the hearings this evening needed to be re-called for May 24th. Attorney Morgan concurred they would just need to call for new hearings.

Motion was made by Councilman Chris Ruffieux to call for a public hearing on TA 02-20 to be held on May 24th, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

b. Hold a Public Hearing - CASE NO: TA 04-20 filed by the Community Development Department to amend the Unified Development Ordinance, specifically, Article XI to amend the development standards for automotive repair services;

Motion was made by Councilman Chris Ruffieux to call for a public hearing on TA 04-20 to be held on May 24th, seconded by Councilwoman Jeannie Young. 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 Sub-Recipient Agreement for River City CDC;

b. Consideration – Approve Sub-Recipient Agreement for Albemarle Hospital Foundation;

c. Consideration – Approve Sub-Recipient Agreement for Food Bank;

d. Consideration – Application to the FY 2021 Bryne Criminal Justice Innovation Program Grant;

(End of Consent Agenda)

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

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

8. Regular Agenda:

a. Any Item Removed from the Consent Agenda

No items were removed from the Consent Agenda.

b. Consideration – Electronic Voting Rules of Procedure Update;

Manager Freeman advised that the City Council updated its Rules of Procedure in the Spring of 2020 to account for Remote/Electronic meetings, as it quickly became necessary during the COVID pandemic. Previously, the City Council did not accommodate remote or electronic meetings whatsoever and had no written procedures or protocol in place for such. Our current rules of procedure do not allow for voting while participating remotely, but legislature does allow for this, so staff would like to amend their rules to match those.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to amend the rules of procedure for electronic meetings to allow for voting during states of emergency.

Councilman Caudle said he'd been doing this with the Airport Authority since the ruling came out and it had worked quite well. He asked if two councilors were joining remotely; would the mayor be designated to call everyone's name individually? Manager Freeman said he'd like to see a roll call vote across the board for everyone. Attorney Morgan agreed that it would be best for record-keeping purposes. He noted that this also only applied during states of emergency. Councilwoman Young said she would like to be broader than just during states of emergency. She'd just had surgery and would have been able to participate remotely if we passed this. Attorney Morgan noted that the electronic connection cannot be terminated between the remote member and the rest of the Council throughout the meeting. Councilman Caudle said he felt that we pass this just for states of emergency first because it really wasn't meant for a convenience thing. Mayor Parker said if we end up putting it in all the time, we will likely have to put some caveats in because we might have a lot of people not show up.

Councilwoman Young said she was okay with voting for just the state of emergency reason tonight, but we did need to think that the world was moving forward and things were changing. Attorney Morgan noted that if we adopt a policy that applied in non-emergency situations, some bodies have determined that a physical quorum must be present to count as an actual meeting.

Those voting in favor of the motion were; Spence, Ruffieux, Walton, Young and Caudle. Against: Brooks, Horton and Adkins. Motion required a super majority and therefore failed.

c. Consideration / Discussion – Changes to Alcohol on City Premises Ordinance;

Manager Freeman explained that he's looking at creating more events to bring more economic viability to the City. He wanted to have more festivals and be able to push more money into the economy. City Ordinance 130.02 – Consumption of Alcoholic Beverages in Public Places was originally adopted in City Code in 1979. Upon original adoption, the approval was strictly given by the Council if and when the City was approached with a request to allow alcohol for an event. As the years went by, we started getting numerous requests, which became cumbersome to bring before the Council, so Council authorized amendment of the Code (2005) to the version that exists now. Currently, the City Manager can approve (along with the Chief of Police), as long as the Council raises no concerns within a five-day period. Staff has held several meetings with stakeholders about the coming festival season and it's believed that modification to subsection (5) would clarify some of the concerns that have been raised. It is the general consensus of the stakeholders that expanding subsection (5) to read "the City Manager shall establish the time, place and location where alcoholic beverages may be served" would broaden and better explain the somewhat vague language that currently exists therein. He noted that as

would result in a change to a City Ordinance, a public hearing would be necessary for these changes to be adopted.

Motion was made by Councilwoman Jeannie Young to call for a public hearing to be held on May 24th to consider an amendment to city ordinance 130.02, seconded by Councilman Chris Ruffieux. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

d. Discussion – State of Emergency for Elizabeth City;

Manager Freeman stated he was hoping we could come out of the state of emergency due to the Andrew Brown shooting. He said he did hesitate and would like to speak with the Chief of Police before he made the request to lift the Andrew Brown state of emergency. The other state of emergency the City is over is due to COVID. The County has voted to lift theirs, but we wanted to wait until we heard from the governor. He'd like to Council to consider whether or not they wanted to lift the COVID state of emergency.

Councilman Horton said he felt we were still in the midst of a crisis as it related to COVID and it would send a message to our citizens that everything is over and okay and it's not. People are still dying and we have not reached herd immunity. Just because the County has lifted theirs doesn't mean we have to follow them. He said he was strongly opposed to lifting the states of emergency for either situation.

Councilman Caudle asked what the governor's recommendations are right now. Manager Freeman said if you're outside and social distancing, you don't have to wear a mask. The indoor numbers are still the same. The numbers for large events have increased, but a mask is strongly encouraged. Councilman Caudle asked if the governor suggested lifting the state of emergency. Manager Freeman said he did not, he just wanted to bring it to them for consideration based on the County's decisions.

Councilman Adkins agreed that we should stay where we are for the time being. He felt that as we entered into summer days, there would surely be spikes with people out and not wearing masks.

Councilman Caudle said he felt it was sad that the County voted to lift their state of emergency because it sent the wrong message. He stated he believed it was political and it was a shame. He was very disappointed in them for doing that. Councilman Brooks opined that it was another way that makes the City and County appear divided. Councilman Adkins pointed out that a lot of people were confused because the City and County are part of a whole in a lot of ways.

Mayor Pro Tem Walton said he agreed what everyone was saying and that's part of why he felt the City and County needed to improve their relationship. Mayor Parker asked if the Council should take a vote just to show that they were not in favor of lifting the state of emergency? Manager Freeman said the County Manager was in agreement that the state of emergency should not be lifted for COVID, but he was obviously overruled by his board. He said asked the Emergency Management board what would happen if you made the vote to not lift it.

Motion was made by Councilman Darius Horton, seconded by Councilman Kem Spence to keep the state of emergency for COVID in place. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

e. Discussion – Boys and Girls Club (As Requested by Councilman Brooks);

Councilman Brooks said the people who were protesting were young people and we had to make sure our young people had opportunities. Families who are disadvantages economically, they often utilize the Boys and Girls Club for their children, especially. He felt the City should do all that they can to help them continue to thrive. We cannot leave the youth behind by not trying to help them in any way that we can. He noted that the manager had told him the Boys and Girls Club was not yet ready to accept funds but he would keep in touch to find out when they were.

Mayor Pro Tem Walton wondered if we could put their employees down as "essential workers" because they probably weren't making much of a salary anyway. Councilman Horton said he was a recipient of going to the Boys and Girls Club and he was a supporter of the concept of financially assisting them. Many parents and children depend upon that agency.

Councilwoman Young clarified that they are not ready to receive money yet and we'll have discussions about funding them at a later date. Manager Freeman said that was correct. We are ready to help, but we're waiting on them to tell us what kind of help they need. Councilwoman Young said she was under the impression they weren't doing a rehab now. Councilman Brooks said he'd heard that as well. They'd given him rough numbers and they planned on building the building was the last thing he heard.

f. Discussion – Roanoke Avenue *(Added During Agenda Adjustments)*

Councilman Brooks noted that the shooting of Andrew Brown happened off of Roanoke Avenue and it was a main vein in his ward. Four years ago, they tried to put apartments at Millbrooke, and he fought against it because he was concerned about crime on Roanoke as one of the deterrents. Something unfortunate was always happening off of Roanoke Avenue and he was an advocate for putting security cameras there. He felt that we wouldn't be begging the County for body cam footage if we'd had cameras where we needed them. Since the shooting, Roanoke is the cleanest he'd ever seen it. If it can clean up for the media, it should stay that way all the time.

g. Discussion – Recent Events in the City *(Added During Agenda Adjustments);*

Councilman Horton said our city was in a state of emergency not just because of COVID but because of the recent events that have transpired in the city. He noted some things have happened recently that he did not agree with, but it was not his focus tonight. The Council is predominantly Black, and also has members of other races who understand the race struggles. He felt that our police officers, the manager and staff who had tried to be as transparent as possible, he wanted to commend them. He noted that he was the funeral director handling the shooting and it took him to another place to see what the family was going through. He thought the Council should be commended for their efforts of unity when there are other bodies out there not showing unity. He said this situation has changed the way that he thinks and views things. As the Council sits in these seats, we have a duty to make sure we assist in the process of this community healing and being made whole. Even though this was not city-involved, no one says "Pasquotank County", they say "Elizabeth City" and we have a duty to our residents to come together and demand answers. He understood the County had an outside agency that was supposed to come and assist with crisis intervention, but it bothered him that we can't release actual evidence, but we can speak ill and show pictures about this man's past criminal record. The protestors are not coming together because of his past; they are coming together because he was assassinated. He stated that the Council needed to have a meeting with the County to discuss the community. He wanted to request that meeting immediately because he had concerns about the County's "lack of anything." He wanted to let them know how he felt about how they've handled it. He wanted to let them know that when he's out speaking with his constituents, he's worried he's going to get shot. He asked Attorney Morgan what the process was for requesting a meeting with the County.

Attorney Morgan said he believed it would be proper for Mayor Parker to speak with Chairman Griffin to request a special meeting.

Motion was made by Councilman Darius Horton to request that Mayor Parker approach the County about having an emergency joint meeting within the next 10 days. The motion was seconded by Councilman Kem Spence.

Councilman Spence stated that he was mistreated by a deputy sheriff of Martin County when he was out with the protestors. He opined that the County Commissioners had neglected their constituents as elected officials. All people want to do is see their faces and see them show concern and that has not happened. Every single Council person in this room has talked to their community even though we don't have the answers and that's what they need to do. They haven't even had a meeting about this. It's disrespectful. He said he didn't want to wait 10 days; he was ready to meet tomorrow if they were ready.

Councilman Adkins stated that he'd been on ground zero since day one with the people and the family. He noted that Chairman Griffin made a public email post on April 25th, which said that City officials are seeking to become cable TV news superstars. He wanted to say to Mr. Griffin that this was and is a County problem, but the City has taken the flak. They took on this problem. They didn't go to their Facebook page and news releases; they called a special emergency

meeting. After they met, they walked outside to a crowd of angry people. They couldn't even get to their cars. For Mr. Griffin to say that we're seeking to be TV stars is a coward move. He opined that if you can get on Facebook, if you can write emails, you can show your face to your constituents and not incriminate us the way that you have. He noted that the Mayor has been attacked for this and she's dealt with it even though she's not involved. The Council has been on the frontline. Some of our family members have been arrested. There is a crisis in the City and our County officials and Sheriff's Department has chosen to stay behind the scenes and not provide the community the peace and unity that it needs. We have been fearful for our lives because we got out in front of it trying to help. The County wants to say that Councilman Horton and I are mad at each other to try to paint a bad picture of the Council in any way that they can. We tried to take a stand and now people are against us. He wondered how it would have been if the Council had chosen to be as tight-lipped as the County officials. He stated that he stood in the middle of Highway 17 and told people not to go to the Mayor's house when they were trying to do that. A lot of people are not as educated as others, so when one crowd preaches one thing and another does another, everyone's mind is all over the place. He prayed that everyone would remain safe. He concluded that he was in support of a joint meeting with the County in order to try to get some answers.

Councilwoman Young asked Attorney Morgan how this would put us from a legal perspective. She wanted to know if we met with the County, would it put liability on us? She worried it could go badly in several ways. She stated that people were angry with them from the get-go, and if they met with the County, she was concerned that there may be a bad situation with crowds and controlling the narrative. Attorney Morgan said it didn't think there would be an impact from a liability point of view. He felt the Council was justified in expressing its concerns as a group and to the County. He knew that Mayor Parker and Commissioner Griffin would adhere to proper protocols. Councilwoman Young asked if the meeting would be about our feelings or the case? Attorney Morgan said perhaps the Council would like to convey their disapproval of the County's handling of the situation. Councilman Adkins noted they certainly would not be able to discuss the case whatsoever.

Mayor Pro Tem Walton stated the Council needed to get their own house in order before they went anywhere else. If we can't get along respectfully, how will we go in there with the Commissioners? He said he didn't mind doing it, but this group didn't ever know if it was Peter or Judas. Councilman Brooks pointed out that he was not a politician, he was a civil activist and he wanted the young people to protest. He stated that we would not be liable for anything because this was not a case. Attorney Morgan said in general, that was correct. Councilman Brooks said he didn't want to keep finding reasons to back off. He opined this was a situation and not a case. Mayor Pro Tem Walton felt there should be a forum with the community instead of a meeting with the Council. He thought the public should be able to ask the questions of the County.

Mayor Parker said she did not listen to what people said, she watched what they did. She believed the County may have taken the approach of "silence can't be quoted." She told the Council wanting a meeting may be in vain. She did not have high hopes for the County agreeing to a joint meeting, but if that was the wish of the Council, she would approach them and ask.

Councilman Horton agreed that the County's position was one of silence and the few things they have said were very negative. He stated he wanted to meet with them because the Council has had two meetings and the County has had none. If everyone is really about unity and joining people together, why can't the two governing bodies come together and have a conversation about their concerns? He noted that he had people to answer to and he was now fearing for his life at times. It would be a place they could give us answers. If they don't want to meet, it shows their position. Councilman Horton felt like a forum would also be a good idea, but he didn't think a forum would be a safe thing to bring up right now. He thought the County might be more willing to meet with them as a governing body rather than a crowd of angry people.

Motion was made by Councilman Darius Horton to call for the question, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Brooks, Horton and Adkins. Against: Spence, Ruffieux, Walton, Young and Caudle. Motion failed.

Councilwoman Young told Councilman Horton he'd made her point when he mentioned the fact that there would be an angry crowd waiting outside and it would be dangerous. She said that was her concern all along. We'd be putting everyone's safety at risk. Councilman Caudle told Councilman Horton he understood how passionate he was about this, but he also understood Councilwoman Young's point as well. He felt the public forum would be more of an option for them. Councilman Spence opined that a public forum would not be good because if they came inside, they were going to be aggressive. We'd be causing additional problems for the Police Department. He noted that it didn't cost us anything to ask them if they'll meet with us.

Councilman Adkins said he did not personally believe they would agree to meet with us as they were cancelling their own meetings. He just wanted to citizens to see that they were putting forth the effort to try to meet with them. Mayor Pro Tem Walton told him he shouldn't assume because they might accept. He reiterated that the Council couldn't even get themselves together so what did we think we were going to do going divided in front of the County.

Motion was made by Councilman Gabriel Adkins to call for the question, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Young, Horton, Caudle and Adkins. Against: Walton. Motion carried.

Those voting in favor of the motion to request the Mayor approach the Chairman of the Commissioners about scheduling an emergency meeting were: Spence, Brooks, Walton, Horton and Adkins. Against: Ruffieux, Young and Caudle. Motion carried.

9. Comments and Inquiries on Non-Agenda Items:

Councilman Adkins had no further comments.

Councilman Caudle had no further comments.

Councilman Horton had no further comments.

Mayor Pro Tem Walton said he did not feel it was right that they were putting the Mayor in the position to approach the County. He felt it should have been the City Manager that approached them.

Councilman Brooks had no further comments.

Councilman Ruffieux had no further comments.

Councilman Spence had no further comments.

Mayor Parker said Senator Murphy called to give us his support.

Manager Freeman thanked ECSU for housing some law enforcement officers because we'd already purchased all the available hotel rooms. He'd also made the same request of MACU and they'd helped as well. He said the Coast Guard had offered room as well. He thanked everyone who had come across the state to help us, as well as our staff who stepped up to answer the call.

10. Closed Session as Allowed by NCGS 143-318.11(a)(6) for Personnel

Mayor Pro Tem Johnnie Walton made a motion to go into Closed Session for Personnel at 9:14 p.m., as allowed by NCGS 163-318.11(a)(6). Councilman Darius Horton seconded the motion. Those voting in favor of the motion were: Spence Ruffieux, Brooks Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

Mayor Parker announced there would be a five-minute recess prior to Closed Session beginning.

11. Adjournment

The Council returned from Closed Session at 9:44 p.m. There being no further business to be discussed, Mayor Parker adjourned the meeting at 9:45 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

