

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

The City Council of the City of Elizabeth City met in regular session on Monday, November 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 Michael Brooks
Councilwoman Jeannie Young
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilman Chris Ruffieux
Councilman Darius Horton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Ralph Clark
City Attorney Bill Morgan
Deputy Finance Director Alicia Steward
Interim Chief of Police Larry James
Deputy Chief of Police James Avens
Electric Superintendent Jason Value
Human Resources Director Montique McClary
Public Utilities Director Dwan Bell
Fire Chief Chris Carver
Community Development Director Kellen Long
ECDI Director Debbie Malenfant
Parks and Recreation Director Sean Clark
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
Deputy City Clerk Doris Walton
City Clerk April Onley

The City Council regular session was called to order by Mayor Bettie Parker at 7:00 p.m. Mayor Parker welcomed everyone to the meeting and recognized Councilman Spence to give the invocation, after which everyone joined in for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda. Councilman Caudle noted that staff had requested the Council move item "F" on the consent agenda to the regular session for adoption. Councilman Spence requested to add the statute for personnel to the Closed Session in addition to the one already listed.

Motion was made by Councilman Darius Horton, seconded by Councilman Kem Spence to approve the agenda with the requested adjustments. 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. Comments from the Public:

The Mayor inquired of the City Clerk if there were any persons present who wished to speak before the Council. The Clerk replied that there was one emailed comment, and the Mayor asked that it be read into the record.

Saara Laukkala – 616 West Main Street – “Thank you for your prompt action on approving and installing speed bumps on West Main Street. I am happy to report that they have had the desired effect on speeding and reckless driving.”

4. Public Hearings:

a. Hold a Public Hearing – Voluntary Annexation for Coastal Beverage – 888 Forest Park Road:

Director Kellen Long gave a brief overview regarding the annexation. She explained that the applicant was seeking to rezone and annex the property, and the rezoning would also be on the regular portion of this evening’s agenda. The certificate of sufficiency had been investigated and accepted prior to this meeting and all adjacent property owners had been properly notified. She noted that Coastal Beverage had also had an annexation on another portion of their property earlier this year as well.

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

Motion was made by Councilman Billy Caudle to approve the annexation petition as presented by Coastal Beverage and adopt the attached resolution. The motion was seconded by Councilwoman Jeannie Young. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, and Caudle. Against: None. Motion carried.

**RESOLUTION #2021-11-01
ADOPT RESOLUTION TO APPROVE VOLUNTARY ANNEXATION
A PETITION RECEIVED UNDER G. S. 160A-31
COASTAL BEVERAGE COMPANY
2.25 ACRES**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on September 8, 2021 by the City Council; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

WHEREAS, City Council accepted certification and adopted a resolution fixing date for public hearing on October 25, 2021;

WHEREAS, notice of said public hearing was published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of the said public hearing;

WHEREAS, adjacent property owners within 100 feet of the subject properties were notified of public hearing for voluntary annexation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

Section 1: The area proposed for annexation is described as follows be approved for official annexation to the City of Elizabeth City’s Municipal Limits:

Being a portion of a tract of land located in Mount Hermon Township, Pasquotank County, State of North Carolina, being all of the parcels of land conveyed to Coastal Beverage Company recorded in the Pasquotank County Register of Deed Book 1193 and Page 495, said parcels of land being more particularly described as follows:

Beginning at an iron pipe found at a northwestern corner of Coastal Beverage Company

recorded in Deed Book 1193 at Page 495 and Map Book 57 at Page 23 and on the southern right of way line of Forest Park Road (60-foot public right of way). Said iron pip is the Principal Place of Beginning for this description.

Thence North 16°02' 21" East a distance of 24.93' to an iron rod found;

Thence running along the southern margin of an Access Easement as recorded in plat book 57 at page 23, the following 3 courses:

With a curve turning to the right with an arc length of 17.62', a radius of 47.00', a cord bearing of North 84°35' 42" East, a chord length of 17.52', to an iron rod found;

Thence with a reverse curve turning to the left with an arc length of 163.78', a radius of 321.00', a cord bearing of North 80°43' 14" East, a chord length of 162.01', to a PK nail found;

Thence North 66°06'14" East a distance of 252.88' to an iron rod found;

Thence along the western line of McMor Development LLC, as recorded in deed book 896 page 630, South 49°00' 05" East a distance of 507.38' to an iron rod found;

Thence turning and running along the northern margin of Norfolk and Southern railroad right of way, South 65°17' 58" West a distance of 282.37' to a computed point;

Thence along the former line that was abandoned as recorded in Map book 57 page 23 for Coastal Beverage, North 30°54' 08" West a distance of 453.63' to a computed point;

Thence with a curve turning to the left with an arc length of 157.29', a radius of 965.00', a chord bearing of South 70°43' 59" West, a chord length of 157.11' to a computed point;

Thence South 66°03' 56" West a distance of 157.56' to a computed point;

Thence North 35°26' 30" West a distance of 28.50' to an iron pipe found. Said iron pipe found is the Principal Place of Beginning fix this description.

Having an area of 98,161 sq. ft. of 2.253 Acres more or less.

ADOPTED, this the 8th day of November 2021

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

b. Hold a Public Hearing – One-waying of Arbutus and Jordan Streets;

Public Utilities Director Dwan Bell explained that the purpose of this hearing was to consider one-waying Arbutus Street west from Southern Avenue to Herrington Road, as well as Jordan Street, which will now have traffic flow north from Perry to Davis Avenue. He noted that the opposite end of Jordan would flow south from Tatem Lane to Davis Avenue.

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

Councilman Horton asked if the residents had been notified in any way about these changes. Councilman Spence said the residents were aware because they had called him and thanked him for bringing this item forward. Councilman Horton said he was concerned that the people who lived there had not been individually notified. He said personally, he would have a problem learning his street had been one-wayed without anyone letting him

know. City Attorney Morgan said that the Council could certainly delay taking action until such time that staff could individually notify each resident if that was the desire of the Council. Councilman Spence opined that we've done what we normally do as far as notifications, and in his opinion, the residents have already been notified. He said he didn't want to start doing something different now. Councilman Horton reiterated that he just didn't feel that everyone had been notified on those streets. He noted that he thought it was a great idea, but he wanted to make sure that everyone knew there was a conversation going on about one-waying these streets. He said he felt like we should take an additional step just to make sure that we let everyone know what was happening. He didn't want to have angry people showing up who said they had no idea we had one-wayed their street.

Councilman Brooks said people from Jordan Street had called him and were begging him to help get their street one-wayed because their children were nearly getting hit by cars. He said he felt what we had done was sufficient. The residents had brought this forward to their Councilors. He said the only other solution was a "children playing" sign, but this was a better means to an end. He said he saw lots of children in this area and the roads were much too small to have two cars trying to get through them anyway. He said he didn't feel that we needed to go back on what we've said we'd do. He noted that he had been unaware of the situation until the residents began to personally call him and Councilman Spence and beg them to help get these streets one-wayed. He said he didn't think we should back track now.

Mayor Parker asked for the Council's pleasure on this item.

Motion was made by Councilman Kem Spence to convert Arbutus and Jordan Streets to one-way, as recommended. The motion was seconded by Councilman Michael Brooks.

Mayor Pro Tem Walton asked if there would be new signage installed at these locations so everyone would be aware of the new traffic pattern. Director Bell said we would put one-way signage up and we could also look into children-at-play signs. He said we used to have children-at-play signs, but years back, we pulled them up, although we still had the signs and could put them back out if needed.

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

5. Consent Agenda:

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

a. Consideration – Declare 815 North Road Street as Surplus;

Resolution # 2021 –11-02 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: 891416825837 and Map 36-A-31 and having a physical address of 815 North Road 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 \$1,200 received from Sharyla Gibbs on behalf of One Chase Construction Company, LLC 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:

891416825837 and Map 36-A-31, located at 815 North Road 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 \$1,200.

ADOPTED, this the 8th day of November 2021.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

b. Consideration – Declare 113 West Burgess Street as Surplus;

**Resolution # 2021 –11-03
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: 891420810455 and Map 34-F-8 and having a physical address of 113 West Burgess Street; and

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

WHEREAS, the City Council has authorized an opening bid of \$1,100 received from Sharyla Gibbs on behalf of One Chase Construction Company, LLC 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: 891420810455 and Map 34-F-8, located at 113 West Burgess Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$1,100.

ADOPTED, this the 8th day of November 2021.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk

c. Consideration – Declare 500 East Burgess Street as Surplus;

**Resolution # 2020 –11-04
Declaring Real Property Surplus
and Authorizing Sale by Upset Bid Process**

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891420904879 and Map 6-D-4 and having a physical address of 500 East Burgess Street; and

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

WHEREAS, the City Council has authorized an opening bid of \$2,500 received from Carrie Barker 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: 891420904879 and Map 6-D-4, located at 500 East Burgess Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$2,500.

ADOPTED, this the 8th day of November 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

d. Consideration – Acceptance of Grant for George Wood Park;

e. Consideration – Sign Replacement at Mariners’ Wharf Park;

f. Consideration – Approve Rezoning RZ 02-21 (*Removed during Agenda Adjustments and Approval and added to the Regular Agenda*);

(End of Consent Agenda)

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

Motion was made by Councilman Darius Horton, seconded by 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.

6. Regular Agenda:

a. Any item Pulled from the Consent Agenda – Approve Rezoning RZ 02-21;

Community Development Director Long noted this was the same property the Council had approved the annexation for a few moments before. The property is currently zoned general business and is part of Coastal Beverage. The applicant intends to use the 2.25 acres to expand their existing facility. The property is proposed to be rezoned to general industrial of the eastern portion of 888 Forest Park Road.

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

“The proposed rezoning request from General Business (GB) to General Industrial (I-2) for the 2.25 acres of the eastern portion of 888 Forest Park Road is found to be consistent with the area’s zoning pattern and existing land use and zoning.”

b. Consideration – Award Contract for Old Oak Grove Cemetery;

Mayor Parker recognized Interim City Manager Clark for his comments. Mr. Clark said that a grant was awarded in July for Old Oak Grove cemetery. The bid process has been completed and staff recommends retaining New South Associates.

Motion was made by Councilman Darius Horton, seconded by Councilman Billy Caudle to authorize staff to retain New South Associates in an amount not to exceed \$50,800. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

c. Consideration / Discussion – Adopt Resolution for Redistricting;

Community Development Director Long noted that we were now at a point where Council should adopt either of the two maps presented by Poyner Spruill, Alternative A or Alternative B. She advised that she could reiterate any necessary information given during the earlier special work session if required and answer questions if the Council had any.

Motion was made by Councilman Kem Spence to adopt Alternative A and the attached resolution, seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

**RESOLUTION #2021-11-05
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY
ADOPTING NEW ELECTORAL WARD BOUNDARIES**

WHEREAS, the Elizabeth City City Council includes eight members elected from four electoral wards; and

WHEREAS, the electoral wards are subject to the constitutional and statutory requirement of one-person/one-vote; and

WHEREAS, the City Council is authorized and obligated by North Carolina General Statute § 160A-23 to revise its electoral ward boundaries to correct population imbalances as shown by the federal Census; and

WHEREAS, the City Council has received and reviewed the population of its electoral wards as determined by the 2020 federal Census; and

WHEREAS, the City Council has determined that the population of its electoral wards is out of balance and the boundaries of the wards need to be altered to provide equal representation; and

WHEREAS, due to the COVID-19 pandemic, delivery of the 2020 census data was delayed and the North Carolina General Assembly delayed the 2021 municipal elections until 2022 and the redistricting deadline until November 17, 2021; and

WHEREAS, the City Council worked diligently between September 2021 and November 2021 together with staff and consultants from the non-partisan Local Redistricting Service to study legal guidelines and prepare guiding principles for redistricting in order to ensure that all required steps were completed before the November 17, 2021 deadline; and

WHEREAS, on October 11, 2021, the City Council held an advertised public hearing on proposed guiding principles to guide the redistricting process and by resolution adopted ten guiding principles to be used; and

WHEREAS, on October 25, 2021, the City Council held an advertised public hearing to review and consider proposed redistricting plans, identified as Alternative A and Alternative B; and

WHEREAS, on November 8, 2021, the City Council held an advertised Special Meeting and held an advertised public hearing to review and consider proposed redistricting plans, identified as Alternative A and Alternative B; and

WHEREAS, on November 8, 2021, the City Council, meeting in public session, considered and approved the redistricting plan identified as Alternative A; and

WHEREAS, the redistricting plan approved by the City Council presented in public session would satisfy the requirements of one-person/one-vote;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Elizabeth City as follows:

1. Pursuant to North Carolina General Statute § 160A-23, the boundaries of the four electoral wards designated 1, 2, 3, and 4, are hereby amended to correct population imbalances among wards, and are illustrated on a map entitled "Alternative A" adopted by the City Council on November 8, 2021, which is hereby adopted by reference and made a part hereof as fully as if descriptions of the district boundaries shown thereon were set out herein.
2. The attached plan has been prepared from United States Census Bureau maps and the boundaries have been drawn to follow census block and voting district (VTD) lines. A list of the VTDs in each ward composed of the incorporated area of the City of Elizabeth City is attached for reference and to resolve any issue that might arise concerning the boundaries of the electoral wards.
3. The map herein above described shall be the official map of the electoral districts until officially revised by the City Council.
4. The new electoral ward boundaries shall be used for the next election of the members of the City Council and for each subsequent election until the boundaries are altered according to law.
5. A copy of this resolution, with exhibits, and the map showing the electoral ward boundaries shall be retained in the office of the Clerk to the City Council.
6. A copy of this resolution, with exhibits, shall be provided to the Pasquotank County Board of Elections with the request that the Board of Elections notify residents of changes in the wards in which they vote.

Introduced November 8th, 2021 and approved unanimously by the City Council of the City of Elizabeth City.

ADOPTED this 8th day of November, 2021.

7. Manager's Comments / Comments and Inquiries on Non-Agenda Items:

Interim City Manager Clark advised the Council that he was in office Monday-Thursday, and he was also available by email and on his cellphone. He said his home was only two hours away, so in the event of an emergency, he could always return if necessary. He noted that Executive Admin Doris Walton and City Clerk April Onley were in the office five days a week and were always available to them as well. He mentioned he'd had a visit with the County Manager who had indicated that his board was interested in potentially having a joint meeting on November 29th as well as some possible items for discussion. He asked the Council if they were interested in conducting a joint session in November, and if so, did they have any topics they'd like to have included? He said he was an advocate for both bodies facilitating discussions. Councilwoman Young asked if he wanted feedback tonight. Interim

Manager Clark replied that he would, if possible. Councilwoman Young said she definitely wanted to have the meeting. She said in the past, they'd met at COA in the BLET room. Interim Manager Clark asked if they'd like to have a meal with their meeting. Councilwoman Young confirmed that's what they'd done in the past. She asked if the Council wanted to add something to that agenda, should they just contact him about it? Mr. Clark confirmed that would be fine.

Mayor Parker asked if anyone else was interested in holding the joint meeting. Councilman Caudle said maybe we could do a show of hands, and the Mayor agreed.

Mayor Parker asked the Councilors interested in holding a joint meeting with Pasquotank County to please raise their hands at this time. The question was met with unanimous approval.

Interim Manager Clark said he and the Mayor would have a conversation about how to structure the meeting and the Council could offer suggestions for topics.

Mr. Clark said he also briefly wanted to discuss Developmental Associates. He said the ad seeking a new city manager went out from November 5th, and would run through December 5th. The first screening will be December 13th. Council will come in around January 20th. It would be mid to late February for hiring likely, with a more finite timeline to follow. Mayor Parker reminded the Council that Developmental Associates will share info with them on their City email, as required.

Councilman Caudle asked if there was a date for the Christmas party yet. Mayor Parker said she hadn't heard anything. Councilman Caudle said if we intend to have one, please let the Council know so they can plan on being there.

Councilman Spence thanked Director Bell for putting the speed bumps together. He said he went down Main and Church Streets, and the residents were very happy with the progress. They seemed to be effective.

Councilman Horton said he'd gotten numerous texts about tonight's livestream feed. Councilman Spence noted it was the Spectrum feed and we're working on getting upgraded.

Councilman Ruffieux echoed Councilman Spence's sentiments about the speed bumps. He said it appeared to be having a real impact.

Councilwoman Young had no comments.

Councilman Brooks thanked everyone involved who helped get the sidewalk completed by Walkers Landing. He said a citizen called him about a sign that was down in the corner of Chesterfield and Oakdale. He said the residents thanked Director Bell for moving quickly in getting the sign up. He said he was proud of the citizens for taking action on helping themselves and for the Streets Department for getting it taken care of so fast.

Mayor Pro Tem Walton said he was going to try to be as positive as he could. He thanked the redistricting committee. He said he was sorry we had to bring them back again but we did need the public input. He said some citizens from the public made statements, but he still didn't understand what they were after. He said sometimes when people run for office, they talk about how close they want to bring MACU, ECSU and COA, but when it's time to vote, people get paranoid and try to cut them out of the picture and don't treat them like citizens. He said that tonight, a young lady got up and made her statements and tried to cut them out and then one of our councilmembers made her own statements too. "A grown lady. That's how easy it is. That's not hard to do that. We need to think about what we do. It's not what you say, it's what you do. When you show people things like that, not everybody's fooled. People can't fool me. So, let's embrace ECSU, COA and MACU. Let's not knock them down because they're citizens just like we are."

Mayor Parker mentioned that children 5-11 can now receive a COVID vaccine. On a more personal note, she said she had been married for more than 50 years to a veteran and it was now her turn to serve him. Her husband was experiencing health complications and she had determined that she would not be running for a third term as mayor. The COVID-19 pandemic surge and civil unrest in our area has calmed and she said she felt that she was leaving us better than she found us. She said she would continue to seek ways to serve

the citizens of our community and she looked forward to the city becoming an even better place to live and visit.

8. Closed Session – As Allowed by NCGS 143-318-11(a)(5) for Acquisition of Property and NCGS 143-318(a)(6) Personnel;

Mayor Parker asked for a motion to go into closed session at 7:56 p.m.

Motion to go into closed session for as allowed by NCGS 143-318-11(a)(5) for Acquisition of Property and NCGS 143-318-11(a)(6) for personnel was made by Mayor Pro Tem Johnnie Walton, and seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Ruffieux, Brooks., Walton, Young, Horton and Caudle. Against: None.

Mayor Parker advised there would be a brief recess while the live feed was dropped to set up for the closed session.

9. Adjournment

The Council returned to open session at 8:38 p.m. There being no further business to be discussed, Mayor Parker adjourned the meeting at 8:38 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

