

**City Council Regular Session
October 11, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, October 11, 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 (*Arrived at 7:04 p.m.*)
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilwoman Jeannie Young
Councilman Chris Ruffieux
Councilman Darius Horton

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Eddie Buffaloe, Jr.
City Attorney Bill Morgan
Interim Finance Director Alicia Steward
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
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 for delivery of the invocation, after which everyone joined for the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Parker asked the Council's pleasure on the presented agenda.

Councilman Ruffieux requested the addition of a discussion on the installation of speed bumps on Main Street and Church Street, which had been tabled on September 24th, 2021. Councilman Brooks requested that Robert's Rules of Order be added to the agenda for discussion. Councilman Caudle added formal acceptance of Councilman Adkins' resignation. Mayor Parker said she'd like to add an election update as well.

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

Mayor Parker inquired of the Clerk if there were any persons present who wished to make a public comment. The Clerk replied that there were both in-person commenters and written submissions, and began calling the in-person attendees to the podium.

Larry Crossit – 1013 West Main Street, Elizabeth City, NC – Mr. Crossit said he would like what was promised to them. He told the Council that to table the item or vote no was to say that they did not care about children, safety or the citizens. The speed deterrents are in place and purchased and it's time to get it done. He said he wanted all of the Council to vote to take care of this tonight. He said he was tired of hearing about other towns being "ahead" of Elizabeth City. "We can do better so let's get this done." He noted that there were two accidents today and the speed bumps needed to be installed as soon as possible.

Cam Reynolds – 1000 Church Street, Elizabeth City, NC – Mr. Reynolds stated he was present in support of the speed bump installation. He felt it was the right step for the community and a good first step for safety and letting the community know that the Council cared. He said there should be other changes in the area, but this would be a good step one. He also offered support for the one-waying of the street that was on the agenda.

Kelly Boyd – 313 West Main Street, Elizabeth City, NC – Mrs. Boyd said that as she understood, the speed bumps had already been purchased for installation on Main Street and Church Street. Due to speeding over the past weekend, a child was almost hit by a van on the street. She told the Council it was imperative that they install the speed bumps.

Rick Boyd – 313 West Main Street, Elizabeth City, NC – Mr. Boyd said he'd been a resident here for 20 years and had experienced the excessive speeding for many years. He related Church Street to a "nice, wide racetrack" where people ride up and down it in a "free for all, all the way to the river and 17." He noted that on Main Street, he'd personally had three mirrors knocked off his vehicles, and he knew people who'd had their cars totaled while sitting in front of their homes. He stated that the speed calming equipment had been purchased, and whether or not it had gone through the right channels, it needed to be installed to save lives.

Cheryl Morrison – 710 Harney Street, Elizabeth City, NC – Mrs. Morrison opined that Pawnee Street was a racetrack. She said young people were hanging around and she did not believe the City's cameras worked. She felt that the police needed to check into who was actually living in the area and who did not because she was constantly seeing children in the area. She said the Council should probably hire someone to look at the cameras because she didn't feel anyone was looking at them right now. She said she wanted speed bumps on Pawnee Street as well. She wanted to know what the Council intended to do about this. She told them they needed to speak up and not behave like the County Commissioners. She urged them to go into Sawyer Town and see how many young people were there and how many guns were in the area. People who actually live in the area and pay taxes are going to get killed.

Sharon Crossit – 1013 West Main Street, Elizabeth City, NC – Mrs. Crossit hoped the speed bump issue would be voted upon this evening.

Ken Weaver - 809 West Main Street, Elizabeth City, NC – Mr. Weaver stated that two days after his last visit to Council, his girlfriend was verbally assaulted and left in a cloud of smoke after someone did not like seeing her drive the speed limit and they'd had to call the cops. This week, while driving down Persse Street, they saw another car "driving like a maniac." He related several other stories of reckless driving and stressed like this is a residential neighborhood with a historic walkway through it. Most people who are driving through the area and using it as a cut-through. He asked the Council if they intended to take responsibility is someone, especially a child was killed because someone was speeding in the area? He told the Council they had the resources on hand and they needed to vote on this so the public would know where they stood.

Linwood Gallop – 604 Cardwell Street, Elizabeth City, NC – Addressed the firing of the city manager. He addressed Councilwoman Young, but was cautioned by Mayor Parker to only address the Council as a whole. Mr. Gallop continued that the manager's support of the protestors and his firing seemed retaliatory. He felt that it was unfair that more than 50% of the Black members of the Council were not present when the manager was fired. He called the reinstatement of the manager and asked that one certain member of Council not be allowed to take part in the consideration of the reinstatement due to what he considered to be the retaliatory nature of their actions.

Bettie Lyons – 1106 West Main Street, Elizabeth City, NC – Mrs. Lyons addressed the speeding on West Main Street. She said she'd learned the speed bumps had already been ordered and wanted the Council to vote to have them installed. She stated that she lived next to the New Day Church and when she left her driveway, she could not always see approaching cars and had been nearly hit several times. Several years ago, she'd request the Council look at the cameras that would take pictures of violators and impose ticketing and she'd not heard anything back. In lieu of that, she was requesting speed bumps. She felt the residents had been lucky to not have anyone killed on the street because the drivers were coming through at speeds of up to 45 mph.

Keith Rivers – 104 Grandview Drive, Elizabeth City, NC – Mr. Rivers noted that the city manager was hired in January and suspended for investigation. While being investigated, his keys were taken, his laptop was taken, his email was suspended. The City paid an outside firm to conduct an investigation, and it was personnel, but as it was tax dollars he felt that the public had the right to know if there were findings or not. He said that as he was fired without cause, he had to assume there were no findings. He felt that it was a conspiracy from the beginning and the Council owed the public an explanation of why they chose to fire the manager after seven months. He opined that labeling it "personnel and confidential" was not acceptable. He noted that 25% of the Council was not present when the firing happened, which he did not feel was correct. He did not feel the City would grow if we did not stop behaving like this.

Martin Leon – 705 West Church Street, Elizabeth City, NC – Mr. Leon said he'd been in Elizabeth City for four years and wanted to show support for the other residents who were concerned with the speeding issues, loud music and problems on Church Street.

Pamela Dwyer – 1003 West Church Street, Elizabeth City, NC - Mrs. Dwyer said she experienced dangerous driving daily on Church Street and would like the Council to install the speed bumps as planned for Main and Church Streets. She felt with the young children, elderly, walkers and bikers on the streets, there needed to be much safer neighborhoods. She felt it would be encouraging to live in a community where concerned neighbors could come together to improve the quality of life and hoped other neighborhoods would do the same.

Molly Penrod – 203 - Street, Elizabeth City, NC – Attempted to read into the record a court case concerning Jeannie Young. Mayor Parker advised that the speaker could not direct comments to a specific councilor, as that was in violation of the rules of procedure. Ms. Penrod asked if she could just stand there for three minutes then, as the purpose was lost if she could not read the names in the court case. Mayor Parker agreed that she could.

Saara Laukkala – 616 West Main Street, Elizabeth City, NC – *(Written Comment and Included in Full)* – "Dear Madame Mayor & City Council Members: I am writing to you in regards to traffic safety issues on Main Street, Elizabeth City. I live in the 600 block of W. Main Street. In my block, the street is so narrow that in practice we only have a lane and a half for two-way traffic. This combined with through traffic and constant speeding creates a very dangerous environment for the residents and pedestrians. It is dangerous to get in and out of my car or to cross Main Street. I am asking the City Council to take the appropriate actions to reduce the speeding on Main Street and divert through traffic somewhere else. Main Street is part of the self-guided Elizabeth City Historic Walking tour and therefore we should find ways to make downtown safer for pedestrian traffic."

Joseph Peel – 1525 Rivershore Road, Elizabeth City, NC – *(Written Comment and Included in Full)* – "Dear council members and mayor: I am writing to commend you for the difficult decision you made to terminate our city manager. As a former mayor for several terms, I certainly understand the many complexities of the city manager's job. While he was a very nice person, it was obvious to me that he did not have the background or expertise needed to be successful. His chaotic handling of the budget process, the loss of some of his top directors, some personnel decisions that may very well lead to lawsuits, and his unauthorized spending of money are evidence of this. We have a great little city that is beginning to prosper and grow. I urge you to begin the process of finding the most qualified person to lead us forward. A person that would benefit all of our citizens and gain their respect. Thank you for your service to our city and for receiving my comments."

Evelyn Schrader – 922 Oak Stump Road, Elizabeth City, NC – *(Written Comment and Included in Full)* – "As a resident of Elizabeth City, I have already emailed both my City Councilman and the Mayor to voice my strong opposition of any thought or movement to a re-instatement of Mr. Freeman.

It has been stated by both City Council and the Mayor that Mr. Freeman has done several things that broke protocol and were not taken before City Council for approval on top of an investigation into a personnel issue.”

Cynthia Chapman – 206 Rachel Drive, Elizabeth City, NC – *(Written Comment and Included in Full)* - Hello Elizabeth City Mayor and City Council members. I am writing this letter to all of you because I heard that you are reconsidering bringing back ex-city manager Monte Freeman. There are many things he did wrong (and I mean very wrong) but this is the one that affected me the most and directly. On May 13, 2021 around 5:00pm was the day that my life could of ended. I now have permanent damage to my throat and esophagus. I have ER records, Dr records, Swallow test, Hearing tests, and witnesses. On that day I was given a new antibiotic, come to find out I am allergic to that one. Never been allergic to an antibiotic ever. My sister was here from out of state taking care of me from post op calls the Dr and they tell her to take me to ER because I was just coughing at that time, and my head was dizzy. By the time she got to the intersection by Lowe's it was filled with protesters. My sister knew she wasn't going to get anywhere there she followed cars. My sister went to 2 different locations that had no protesters and told them that I was having a reaction and was having trouble breathing and at both stops they said they were not allowed to leave their post. Please don't say she could have taken a different route, my sister is from a different state and I was hanging on for every breath. Finally one officer left us through but no one came and helped me. Montre Freeman was issuing permits on a daily basis. Montre Freeman and Eddie Buffalo stated that emergencies will be able to get by and get help. For permits for blocking intersections which is falls under parade permits needs a 15-day advance application with public notification. Montre Freeman was issuing them every single day. He is not good for our city. He is not good for us, the people.”

Shannon Hamar – 1400 Elder Street, Elizabeth City, NC – *(Written Comment and Included in Full)* - I am writing to express my concerns and to vehemently oppose the re-hiring of Montre Freeman for the job of City Manager. He has freely abused the power he was entrusted with by this city and should be held responsible. Mr. Freeman first abused his position of authority when he re-assigned a worker and posted her job for new hires without her ever being informed. In another incident, he approved the city to install speed bumps without prior authorization; authorization he was required to obtain from the City Council. However the most egregious misuse of power, in my opinion, was the misappropriation of funds by paying \$5,552.29 of Elizabeth City tax dollars, for one person to stay in a motel for 2 ½ months. Whether his actions were charitable or not, that was not his decision to make. An amount of \$50,000.00 has been set aside to help purchase a facility to provide support to all homeless persons in Elizabeth City. Mr. Freeman took it upon himself to spend almost 10% of that to house a single individual. Montre Freeman was earning \$140,000.00 annually, making him the highest paid City Manager in Elizabeth City history. After being relieved from his position, he is to receive 6 months of pay and benefits. This seems to indicate that the city is implying that Mr. Freeman was relieved without cause. There is more than enough cause for him to be relieved which should exempt the city from being required to pay him further. In my opinion, not only should Montre Freeman not be re-hired as the City Manager, he should be held responsible for reimbursing the city for the \$5,552.29 he misappropriated. As I stated, this is my opinion, but facts are facts, Mr. Freeman abused his power, and broke the trust of the city and its inhabitants. Please think long, hard and carefully before putting this man back into a position of authority. Thank you very much for your time and consideration.”

Tony Hornthal – 1915 Rivershore Road, Elizabeth City, NC – *(Written Comment and Included in Full)* – “Our community has been bitterly divided since the tragic death of Andrew Brown Jr. Unfortunately, our former City Manager's action and inaction deepened those divisions. Further, based on the limited amount of information available to the public through the newspaper, it is obvious that the former City Manager was either incapable or unwilling to properly do his job, which put all of our citizens and City at risk. I applaud all on council who voted to suspend Mr. Freeman, and those who did not vote to keep him in this position for one more day. It's unfortunate that the bitterness and divisive comments of a few have apparently caused one council person to resign. I pray that, going forward, Council can follow the experienced, diverse and independent leadership of Michael Brooks and Jeannie Young in moving our City forward.”

Alice Gandy – 131 Sunny Acres Drive, Elizabeth City, NC – *(Written Comment and Included in Full)* – “ I, Alice Gandy do not think Montre Freeman should be reinstated as City Manager for Elizabeth City NC. Throughout your own investigation you have proven he has lied and spent money without others knowing. How can you trust this man? You

need a loyal, honest representative that you can trust to get the job completed without questioning. If you so call reinstate him being a City Manager, how do you know this will not happen again? I am sure this investigation cost money to perform, do you want to waste more money if you think he is suspicious spending more funds without anyone knowing? We need loyal and honest representatives to take care of Elizabeth City, NC not crooked ones.”

David Harris – 1101 Park Drive, Elizabeth City, NC – *(Written Comment and Included in Full)* – “I very much appreciate the difficult decision that was made to terminate the city manager. Terminating an employee is not something that is done without serious considerations. I commend you for your decision, and believe you have made the right decision given the circumstances. Someone in the position of city manager must have the respect and confidence of not only the employees, but of the citizens of the city. Mr. Freeman no longer has the respect or support required to serve as our city manager. I urge the council and mayor to move forward with the process of hiring a new manager to lead our city. The city needs someone who has the experience, knowledge and a reputation for leadership and success as the next city manager. Someone who will earn the respect and the confidence of employees and citizens as a leader, and who will serve you as the elected representatives of the people. I sincerely hope that you will begin the search for the next manger soon, but that you will be deliberate in the process to find the best qualified individual. Thank you for your time and consideration of my comments. “

George Hague – 2321 Deliah Drive, Elizabeth City, NC – *(Written Comment and Included in Full)* – “The former city manager Freeman should not be reinstated. He failed to inform the people who hired him in spending the taxpayers money. I do not know what went on in closed sessions but with the information available it is quite obvious that he was operating outside his responsibilities. He alone was determining how the people's money was to be spent. Also the way he handles city protest cast doubts on his ability as a city spokesman.”

Scott Hilliard – 108 Persse Street, Elizabeth City, NC – *(Written Comment and Included in Full)* – “Public Servants, As a new resident of Elizabeth City, I'm appalled at the speeding and reckless driving I witness on my street(Persse) every day. In speaking with multiple neighbors I find this has been an issue for a very long time. This tells me that no accountability exists across all levels. The solutions are there, this needs to be addressed immediately.”

Stephen Harris – Elizabeth City, NC – *(Written Comment and Included in Full)* – “Dear Council Members and Mayor: I have observed the recent issues with our city manager Mr. Freeman. Having in management myself I know the difficulty of terminating an employee. Circumstances often leave you with no other options. I now ask the council and mayor to move past Mr. Freeman and forward with seeking a new manager with experience and knowledge. Since I am unable to attend the meeting I ask that you have my comments read aloud at the Monday night meeting.”

Christina Williams, 3611 Union Street, Elizabeth City, NC – *(Written Comment and Included in Full)* – “Dear City Council and Mayor, I support the recent actions by the members of City Council who voted to both suspend and fire City Manager Montre Freeman. I thank each of them for standing up for our city and taking action to begin righting the wrongs we have all endured. I believe the City Manager abused his authority when he signed daily permits without regard to the waiting period required of others. He put the city in an economic hardship by allowing frequent closing of city streets blocking access to many downtown business. He further divided the city by allowing himself to be photographed on top of the Black Lives Matter Mural holding up gang like hand signs. This was not an image that burned unity into the minds of all citizens and was a highly inappropriate action by city staff. I'm sure there are other issues with Montre Freeman that the public is not privy to, whether human resource issues, or legality issues, but what the public has seen is enough for a lack of confidence in leadership. I implore the City Council to select a new City Manager carefully with respect to experience, professionalism, and a vision to improve our city. I request that Montre Freeman be held responsible for the approximately 6K hotel bill that was paid for by taxpayer's that was not a public purpose to place a homeless city worker in a hotel room for an extended period. The funds to reimburse the city should come from his severance pay and be required to be reimbursed in full. I also ask that this council address the people of Elizabeth City with an update as to why the City Council meetings are still closed to the public. Restaurants and other businesses are open, why is our city government limiting access to public meetings? Around the state board meetings are open, so why is Elizabeth City keeping their doors closed.

Thank you for your time, I look forward to your consideration to fully open City Council meetings to the public without restriction or limitation to foster a transparent environment going forward under the new City Manager.”

Betsey Meads – 2008 Johnson Road, Elizabeth City, NC – *(Written Comment and Included in Full)* – “I would like to support the council members who voted to fire city manager Montre’ Freeman. I personally believe that when you are hired as a city or county manager that you should live in the community. The decisions that you make for the citizens of that community should affect the manager as well as the residents. That leads me to residency. As of today at 11:53 a.m., city manager Montre Freeman is still a registered voter at 314 Chockayokey Street, Roanoke Rapids in Halifax County, and why shouldn’t he be? His wife is an elected sixth district judge in Halifax County who was re-elected in 2020. According to a Daily Advance article in January 2020, his children and wife will spend weekends here. Another article in the same period indicated that The Daily Advance tried to obtain Freeman’s contract with the city and as far as I can tell was unsuccessful. It did mention that there was no mention of Freeman having to reside in the city as past managers had to do. North Carolina Division of Motor Vehicles requires that a resident update their license within 60 days of establishing a new residence. At that same time, you may register or update your voter registration in North Carolina. Mr. Freeman has shown that he cannot be trusted with the city credit card or to follow procedures to help city council, to keep city council informed or to get their required approval for items that they are responsible for. Of course his maleficence will not harm the community that he legally resides in, Halifax County. His children will not be affected and his wife will not be affected. The citizens of Elizabeth City and yes, Pasquotank County and their children will be affected by his negligence. Please send Mr. Freeman home.”

Pauline Berard – Gardner Point, Elizabeth City, NC – *(Written Comment and Included in Full)* - “Mayor & city council: I would like to thank the council for voting to remove the City Manager! He was on his way to destroy and bankrupt our city! I had a business for 25 years in Elizabeth City- I was involved with many mayors- city Managers & councils! I was on several Mayor committees! These past months since Rich left I have seen a decline in our city! Please bring Angela back to our City. She is absolutely an asset! A very concerned taxpayer & member of this community!”

George Grills – 502 West Main Street, Elizabeth City, NC – *(Written Comment and Included in Full)* – “I am writing in support of the city Council's decision to remove the city manager. Here are 3 of the many reasons why we favor this moment of clarity to remove Montre Freeman from city office. 1. Listening to a few. City manager opted to take input from self-appointed neighborhood representation and ignore other input. 2. Expending funds without due process. There were several projects funded without review by the city Council. Such as adding speed bumps on main street. 3. Over paid. Our city has been in an economic depression for years because of poor choices/decisions made by our city council. A raise that was not justified and over paying the city manager that was not reviewed reflects poorly on our city's ability to manage our economies. In closing I hope we the citizens and our city government can work together to make clear and positive economic decisions for our city. Thank you for our city's moment of clarity.”

5. Public Hearings:

a. Hold a Public Hearing – Proposed Redistricting Plans Based on Adopted Guiding Principles;

Mayor Parker recognized Community Development Director Kellen Long for her presentation. Director Long explained that the purpose of this evening’s hearing was for the Council to determine the guiding principles for the redistricting and adopt a resolution stating such, as well as call a public hearing for October 25th to gather public input on the proposed plans. November 8th is still slated as the date for final adoption of the new redistricting. The current population sits at 18,631, which would create an ideal number for each of the four wards at 4,658. The permissible range for each ward would be between 4,425 and 4,891. Currently, Ward 1 has a total population of 4,833; Ward 2 is at 5,552; Ward 3 is at 4,685; and Ward 4 is at 3,561. Wards 2 and 4 are the farthest from “ideal”, with Ward 2 being 894 above ideal and Ward 4 being 1,097 below ideal.

Director Long advised that there are nine optional guiding principles and she would go through each one to create the Council’s desired principles for redistricting. Option 1 is core

preservation, which would suggest that wards should retain as much of their current configuration as possible. Option 2 is the opposite of that and known as “blank slate”, which is where existing ward lines are not taken into consideration beyond what is legally necessary. Option 3 is following natural boundaries, such as waterways or roads as much as possible. Option 4 is using precincts as building blocks to the extent possible. Option 5 is avoiding pairing incumbents who are not already paired in the same ward. Option 6 is recognizing and respecting neighborhood boundaries. Option 7 is considering areas of future population growth. Option 8 is that wards should be reasonably compact to the extent possible. Lastly, Option 9 is recognizing and respecting communities of interest as defined by the Council with community input. Director Long advised that this list of options was not exhaustive and others could always be considered. She reminded the Council that they’d requested time to hear from the public prior to adopting the guiding principles, which was the purpose of this evening’s public hearing. She noted that after this evening’s hearing was closed, the Council would require two-fold action, this first of which should be adopting their guiding principles by resolution, and then calling for another public hearing slated for October 25th for public input prior to the final redistricting map adoption.

Mayor Pro Tem Walton said he wasn’t clear on a lot of this information and asked if it could be provided in writing. Director Long said most of it was in the agenda packet, but what they were asking for this evening was adoption of the Council’s guiding principles to create the maps. Mayor Pro Tem Walton said he’d like to know where the lines were now and who was in which ward. Director Long explained that one principle we had to follow was one person, one vote. When Poyner Spruill begins making their maps, they must draw them within the specified range of population; however, they can’t do that without the Council’s official principles. Mayor Pro Tem Walton noted that he didn’t want those guidelines to make things too much different than they were the last time, as it could change everything. He stated that he wanted to make sure everyone knew what changed and how it changed for each ward. Director Long stated that Ward 4 was under the ideal population by a fairly large margin, so they were going to have to increase area to get them where they needed to be. Poyner Spruill will create two to three maps and the Council will be able to choose from those. Mayor Pro Tem Walton said he wanted to make sure he was aware the demographics in each of those map redraws.

Attorney Morgan suggested that the Council go through each of the guiding principles to determine if they were something they were interested in including. He noted that Option 1, which would keep the lines drawn as closely to existing as they currently were, would be of interest to him.

Mayor Parker agreed that would be a good way to tackle the principles once they finished the hearing.

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

Director Long reminded the Council that the two principles that were required were one person, one vote and that minority voting strength should not be diluted. She stated that she would go through the nine optional principles she’d provided earlier and the Council could determine whether or not any of those were of interest to include as guiding principles.

(Clerk’s Notation: - Mayor Parker requested the Council raise their hands to gather consensus for each of the options they wished to include / not include in the guiding principles. All votes were unanimous. Councilors present for this vote were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle)

Option 1- Core Preservation – Unanimous consensus to include this option.

Option 2 – Blank Slate – Unanimous consensus against this option.

Option 3 – Follow Natural Boundaries and Physical Features – Unanimous consensus to include this option.

Option 4 – Use Precincts as Building Blocks Where Possible – Unanimous consensus to include this option.

Option 5 – Avoid Pairing Incumbents Who Are Not Already Paired in the Same Ward – Unanimous consensus to include this option.

Option 6 – Recognize and Respect Neighborhood Boundaries – Unanimous consensus to include this option.

Option 7 – Consider Future Population Growth – Unanimous consensus to include this option.

Option 8 – Wards Should Be Reasonably Compact to the Extent Possible – Unanimous consensus to include this option.

Option 9 – Recognize and Respect Communities of Interest as Defined by Council and Community Input – Unanimous consensus to include this option.

Director Long asked if the Council had any ideas about what they'd like included as communities of interest. Councilman Caudle stated that ECSU came to mind, and he felt that area should not be split. Mayor Parker said they'd probably want to treat MACU the same way.

Motion was made by Councilman Billy Caudle, seconded by Councilwoman Jeannie Young to adopt the resolution for guiding principles as discussed for the redistricting of Elizabeth City, and to call for a public hearing to be held on October 25, 2021 at 7:00 p.m. in Council Chambers to receive public input on proposed redistricting plans. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

RESOLUTION# 2021-10-01

Resolution of the City Council of the City of Elizabeth City Adopting Guiding Principles for Redistricting the City's Electoral Wards

WHEREAS, the City Council of the City of Elizabeth City has determined that its current electoral wards are not in compliance with one-person, one-vote principles and redistricting is necessary; and

WHEREAS, a list of proposed guiding principles for redistricting was presented to the City Council in a public meeting held on September 27th, 2021, and were set out in a notice of public hearing published in The Daily Advance on October 1st, 2021; and

WHEREAS, the public hearing on the guiding principles was held on October 11th, 2021, as duly advertised; and

WHEREAS, the City Council has received public input and determined the guiding principles which should be used in revising the City's electoral wards.

NOW THEREFORE, be it resolved by the City Council of the City of Elizabeth City that the following are hereby adopted as the guiding principles to be used in redrawing the electoral wards for the Elizabeth City City Council elections:

1. Equal population, as required by state and federal law
2. Minority voting strength is not to be diluted, but race should not unnecessarily predominate, as required by law
3. Core preservation should be adhered to where at all possible
4. Natural boundaries and physical features should be followed where at all possible
5. Precincts should be used as building blocks to the extent possible
6. Avoid pairing incumbents who are not already paired in the same ward
7. Neighborhood boundaries should be recognized and respected where at all possible
8. Future growth should be considered
9. Wards should be reasonably compact to the extent possible
10. "Communities of Interest" should be taken into consideration, particularly MACU, COA and ECSU.

Introduced October 11th, 2021 and approved unanimously by the City Council of the City of Elizabeth City.

ADOPTED, this the 11th day of October 2021.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

6. Consent Agenda: *(Interim City Manager Recommends Approval)*

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

a. Consideration – Call for a Public Hearing – Case No RZ 02-21 Filed by Coastal Beverage Company to rezone 2.25 Acres of the Eastern Most Portion of 888 Forest Park Road from General Business to General Industrial;

b. Consideration – Adopt Resolution Directing City Clerk to Investigate Sufficiency of a Petition for Voluntary Annexation for Coastal Beverage Company – Eastern Most Portion of 888 Forest Park Road;

**RESOLUTION #2021-10-02
DIRECTING THE CITY ATTORNEY TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
888 Forest Park Road
COASTAL BEVERAGE COMPANY
2.25 ACRES**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on October 11, 2021 by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation.

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

THAT the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this the 11th day of October, 2021.

Bettie Parker
Mayor

April Onley, NCCMC
City Clerk

- c. Consideration – GFL Environmental Franchise Fee Contract Renewal;**
d. Consideration – Accept Quote for the Purchase of Fire Truck;
e. Consideration - Accept 2021 Walmart Community Grant;

(End of Consent Agenda)

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

Motion to approve the Consent Agenda was made by Councilman Darius Horton, 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.

7. Regular Agenda:

a. Any item Pulled from the Consent Agenda

There were no items pulled from the Consent Agenda.

b. Consideration – Sub-Recipient Agreement for Legal Aid of North Carolina;

Director Malenfant advised that Legal Aid of NC is a nonprofit law firm that provides free legal services to low and moderate income individuals. They do not currently have an office in Elizabeth City and would like to improve their presence here. The closest location for people interested in securing their services at this time is Ahoskie, which is prohibitive to many. They estimate about 12,000 people in Elizabeth City are eligible for their services, and as such, would like to establish an office in the Hugh Cale building to place at least two attorneys and one support staff member. Their primary focus will be to reduce homelessness and housing instability, as well as issues with domestic violence and navigating public benefits. Legal Aid has specifically requested to occupy the space vacated by the Albemarle Hospital Foundation, which consists of three offices located on the Road Street side of the facility. This particular space does have a separate entrance / exit, which would benefit them in maintaining confidentiality for their clients. The Council would need to authorize a sub-recipient agreement for Legal Aid for the use of the Hugh Cale facility if they wish to move forward with this item, and as they are a new entity to the building, there's a request for a public hearing for input.

Motion was made by Councilman Darius Horton, seconded by Councilman Chris Ruffieux to call for a public hearing for October 25th, 2023 at 7:00 p.m. in Council Chambers to gather public input on a sub-recipient agreement for Legal Aid. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

c. Discussion – One-waying of Arbutus Street (As Requested by Councilman Spence);

Councilman Spence said he'd received calls from residents on Arbutus Street concerning the narrow width and lack of shoulder. The residents have been seeking to get the road one-wayed, and after looking into it, he also felt that it was dangerous. He'd spoken with Interim Manager Buffaloe about the issue and he'd instructed him that he should bring it forward to the full Council to discuss. Councilman Horton asked if it would be appropriate to hold a public hearing on something like this. Attorney Morgan said it would be, and he believed it was required under the Council's rules. Interim Manager Buffaloe pointed out the best course would be to call for a public hearing and notify residents in the area. There would also need to be a safety study to determine which direction the one-way should run. Councilman Brooks stated that he knew people had been upset with that particular road for a long time and he'd seen the issues with it as well. He mentioned that Jordan Street was also problematic and suffered from the same dangers as Arbutus.

Motion was made by Councilman Kem Spence to have staff investigate Arbutus and Jordan Streets to determine which way they should run once they are one-wayed, at which time a public hearing will then be called. The motion was seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

d. Discussion – Commercial Truck Weight Limits / Walkers Avenue Sidewalk Project;

Interim Manager Buffaloe stated that staff had provided an update in the agenda packet, but there was no recommendation at this time. If the Council had any comments or questions, they could ask them and staff would answer.

e. Discussion – Speed Bumps (Added During Agenda Adjustments);

Councilman Ruffieux stated that he sees the speeding problems on Main Street daily and had been hearing from his constituents constantly about their concerns. He'd asked for the topic to be added back on the agenda for consideration. He'd like to know if procedurally, we could consider it this evening? Interim Manager Buffaloe said that based on our policy, we'd need to have a public hearing. Councilman Ruffieux asked if we could make an exception. Attorney Morgan said we could not because of the traffic calming policy the Council has in place requires a public hearing. He noted that if the Council is aware of the location of the speed bumps or where they are being asked to be placed, then that should be included in the call for the hearing. Councilman Ruffieux pointed out that the locations were listed out in the staff memo in the agenda packet. He felt the Council should do what they could to expedite this process, as we'd had numerous people come to speak on this over and over again.

Motion was made by Councilman Chris Ruffieux to call for a public hearing to consider speed bump installation on Main and Church Streets during the next council meeting, October 25, 2023. The motion was seconded by Councilman Kem Spence.

Councilwoman Young said she'd lived on Church Street for more than 25 years and it had been a concern for a long time. The traffic was a big problem. She believed we'd placed speed bumps or humps there before. She said she'd met with some of the people who'd spoken tonight and the bumps sounded very nice because if they didn't work, they'd be easy to remove. They weren't as difficult to take back up as the older ones. She said when they'd tried to put them in before, somehow it created worse traffic. She noted that what worked best needed to be coupled with visualization of police officers. They used to park a car in some of the high traffic areas because it helped with the traffic calming. It was going to take more than just one thing to help with these problems. Main Street is such a small street that the Council even looked into making it one-way once and maybe they should think about it again. She believed there may have even been a traffic study at one time. We're trying to create a walking city and we're having gun shots everywhere and people racing their cars. We need to get the sidewalks walkable as well. Kids can't get from the university to downtown because of the sidewalks or lack thereof.

Mayor Pro Tem Walton said they tried to bring the speed limit down around ECSU and people had to die before they'd even bring it down five miles. Whatever's a priority, that's what you do. Now that the decision Mr. Freeman made doesn't seem so stupid, does it? He asked Manager Buffaloe if the speed bumps were in the budget. Interim Manager Buffaloe replied that they were not. Mayor Pro Tem Walton said it needed to be checked because we don't know what's in the budget. He said if it was already in the budget, it was already approved. He opined that we're so quick to go on Easter egg hunts. He didn't think Mr. Freeman's decision was a bad decision. He was futuristic. We're still back in the golden ages. You can't get away from it. He noted that there was a lady tonight who wanted to talk about things from the past, but we shut it down.

Councilman Caudle said he wasn't opposed to speed bumps, it was just that they were on the consent agenda and we didn't know anything about it. He'd like to see it on the work session to have someone educate us about what we're buying. How do they get attached to the street? He would like to get more education on what we're buying and doing. He asked if someone could bring one in here. He said he felt like we're in the dark a little bit. He requested that a presentation of some sort be added to the next work session agenda.

Councilman Brooks noted that over the years, a lot of neighborhoods had called and said they wanted speed bumps and his heart always went out to them because everyone deserved to be safe. He'd like to take it step by step first. Maybe they should look into making it a one-way. He said he believed it was needed because he drove down it and it was very tight. If it works on Main Street and Church Street, then we're about to have all the other streets asking why they can't have speed bumps on theirs. We will open a can of worms, just so you know. My answer was always what we had and how we looked at it, but it seems like the people on Main and Church are being consistent about what they think is best. He stated that he believed in safety first, so whatever the Council wanted to do was okay with him.

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

f. Discussion – Robert’s Rules of Order *(Added During Agenda Adjustments);*

Councilman Brooks said he had a few questions for the city attorney. When can the Council make a motion? Attorney Morgan replied that they can make a motion at any time as long as there wasn't another motion already on the table. Councilman Brooks asked what was point of order. Attorney Morgan explained it served to ask the mayor to pause and acknowledge the councilor then consider the point being raised. He asked about appealing the mayor's ruling. Attorney Morgan explained that any ruling of the presiding officer could be appealed. Councilman Brooks asked if that needed to take place with a super-majority vote. Attorney Morgan said it took a majority. Councilman Brooks asked what was the process for coming out of a closed session. Attorney Morgan advised that first we have to have a motion to come out of closed session, and then a vote is taken to approve that motion. At that time, the Council would be back in open session and any action items can be dealt with. Then there's often a motion to adjourn the meeting.

Councilman Spence asked if the mayor deemed the meeting to be out of control, couldn't she terminate the meeting? Attorney Morgan said she could certainly pause the meeting and attempt to maintain order and decorum, but he did not believe any single member could unilaterally end the meeting.

Councilwoman Young asked if we are a council-manager form of government. Attorney Morgan said that we are. Mayor Pro Tem Walton said that doesn't mean that the Council can do anything they feel like. He asked when the city attorney could become the mayor. Attorney Morgan said that could never happen. Mayor Pro Tem Walton said he saw it happen. Attorney Morgan said he did not want to rehash what happened at a recent meeting and there were already enough articles in the newspaper about it. The meeting absolutely had to come back to open session and he felt it was important to announce it for the public. Mayor Pro Tem Walton told Attorney Morgan he overstepped his boundaries. Attorney Morgan said that was his opinion, and he'd attempted to act in the Council's best interest.

Councilwoman Young stated that Attorney Morgan did not overstep his boundary. She said the remaining councilors called the labor attorney at that time and asked for his opinion on how to move forward and that is how they were directed. They'd remained in chambers to finish the City's business. By law, they still had the right to go ahead and make any type of motion or vote that they wanted to do, but they chose not to do that because everyone had walked out and they felt that they should just end the meeting anyway.

Mayor Parker interjected. Councilwoman Young said she still had the floor. Mayor Parker stated that she'd paused so she believed her to be finished. Councilwoman Young called for point of order, as did Councilman Brooks. Councilman Brooks noted that Councilwoman Young had the floor and pausing to take a breath did not mean the mayor could take the floor from her.

Councilwoman Young said she didn't say she was finished or that she was done talking, but she felt this was also not the first time that she was not allowed to breathe or pause without someone trying to take the floor from her. She said that she was finished now.

Mayor Pro Tem Walton opined that this is what happens when you follow Satan. He takes over.

Mayor Parker asked if everyone would please say that they were finished speaking when they were done.

Councilman Brooks confirmed that they had indeed called the labor attorney who did say that they could have moved forward with a vote, but they didn't want to do it because of the optics. The labor attorney said that we could have done anything we wanted to, voting wise. He explained that the remaining councilors had then directed the city attorney, which they had the right to do, to close the meeting as they did so those watching did not think they were in complete disarray. They'd asked him to do that. If it was wrong, they could take it up with the labor attorney. They wanted to make sure everything they did was in the right legal ballpark and not making our imaginations go wild. Everybody wants to become righteous when it comes to things like this. You want to quote scripture and all that. Anything we did would have been a yes vote. We had the authority to have Mr. Morgan address them as he did.

Mayor Parker said it sounded as though we were going into closed session matters and we should not talk about what went on in closed session. Before closed session, it was totally chaotic. She did not want to call names, but people were bent out of shape because she called a motion out of order. When a motion is chaotic and out of order, the leader of the meeting has the right to shut it down and that's what she did. She motioned to come out, but the second wasn't heard because members were up and talking loud, telling her she couldn't do that. She said that she banged the gavel to try to make sure that everyone heard, but was told it didn't mean anything. She advised that the councilors are not the lawyers. She said they didn't realize that the lawyer does not run the meeting. As the mayor she gavelled the closed session out while the councilors were up in chaos, and then she said that she gavelled one more time about regular session being adjourned. The chaotic members stood up, telling me what I couldn't do. When someone stands up, that's when I stand up, not to be confrontational, but to leave the situation. She explained that Attorney Morgan asked her to come back and gavel the meeting closed and she did. She then asked the tech guy if he was ready. Attorney Morgan asked her to wait because several members were up and in behaving in a chaotic fashion. At that point, she just banged on the table where Attorney Morgan is sitting and asked if we were live streaming, but he didn't want to live stream because of some of the remaining councilors were loud and saying things that we do not want to repeat.

Mayor Pro Tem Walton said they were all also wrong because when they left, they didn't have a quorum any longer unless they think the city attorney is also now a councilperson.

Councilman Horton called for point of order.

Mayor Pro Tem Walton noted that we always want our own way.

Councilman Brooks said that wasn't what he said. They weren't lying, they were telling him exactly what happened. They still had a quorum because no one was excused.

g. Discussion – Formal Acceptance of Councilor Resignation *(Added During Agenda Adjustments);*

Motion was made by Councilman Billy Caudle, seconded by Councilwoman Jeannie Young to accept the resignation submitted by Councilman Gabriel Adkins.

Councilman Horton asked Attorney Morgan if he could provide for the record any reasoning given by Mr. Adkins for his resignation. Attorney Morgan said he did not have his letter with him, but he'd seen it some time ago and could not remember what, if any, reasons he listed.

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

h. Discussion – Updating Election *(Added During Agenda Adjustments);*

Attorney Morgan explained that since Mr. Adkins' resignation occurred within 90 days of an election, and as such, the charter does not require a special election, but rather that the person who's elected in the general election will fill it then. The seat will remain vacant until such time. Our charter also does not allow for appointment. Mayor Parker confirmed that she'd checked with Board of Elections and they'd agreed.

8. Comments and Inquiries on Non-Agenda Items:

Motion was made by Councilman Billy Caudle, seconded by Councilman Kem Spence to hold comments until the next meeting.

Councilman Horton said he felt that would be changing the order of the meeting and would require a super-majority vote.

Councilman Caudle withdrew his motion, as did Councilman Spence.

Councilman Caudle had no comments.

Councilman Horton said one of his mentors passed away recently. He wanted to go on record saying that united we will stand and divided we will fall. Elizabeth City is in a critical place right now. There's a lot of false information in the community. Now more than ever

before, people want to know what's fact and what isn't. It was indicated that I missed two meetings and people came up with all manner of meanings as to why I missed those meetings. My aunt passed away during the last regular meeting. During the special meeting, I was in the hospital. To hear comments that "anyone could check themselves into the hospital" is very disheartening." Sickness can come onto any of us at any time. I wouldn't do that just to avoid being able to alter my vote. I wish I had had a chance because that was a critical decision. As we move forward, I pray that we all have respect and do what's in our heart in the best interest of our heart and the city. My mother instilled in me to do what you think is right. I am thankful for the ability to be able to serve as the 4th Ward councilman. I've been here four terms. I'm thankful for those who have supported me and brought their concerns and their issues to me, but I feel that I have gone as far as I can go, just as Moses did. I say that to say that publicly, I will not be seeking reelection next year.

Councilwoman Young had no comments.

Councilman Spence had no comments.

Councilman Ruffieux had no comments.

Councilman Brooks had no comments.

Mayor Pro Tem Walton had no comments.

Mayor Parker advised that those who had received the Pfizer vaccines could now get boosters at least six months after the second dose at the local health department.

9. Closed Session – As Allowed by NCGS 143-318-11(a)(6) -Personnel

Mayor Parker asked for a motion to go into closed session.

Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Darius Horton to enter closed session for personnel at 9:31 p.m. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton and Caudle. Against: None. Motion carried.

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

10. Adjournment

The Council returned from closed session at 11:15 p.m.

Motion was made by Councilman Chris Ruffieux to offer Ralph Clark the position of Interim City Manager at an hourly rate of \$75, an effective start date of 10/18 and expense reimbursements to include travel mileage at the City's mileage rate, B&B accommodations and \$18 per day per diem for dinner. The motion was seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Ruffieux, Brooks, Young and Caudle. Against: Spence, Walton and Horton. A roll call vote followed, which yielded the same results. Motion carried.

There being no further business to be discussed, Mayor Parker called for a motion to adjourn the meeting

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

Mayor Parker adjourned the meeting at 11:18 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

