

**City Council Regular Session
September 13, 2021**

The City Council of the City of Elizabeth City met in regular session on Monday, September 13, 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
Mayor Pro Tem Johnnie Walton
Councilman Kem Spence
Councilwoman Jeannie Young
Councilman Chris Ruffieux
Councilman Darius Horton
Councilman Gabriel Adkins

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 requested a moment of silence honoring the memory of the thousands of victims of the September 11th, 2001 attacks.

1. Agenda Adjustments and Approval:

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

Councilman Caudle requested that the acceptance of the Governor's Crime Commission Local Law Enforcement Grant be added to the Consent Agenda. He also asked that a Closed Session be added for Acquisition of Property as allowed by NCGS 143-318.11(a)(5). Lastly, he requested a discussion on the audit be placed on the Regular Agenda.

Mayor Pro Tem Walton asked that a discussion on a recent Daily Advance article be placed on the Regular Agenda. He also requested that the Council enter Closed Session immediately as allowed by NCGS 143-318.11(a)(1) to confer with city attorney regarding matters protected by attorney-client privilege and a discussion of NCGS 143-318.11(a)(6) for personnel. Manager Buffaloe asked if that particular motion passed, he'd request that they also be allowed to go ahead and discuss all of the Closed Session items at that time.

Councilman Horton asked what was being voted on right now? Are they trying to go into a closed session or determine agenda adjustments? He said he felt those were two different things and should be voted on separately. Attorney Morgan agreed, as moving the closed session to the top of the agenda would technically take a super majority vote. Mayor Parker advised the Council that they should vote on the agenda adjustments first. Attorney Morgan

confirmed they'd need to vote to approve the agenda with adjustments first and then take a separate vote to determine whether closed session would be moved to the top of the meeting.

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

Motion was made by Mayor Pro Tem Johnnie Walton to enter Closed Session at the top of the meeting for the reasons stated previously, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence and Walton. Against: Ruffieux, Brooks, Young, Horton, Caudle and Adkins. Motion failed.

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 said there was one and called them forward.

Tony Sawyer – 2715 West Main Street Extended, Elizabeth City, NC – Mr. Sawyer said he'd like to apologize to the Council and mayor for trying to get the at-large seat going and wasting everyone's time. He said he had an issue and had appeared before the county with the same concerns earlier. He was an assistant coach at the high school. In March, a background check came up with something he did 28 years prior. He felt that if you dig deep enough, you'll find something on anyone. He asked why if he's able to drive a cab with people every day, he can't sit on the sidelines with a team? He was concerned that the superintendent would not hear his side of the story. He reiterated that he told the County the same thing he was telling the Council, and he knew the Council had no control over the school system. He noted that the schools already have a lawsuit on the table, and he didn't think they'd want another one. He said he didn't think they go back 28 years searching on just anybody.

4. Public Hearings:

a. Hold a Public Hearing – CUP for 417 South Hughes Boulevard;

Community Development Director Kellen Long advised that this particular application was heard by TRC on June 21st, followed by an on-site meeting on June 25th. A narrative of the items they'd discussed had been presented to the Council in memo form. The application went before the Planning Commission on July 13th, where it was recommended for approval with the proposed conditions.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk said that there was one individual present on behalf of the applicant, and they were called forward. Attorney Morgan noted that any individual who wished to speak before the Council needed to be sworn in, and proceeded to swear the speaker in.

Sam Davis – Elizabeth City, NC – Mr. Davis said he was present in case there were any questions or people who were against the application. He thanked the Council and staff for their support for turning a vacant building into something that he hoped would thrive.

Having no further speakers, Mayor Parker declared the hearing closed.

Motion was made by Councilman Billy Caudle, seconded by Councilman Darius Horton to approve the CUP for 03-21 for the pawn and jewelry shop with all included elements. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

5. 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 – Award Bid for Halstead Street Light Project;

b. Consideration – Adopt Resolution of Support for African American Experience Project;

**Resolution # 2021 –09-01
Declaring Support for the
African American Experience of NENC**

WHEREAS, the African American Experience of NENC is a six-county initiative encompassing Northeastern North Carolina; and

WHEREAS, the African American Experience of NENC celebrates the contribution of African Americans and encourages a deeper understanding of the significance of the region’s cultural heritage; and

WHEREAS, the African American Experience of NENC will work to build more inclusive communities; and

WHEREAS, the African American Experience of NENC will inspire exploration and appreciation of African American experience; and

WHEREAS, the African American Experience of NENC will ultimately drive cultural tourism and economic impact.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elizabeth City do hereby express its sincere support for the African American Experience of NENC and extends its best wishes for its endeavors.

ADOPTED, this the 13th day of September 2021.

Bettie J. Parker
Mayor

April D. Onley
City Clerk, NCCMC

c. Consideration – Adopt Budget Amendment to Increase Operations Costs for Community Development;

BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2021:

Section I: That the General Fund Community Development – Building Inspections Communications (10-5400-1100) will be increased by \$7,000.00.

That the General Fund Community Development – Building Inspections Postage (10-5400-1101) will be increased by \$500.00.

That the General Fund Community Development – Building Inspections Printing (10-5400-1200) will be increased by \$1,000.00.

That the General Fund Community Development - Building Inspections Travel & Education (10-5400-1400) will be increased by \$7,000.00.

That the General Fund Community Development – Building Inspections Maintenance & Repair Equipment (10-5400-1600) will be increased by \$500.00.

That the General Fund Community Development – Building Inspections Maintenance of Vehicles (10-5400-1700) will be increased by \$2,500.00.

That the General Fund Community Development – Building Inspections Legal Advertising (10-5400-2600) will be increased by \$1,000.

That the General Fund Community Development – Building Inspections Auto Supplies (10-5400-3100) will be increased by \$4,000.

That the General Fund Community Development – Building Inspections Office Supplies (10-5400-3200) will be increased by \$1,000.00.

That the General Fund Community Development – Building Inspections Departmental Supplies & Exp (10-5400-3300) will be increased by \$2,500.00

That the General Fund Community Development – Building Inspections Laundry (10-5400-3500) will be increased by \$200.00.

That the General Fund Community Development – Building Inspections Contracted Services (10-5400-4500) will be increased by \$12,000.

That the General Fund Community Development – Building Inspections Housing Demolitions (10-5400-4600) will be increased by \$13,803.22.

That the General Fund Community Development – Building Inspections Dues & Subscriptions (10-5400-5300) will be increased by \$750.00.

That the General Fund Balance (10-3990-0000) will be increased by \$53,753.22.

(This amendment will decrease budgeted revenues due to this items were left out of the budgeting process.)

ADOPTED, this 13th day of September, 2021.

Bettie J. Parker

Mayor

Attest:

April Onley, NCCMC

City Clerk

d. Consideration – Adopt Budget Amendment to Increase Operations Costs for Data Processing Department;

BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2021:

Section I: That the General Fund Salaries & Wages Overtimes lines (30-4430-0220) will be increased by \$7,000.

That the General Fund Salaries & Wages Overtime lines (31-4430-0220) will be increased by \$7,000.

That the General Fund (30-3990-0000) will be increased by \$14,000.

(This amendment will increase General Fund budgeted revenues for overtime charges for the Data Processing Department.)

ADOPTED, this 13th day of September, 2021.

Bettie J. Parker

Mayor

Attest:

April Onley, NCCMC

City Clerk

e. Consideration – Adoption of Resolution for Financing FY2021-2022 Loan Installment;

RESOLUTION# 2021-9-02
Resolution for Vehicles to be Funded by Five-Year Installment Purchase Financing

WHEREAS, during the June 30, 2021 meeting of the City Council, the Council approved the budget for fiscal year 2021-2022; and

WHEREAS, that budget included the purchase for various vehicles and other requisite items across several departments, including five police cars, one fire truck, one fire roof, one gym floor, one Harper Hawk mower and one bucket truck; and

WHEREAS, the total funding required for the purchase of these items is \$1,714,487,86 which includes interest of \$44,518.86; and

WHEREAS, of the nine banks approached for financing, the City received three bids, the lowest of which was from Town Bank of Currituck, which had a fixed rate of 1.04%.

NOW THEREFORE, be it resolved by the City Council of the City of Elizabeth City to approve the five-year installment purchase financing for the aforementioned items as approved in the annual budget for the City of Elizabeth City.

ADOPTED, this the 13th day of September 2021.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

f. Consideration – Street Closing Ordinance for Fall Festival;

ORDINANCE #2021-09-01

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE FALL AMUSEMENT & MUSIC FESTIVAL

WHEREAS, the City Council of Elizabeth City acknowledges a long tradition of providing annual festivals for the pleasure of its citizens; and

WHEREAS, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding the annual events and festivals on the downtown waterfront; and

WHEREAS, the City Council of Elizabeth City acknowledges the festival event requires approximately six days to install signing and traffic control, amusement and entertainment structures and equipment, food and other vendors, and other attractions, and also requires approximately ten (10) hours for removing same, and litter;

NOW THEREFORE BE IT ORDAINED, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s) and Times: 10:00 a.m. Tuesday, October 5, 2021 until 3:00 a.m. Tuesday, October 12, 2021.

Route Description(s): S Water/Southern Avenue Street (SR 34/1164) between E Ehringhaus Street (US Business Highway 17) and Shepard Street; E Ehringhaus Street, westbound lanes from S McMorrine Street to S Water Street (SR 34/1164)

Date(s) and Times: 10:00 a.m. Thursday, October 7, 2021 until 3:00 a.m. Tuesday, October 12, 2021

Route Description(s): E Ehringhaus Street (US Business Highway 17), eastbound lanes from McMorrine Street to S Water Street; S Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17) to E Church Street

Date(s) and Times: 10:00 a.m. Thursday, October 7, 2021 until 3:00 a.m. Tuesday, October 12, 2021

Route Description(s): S Water Street (SR 34/1164) from E Church Street to E Fearing Street

Date(s) and Times: 1:00 p.m. Friday, October 8 until 3:00 a.m. Tuesday, October, 12, 2021

Route Description(s): South Water Street (SR 34/1164) from E Fearing Street to E Main Street.

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

SECTION I. EFFECTIVE DATE: This Ordinance, as revised herein shall take effect immediately upon adoption.

SECTION II. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 13th day of September, 2021.

Bettie J. Parker
Mayor

Attest:

April D. Onley, NCCMC
City Clerk

- g. Consideration – Call for a Public Hearing – Nomination – Elizabeth City Historic District (Boundary Increase II);**
- h. Consideration – Ratification for Redistricting Process;**
- i. Consideration – Call for a Public Hearing – Voluntary Annexation for Coastal Beverage;**

**RESOLUTION #2021-09-03
ACCEPT CERTIFICATION FOR SUFFICIENCY OF PETITION
AND ADOPT RESOLUTION FIXING DATE PUBLIC HEARING ON ANNEXATION
PETITION
A PETITION RECEIVED UNDER G. S. 160A-31
COASTAL BEVERAGE COMPANY
2.3 ACRES**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on August 23, 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;

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at the at the Municipal Administration Building in the City Council Chambers at 7:00 PM on the 27th day of September 2021.

Section 2: The area proposed for annexation is described as follows:

All the 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 Deeds in Deed Book 1393 at Page 520; 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 pipe is the Principal Place of Beginning for this description. Thence with the west line of Coastal Beverage Company and the existing corporation line of the City of Elizabeth City, S 35°26'30" E – 231.71 feet to a point. Thence with the north line of Coastal Beverage Company and the existing corporation line of the City of Elizabeth City, S 65°27'10" W – 221.62 feet to a point. Thence leaving the north line of Coastal Beverage Company and the existing corporation line of the City of Elizabeth City and running through the said lands of Coastal Beverage Company N 23°51'05" W – 218.57 feet to a point. Thence along the southern margin of Forest Park Road the following three (3) courses:

N 67°19'12" E – 73.51 feet to point.

N 64°49'59" E – 53.06 feet to an iron pipe found,

N 52°55'31" E – 49.83 feet to an iron pipe found. Said iron pipe is the Principal Place of Beginning for this description.

Having an area of 43,530 square feet or 0.999 acres more or less.

All the 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 Deeds in Deed Book 1393 at Page 520; said parcels of land being more particularly described as follows:

Beginning at an iron pipe found at a northeastern corner of Pasquotank County recorded in Map Book 88 at Page 101A and on the southern right of way line of Forest Park Road (60-foot public right of way). Said iron pipe is the Principal Place of Beginning for this description. Thence with the southern right of way line of Forest Park Road N 67°19'42" E – 199.47 feet to a point. Thence leaving the southern margin of Forest Park Road and running through the said lands of Coastal Beverage Company N 23°51'05" W – 218.57 feet to a point. Thence with the north line of Coastal Beverage Company as recorded in deed book 1193 at page 495 and the existing corporation line of the City of Elizabeth City, S 65°27'10" W – 273.69' feet to a point. Thence along the eastern line of Benjamin House Inc recorded in Deed Book 1032 at Page 509, N 36°20'38" W – 130.64 feet to an iron rod found at the southwest corner of a Pasquotank County tract recorded in Map Book 88 at Page 101A. Thence leaving the east line of Benjamin House Inc. and with the south line of said Pasquotank County tract, N 67°19'12" E – 100.10 feet to an iron rod found. Thence with the east line of said Pasquotank County tract, N 22°28'16" W – 100.54 feet to an iron rod. Said iron pipe is the Principal Place of Beginning for this description

Section 3: Notice of said public hearing shall be 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.

ADOPTED, this the 13th day of September 2021

Bettie J. Parker
Mayor

April Onley
City Clerk

j. Consideration – Accept Governor’s Crime Commission Local Law Enforcement Block Grant (As Added During Agenda Adjustments);

(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 Kem Spence.

Councilman Adkins asked about the Fall Festival item. Manager Buffaloe explained it’s the street closing ordinance, which is technically the first step, but it didn’t mean the festival was definitely on. Right now, they were just getting the paperwork in order. Councilman Adkins asked if the Council would approve the item later in light of the coronavirus. If they approve the street closing, would the festival move forward without any further Council input? Manager Buffaloe said they’d just be approving the ordinance for street closing and alcohol on city property with this item. Councilman Adkins asked if anyone else had any concerns about it. He felt they were doing more than approving just the street closing based on the recommendation. Mayor Parker explained that when ECDI plans the festival, the Council would have to pre-approve the street closing and allowance for alcohol on property. Councilman Adkins asked if they were approving the festival itself though? Did they have the power to do that? Manager Buffaloe noted that it would still have to go through the SEP process, which it had not been through as of yet. Councilman Adkins said his only concern was COVID-19 and the spread and the fact that the numbers were growing again. He wanted to make sure they weren’t giving their citizens a mixed message, as numbers were spiking even amongst children. He wanted to make sure we were considering all factors. He thought it was a great event, but didn’t want to cause more spread. Mayor Parker said she’d had a conversation with Director Malenfant and her concerns were the same as Councilman Adkins. Manager Buffaloe reiterated that this would still need to go through the SEP process with all departments, and that process would look at all the concerns the Council mentioned. The event had not yet been fully approved. The “cart wasn’t being put before the horse” but they had to make sure certain steps were in place before they could attempt to move forward. Director Malenfant agreed that it would still have to move through the SEP process but it would not come back to the Council for any additional approvals. Councilman Horton said he felt they needed to proceed with caution. He asked if they could vote on the consent agenda without this particular item.

Councilman Horton requested a friendly amendment to the original motion to approve the consent agenda with the exception of item F.

Councilman Spence said he had a question before he accepted the motion. He asked if they could come back and reconsider this at a later date. Attorney Morgan said they could certainly rescind their action if they moved forward with it.

Councilman Brooks noted that while they were bringing up concerns about the consent agenda, he had some hesitation about engaging the Poyner Spruill law firm. Mayor Parker interrupted Councilman Brooks and said she needed to stop him for a moment so she could try to follow the current motion. Councilman Brooks asked why, when he had a problem with another consent item, the redistricting, just like they’d had a problem with the fall festival item. Mayor Parker encouraged the Council to please focus on one item at a time.

Councilman Caudle asked if the fall festival would be held outside. Director Malenfant responded that it would. Councilman Caudle noted that it seemed like a lot of outdoor events were going on and things were going okay, and he’d hate to nix what sounded like a good event in the planning stage.

Attorney Morgan told the Council that those members who didn’t approve of any item on the consent agenda should just simply vote against it as a whole if Councilman Spence didn’t accept the friendly amendment to his original motion.

Councilman Spence declined the friendly amendment.

Mayor Parker moved back to Councilman Brooks concern. Councilman Brooks said he sat on the redistricting committee before and felt that it did just fine. He said they'd have to relay all the information to the public anyway. He felt that if the timeframe was so short, then we needed to move now on something. If it truly was the consensus of the Council to hire the law firm, then that was fine, he just wanted to hear them say it. He was fine with it, but he just knew they didn't have any problem with the redistricting before. He'd like to know the rationale of those who voted to have the law firm move forward with the process. Councilwoman Young said she felt the same way and wanted more discussion on the matter and thought it deserved more attention. Councilwoman Young pointed out that Councilman Brooks sat on the former committee with Harold Barnes and she was sure that they'd be willing to do it again but it was up to the Council to put that together.

Councilman Horton advised that his original intention had been to amend the motion, and not request a friendly amendment, which was confirmed by Councilman Adkins. He just wanted to say that if the Council voted to have the festival, that decision was on them.

Motion was made by Councilman Darius Horton to amend the motion on the floor to approve the consent agenda minus the fall festival and redistricting items as he felt they needed to be considered further. The motion was seconded by Councilman Gabriel Adkins.

Attorney Morgan noted that this action would require a super majority vote to move forward.

Mayor Pro Tem Walton opined that the meeting was becoming a square dance. They keep voting on something and bringing it back. He said that this doesn't look like the democratic process. He pointed out that he was also on one of the previous redistricting committees, but staff said it's so technical that we can't afford to make a mistake, and that's why we need professionals to draw the lines and make sure people are not packed into one location. We're getting into a time crunch with it and they say we need the help.

Councilman Kem Spence called for the question, 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.

Mayor Parker asked the Council's pleasure on the motion to approve the consent agenda with the removal of the fall festival item and the redistricting item. Attorney Morgan reminded them that this action would require a super majority and if these items were removed, they would go to the regular agenda for further discussion.

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

Mayor Parker asked the Council to return to the original vote on approving the consent agenda as originally presented.

Those voting in favor of the approving the consent agenda as presented were: Spence, Ruffieux, Walton and Caudle. Against: Brooks, Young, Horton and Adkins. 4-4 tie. Mayor Parker voted in the affirmative to break the tie. Motion carried.

6. Regular Agenda:

a. Any item Pulled from the Consent Agenda

There were no items pulled from the Consent Agenda.

b. Consideration – Councilor Appointment to Parks and Recreation Board;

Manager Buffaloe explained that the Parks and Recreation Advisory Board was a requirement of the City-County interlocal agreement. Director Clark was notified by the County that the most recent amendment to the agreement has changed the makeup of the board. The City will now need two councilors to serve on the board, so one additional councilor will need to be appointed to fulfill that requirement.

Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Chris Ruffieux to follow the updated recommendations. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young, Horton, Caudle and Adkins. Against: Brooks. Motion carried.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to appoint Councilman Chris Ruffieux to the Parks and Recreation Board as the second councilor appointee. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. A roll call vote followed, which yielded the same results. Motion carried.

c. Consideration – Call for a Public Hearing – 2021-2022 Business Improvement Grant Program Application – 508 East Main Street;

ECDI Director Debbie Malenfant stated that this request was for the Council to call for a public hearing for the Business Improvement Grant Program, of which an application had been received in this, the ninth year. This particular application was received in the first round by the deadline of September 1st and was for property at 508 East Main Street. Estimated costs for the project on the first level are between \$199,000 and \$215,000. This building has been vacant for about 10 years and it's very noticeable as it's in the downtown area. The project will create jobs in the City. The applicant is also the property owner, and they are requesting \$20,000 in grant funding from the City.

Motion was made by Councilman Chris Ruffieux, seconded by Councilwoman Jeannie Young to call for a public hearing for September 27th, 2021 at 7:00 p.m. in Council Chambers to receive public input on the BIG application for property at 508 East Main Street. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

d. Consideration – Call for a Public Hearing – 2021-2022 Business Improvement Grant Program Application – 210 North Poindexter Street;

Director Malenfant said this item was also a request for Council to call for a public hearing on a second application received for the Business Improvement Grant Program. The funding request is the maximum allowance of \$20,000, and the property is located at 210 North Poindexter Street. The application was received by the first round deadline of September 1st. There will be both internal and external renovations required to turn the property into a high-end cocktail bar / speakeasy. The space is owned by Coasters, but they will not be the occupant or operator. The last tenant in this space was River City Bakery and it has been vacant for more than 10 years. It's anticipated to create at least five new jobs and average utility service payable to the City is estimated at around \$15,000. She noted that since the occupant is now the owner in this case, there will be a lease involved.

Motion was made by Councilman Chris Ruffieux, seconded by Councilwoman Jeannie Young to call for a public hearing for September 27th, 2021 at 7:00 p.m. in Council Chambers to receive public input on the BIG application for property at 210 North Poindexter Street. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

e. Consideration – Old Oak Grove Archaeological Survey Award;

Manager Buffaloe stated that staff applied for a grant for an archaeological survey for the cemetery at Old Oak Grove. The cemetery is historical for the City, and many prominent founders have been laid to rest there. We received notice back in 2015 from OSA that no more burials should take place at Old Oak Grove before a mapping survey could take place due to the fact that disturbed remains had been found on several occasions. In mid-August of 2021, the City received notice they were awarded the grant for a ground penetrating radar survey of the cemetery, with a funding award of \$30,000 with a City match of \$20,000. The Council must formally accept the funding and authorize staff to develop an RFP to move forward with the process.

Councilman Spence asked if this was more or less a mandatory requirement at this point. Manager Buffaloe replied that it was definitely strongly recommended because we had been

disturbing unmarked graves and it was currently closed to burials at this time by request of the state officials. Councilman Spence noted he'd been hearing that the cemetery was "full" for years. Councilman Horton expressed concern that the cemetery was closed without a vote of the Council. They'd received the letter from the OSA with the recommendation, but never took a formal vote. Sometimes situations come up where the husband might be buried there and the wife may die and they would like to be buried next to their spouse. We definitely need to find out where all the unmarked graves are. He said that he appreciated the clarity with which staff had put together the memo and back-up information because it was very insightful.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to accept the surveying award. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

Mayor Pro Tem Walton asked about the beautification of the cemetery and whether or not this grant addressed that issue. Manager Buffaloe said he didn't believe this grant addressed that, and this was strictly for mapping of the area.

e. Discussion – Audit *(As Added During Agenda Adjustments);*

Councilman Caudle stated that this week, he'd received a letter as did most of the Council regarding the audit and the fact that it had not been submitted in a timely manner. He asked if Manager Buffaloe could shed any light on what was going on with that. Manager Buffaloe explained that after he'd received the call from Councilman Caudle, he'd had Interim Finance Director Steward to check into the issue. She said that there was an email from August 13th that stated the 2020 audit had been uploaded to the LGC, so it appeared that was taken care of now satisfactorily. Councilman Caudle clarified that it was late but it was not the City's fault, it was the auditor's fault? Manager Buffaloe said from what he understood, there were a few items missing that they had to go back and re-submit. Councilman Caudle noted that in the letter he'd received, there was a request to produce an action plan and then have all members of the City Council sign off on it and send it back in to the LGC. He felt it was a big deal and wanted to make sure they responded appropriately. He asked if all the other members of the Council received the letter. He said his was dated September 3rd. Mayor Parker noted she did not receive the same letter he did, but she was made aware. Councilwoman Young said she got the same letter that Councilman Caudle did, and she'd also like to get the full story behind what happened because it did sound concerning. She wanted to make sure the Council was kept up-to-date on what was happening or what had happened and if they needed to sign something to please let them know. Councilman Caudle pointed out that the deadline referenced 45 days, so that was likely sometime in October for this action plan and signature sheet to be returned to the LGC. He noted the letter did say that financial statements had been received late in the past, so we may really want to check into what's going on here.

Mayor Pro Tem Walton pointed out that this was the 2020 audit and we were going through a transition and they needed to understand that. Councilwoman Young mentioned that one of the dates we missed was due to COVID. We'd gotten an extension, but missed it, but the coronavirus did have some bearing on that as well.

f. Discussion – Daily Advance Article *(As Added During Agenda Adjustments);*

Mayor Pro Tem Walton said he'd added this item after reading an article in the newspaper about the City paying \$5.5k for a homeless employee's stay in a hotel. It's important that we look at timeframes. He said he felt that it's an issue because he made statements and other people have made statements as well. The newspaper has called me and asked me things that I'm not going to answer, but they wouldn't tell me who their informant was. Along those lines, nobody has talked about it because we don't bring it up, but the community needs to know. He said he felt that the newspaper was always misprinting things. On the 21st after a meeting that he and Mayor Parker had been involved in, a special meeting for the 23rd ended up getting called, which is when everyone else came out and participated. He read the email from Councilwoman Young that The Daily Advance had printed.

Mayor Pro Tem Walton said he felt that Councilwoman Young needed to call the newspaper and let them know that the meeting happened on the 23rd and not the 21st because they have her quoted wrong in the article. He stated that the City could easily pay this employee's

hotel bill that had been taken up and cover the bill and not have the community thinking a “big mystery” was going on. It shouldn’t be a big deal, but it’s what we make it. He encouraged the Council to stop bringing problems and distractions.

Mayor Parker thanked Mayor Pro Tem Walton for bringing that up because she wasn’t going to bring it up herself; she was just going to see how it played out.

Councilwoman Young noted that she didn’t work for the newspaper, so she couldn’t control what they printed, but she could control the narrative and what she did say. She said she didn’t remember the date of the meeting, but she knew the meeting where she’d heard about the situation to start with was the one where the employees came before the Council, which was the one where he said he was homeless. There wasn’t a quorum, so it wasn’t official. She, the mayor, Councilors Adkins and Spence were present and the employee came forward and said he was homeless and she’d asked him to speak with her after the meeting if he was truly homeless. At that time, she, Chief Buffalo, Deputy Chief Avens, Manager Freeman and Evelyn Benton met with him and she asked if they could use the homeless cold-weather vouchers to put him up for a night or two while they got him in contact with River City CDC. Chief Buffalo relayed to the group that he would rather pay out of his own pocket than put him up in one of the voucher hotels, which Deputy Chief Avens also agreed with. She said she would help too if necessary. She said she spoke with Troy Selsey, the employee in question personally, and then when everyone said that they were buying his meals, it led to her assumption that everyone was paying out of pocket. If he’d had trouble finding affordable housing and had contacted her again, she would have been happy to help him. She said maybe it was a misprint on the paper’s part with the dates, but that’s what she said.

Mayor Pro Tem Walton said he wasn’t questioning her, but he was just following the science. If you don’t follow the science, anything can happen. Everybody else thought someone was going to take the ball and run with it, but then it’s 78 days later.

7. 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.

Councilwoman Young had no further comments.

Mayor Pro Tem Walton had no further comments.

Councilman Brooks said he’d given quite an amount of monetary support to various individuals over the last 32 years and he didn’t need a running record of what he’d given anyone. He gave because he felt he should and he wasn’t concerned with getting a pat on the back about it. In the City of Elizabeth City, we find ourselves with a myriad of situations not conducive to the forward-movement of our city. We are fed up and annoyed with what I call theories of assumption by those who attempt to smother facts without proof. After the facts are confirmed, the Council should and will vote for what is right to move forward with. I ride through my ward every time I get a chance. 700 Bunnells Avenue – the grass is four and five feet high. 704 Ray Street is the same way. 606 Ray Street, grass and the house is boarded up. 604 Ray Street the fence, the City owns that property behind it. The City said they will come out and haven’t come out yet – it’s a safety issue for them and their children. It hasn’t been done as of yet. The people there are trying to do all they can to keep it safe. 308 Speed Street, high grass and the house is boarded up. Jefferson Street. 713 Brooks Avenue, the roof looks like it’s caving in. He urged staff to look into these issues.

Councilman Ruffieux had no further comments.

Councilman Spence pointed out that he’d requested Code Enforcement to check out 704 Ray Street early in August. He noted that we may need to contract out for some of our services, such as grass cutting or repair because our Public Works Department desperately needs help and they are stretched very thin.

Mayor Parker gave a brief update on the COVID pandemic. She stated that although we love festivals and getting together, we are still not in a good place right now and we have people dying from this.

8. Closed Session – As Allowed by NCGS 143-318.11(a)(6) –Personnel, NCGS 143-318.11(a)(5) Acquisition of Property and NCGS 143-318.11(a)(1)-For Protection of Matters Under Attorney-Client Privilege;

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

Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Billy Caudle to enter closed session for personnel, acquisition of property and discussion of matters protected under attorney-client privilege at 9:13 p.m. 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 beginning.

9. Adjournment

The Council returned from closed session at 9:59 p.m. There being no further business to be discussed, Mayor Parker called for a motion to adjourn the meeting

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

Mayor Parker adjourned the meeting at 10:00 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk

