

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

The City Council of the City of Elizabeth City met in regular session on Monday, January 11, 2021 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: Councilman Michael Brooks  
Councilman Gabriel Adkins

OTHERS PRESENT: Interim City Manager Eddie Buffaloe  
City Attorney Bill Morgan  
Finance Director Evelyn Benton  
Deputy Chief of Police James Avens  
Interim Electric Superintendent Bob Vannoy  
Assistant City Manager Angela Judge  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Fire Chief Chris Carver  
Grants Administrator Jon Hawley  
ECDI Director Debbie Malenfant  
Planner Kellen Long  
Parks and Recreation Director Sean Clark  
IT Director Matthew Simpson  
City Clerk April Onley  
Deputy City Clerk Doris Walton

*(Clerks Notation: This meeting was conducted differently due to the COVID-19 pandemic. Councilors met in Chambers and staff members participated remotely through Google Meet. The meeting was live streamed on Channel 11 and the City's website for the public, who were not allowed to attend the meeting. The public comments were received via email and are included in full as received.)*

The City Council regular session was called to order by Mayor Bettie Parker at 7:00 p.m. Mayor Parker welcomed everyone to the meeting and recognized Councilwoman Young to give the invocation, followed by the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

**Motion was made by Councilman Billy Caudle, seconded by Councilman Chris Ruffieux to approve the agenda as presented.**

Councilman Horton asked that a Closed Session be added to the agenda, as allowed by NCGS 143-11-318(a)(6) for Personnel.

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

**2. Statement of Disclosure:**

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

### **3. Presentations:**

#### **a. Swearing in New City Manager**

Mayor Parker stated that the new City Manager, Montre' Freeman would be sworn in by his wife. She noted that Mr. Freeman would not begin his service with the City until January 19<sup>th</sup>, but wanted his swearing in held before the City Council.

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

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

**Lenora Jarvis-Mackey – River City CDC (via email)-** “Good Afternoon. As many of you may be aware, River City Community Development Corporation, a 501 (c) 3 organization, has been successfully assisting homeless families through our Emergency Shelter and Rapid Re-Housing program through funding received during this COVID-19 pandemic. During this time, our organization has sheltered over 148 families, representing 314 people. We have also placed 31 families in stable housing environments. Currently, we have 30 households, representing 86 individuals sheltered in Elizabeth City. The cost to shelter these families is \$12,160 per week. However, due to funding limitations and restrictions, we are unable to provide the motel vouchers, leaving these individuals without shelter during the coldest part of the year. River City CDC requests your immediate financial support to help sustain the shelter program while additional funding is being sought. This will help provide a safe, healthy environment for these families until more permanent housing solutions can be identified. We have realigned the program to only house those with minor children, chronic health conditions, the elderly, and military veterans. The issue of homelessness compounded with the winter weather season and unprecedented pandemic, has heightened the urgency of this request. Without your support, these individuals will be forced to vacate their current shelter at the local motels and will put them back on the street. We have remained in communication with key city officials regarding the program and continue to keep them updated on the program. We encourage you to please give our request the utmost consideration and immediate attention. Thank you for allowing this communication to be presented during tonight's meeting, and we look forward to hearing your response.”

### **5. Public Hearings:**

#### **a. Hold a Public Hearing – Stockbridge SUB 05-19 Stockbridge at Tanglewood Phases 3 & 4**

Interim City Manager Buffaloe turned the meeting over Kellen Long, Planner. Ms. Long shared a presentation with the City Council. She introduced Scott Stamm with Land Planning Solutions. She said this was for the last two phases, 3 and 4, for Tanglewood. Earlier phases on the site included a clubhouse, common areas, pool, gym, and apartments. The new phases will contain a retention pond, tot lot, pocket park, trail easement, and buffer area. It is envisioned that additional multi-purpose trails will be created at a later date. The HOA will be responsible for upkeep and maintenance. Based on the 178 lots, 1.6 acres would need to be dedicated to Parks and Rec, but they're offering a fee in lieu of about \$48,000. The Planning Commission recommended approval unanimously. Phase 3 – 60 residential lots, 2 common areas and one retention pond. Phase 4 will be broken into 4a and 4b. In addition to the lots, there will be 2 commons areas, 11,000 square foot pocket park and 1 pond.

Mayor Parker declared the public hearing open. She inquired of the Clerk if there were any speakers. Upon the Clerk's response that there were no, Mayor Parker declared the hearing closed.

**Motion was made by Councilman Chris Ruffieux, seconded by Councilwoman Jeannie Young to approve SUB 05-19.**

Councilman Horton asked whether the adjacent property owners were notified and Ms. Long confirmed that all property owners within 100 feet were notified. Mayor Pro Tem asked what the build-out on phase one was, and if it had been completed? Mr. Stamm replied phase 1 was split into a, b, and c, and was completed, or at the very least, all the homes were all sold. He noted the houses were selling very quickly. Mayor Pro Tem wanted to know how many lots were in phase one. Mr. Stamm said there were 118. Phase 2 had 129. Mayor Pro Tem Walton asked if the infrastructure was already in place that the City/County had to supply. Mr. Stamm replied

that the developers were connecting the water/sewer as they built out, and 1 and 2 were completed.

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

**b. Hold a Public Hearing - RZ 03-20 – Rezone Southwest Corner of Halstead Boulevard and Body Road;**

Mayor Parker recognized Kellen Long to lead the presentation. She noted Attorney Tom Nash was on the call representing the applicant. The applicant was requesting to rezone from residential to general business because they wanted to build a gas station, which was not allowed under the current R-15 zoning. General commercial classification is intended to delineate land that can carry heavy commercial uses, warehouses, public and institutional uses, amongst other things. She advised that no comments from any adjacent property owners were received, and the Planning Commission unanimously recommended approval of the rezoning.

Mayor Parker declared the public hearing open and inquired if there were any speakers. The Clerk responded that there were no speakers, but reminded the Council that Attorney Nash was present if the Council had any questions for him. Mr. Nash introduced his client, Mr. Patel to the City Council. Mayor Parker declared the public hearing closed.

**Motion was made by Councilman Darius Horton to approve the rezoning request and attached ordinance. Motion was seconded by Councilman Chris Ruffieux.**

Mayor Pro Tem Walton wanted to know how many people were served a notice for this hearing. Ms. Long said all property owners within 100 feet of all three properties were given a notice by Planning Commission.

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

**Ordinance #2021-01-01  
Rezoning Request RZ-03-20  
Parcel IDs: 891303436136, 891303438229, 891303436221**

**WHEREAS**, on December 1, 2020, the Planning Commission reviewed Petition RZ 03-20 filed by Ghanshyam R. Patel, to rezone three properties located at the southwest corner of Halstead Blvd and Body Road (Parcel IDs, 891303436136, 891303438229, 891303436221) from (R-15), Residential to General Business (GB).

**WHEREAS**, the Planning Commission considered public comment given at that meeting; and

**WHEREAS**, the allowed uses in the General Business (GB) zoning district will be compatible with the areas mixed land use; and

**WHEREAS**, the proposed zoning will be consistent with the areas mixed zoning patterns; and

**WHEREAS**, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and,

**WHEREAS**, after consideration of the technical merits of the request, the Planning Commission recommends approval; and,

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above referenced parcels as General Business (GB).

**ADOPTED**, this the 11<sup>th</sup> day of January, 2021.

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Bettie J. Parker  
Mayor

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April Onley, NCCMC  
City Clerk

**6. Approval of Minutes:**

**a. December 14, 2020 – Regular Session:**

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

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

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

**a. Consideration – Call for a Public Hearing – 2021 BIG Application for 604 and 606 East Fearing Street;**

**b. Consideration – Call for a Public Hearing – Amend Raw Water CDBG;**

**c. Consideration – Declare 612 Factory Street as Surplus;**

**Resolution # 2021 –01-01  
Declaring Real Property Surplus  
and Authorizing Sale by Upset Bid Process**

**WHEREAS**, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891419616965 and Map 39-C-2 and having a physical address of 612 Factory Street; and

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

**WHEREAS**, the City Council has authorized an opening bid of \$7,500 received from Mr. E. Kirk Rivers. via email correspondence; and

**WHEREAS**, the City Council has authorized notice to be published to solicit bids for the sale of the property, pursuant to the upset bid process as outline in NCGS §160A-269.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 891419616965 and Map 39-C-2, located at 612 Factory Street is hereby declared surplus to the needs of the City of Elizabeth City; and

**FURTHER**, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statute §160A-269, with an opening bid of \$7,500.

**ADOPTED**, this the 11<sup>th</sup> day of January 2021.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk, NCCMC

**d. Consideration – Adopt Resolution for New City Manager Vehicle;**

**Resolution # 2021–01-02**

## **Approving Financing Terms For Vehicle and Equipment**

**WHEREAS:** The City of Elizabeth City, NC ("Borrower") has previously determined to undertake a project for the financing of vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

### **BE IT THEREFORE RESOLVED, as follows:**

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated November 30, 2020. The amount financed shall not exceed \$40,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.05%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**ADOPTED**, this the 11<sup>th</sup> day of January 2021.

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Bettie J. Parker  
Mayor

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April Onley, NCCMC  
City Clerk

**e. Consideration – Authorize Application to FY 2021-2022 Bicycle Helmet Initiative;**

**f. Consideration – Authorize Application to National PAL Grant for FY 2021**

**(End of Consent Agenda)**

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

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

**8. Regular Agenda:**

**a. Consideration – Declare 511 Roanoke Avenue as Surplus**

Mayor Parker recognized Interim City Manager Buffaloe to lead the discussion. ICM Buffaloe explained that the City had received an offer of \$2,000 for City-owned property at 511 Roanoke Avenue; however, the offer was not deemed "fair and equitable" due to the property being appraised and valued at \$64,000. He noted that this item was still brought forward to the Council because ultimately, it was their decision whether or not to move forward. Councilwoman Young said she wanted to reject the offer, as she agreed that it was far too low to consider. Councilman Ruffieux concurred.

**Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to not accept the offer at hand and wait until a reasonable offer was received before declaring the property at 511 Roanoke Avenue as surplus. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young, Horton, and Caudle. Against: None. Motion carried.**

**b. Consideration – Declare 304 East Broad Street as Surplus**

ICM Buffaloe advised this matter was much like the prior one the Council had just heard. An offer was received for the property at 304 East Broad Street in the amount of \$500, and the property was valued at \$8,500. He said staff has received a lot of interest in this property and recommended moving forward with declaring it surplus, albeit at a higher starting bid than \$500. He noted that the Council could decide to forego the declaration as well if they wished. Mayor Pro Tem Walton said he didn't see the point in holding up the process if someone was interested in it. Councilman Horton said it had been on the City's maintenance roll for a while, and we'd certainly spent more than \$500 in upkeep on it, and he felt it should go for more than \$500.

**Motion was made by Councilwoman Jeannie Young to adopt a resolution declaring 304 East Broad Street as surplus, with an opening bid of \$2,500. The motion was seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Young, Ruffieux, and Horton. Against: Caudle, Walton. Motion carried.**

**9. Comments and Inquiries on Non-Agenda Items:**

Councilman Spence said he wanted special recognition for City employee Shelton Johnson, as he had done some commendable things in the community and needed to be noticed for what he did for children during the holidays.

Councilman Ruffieux had no further comments.

Councilman Caudle had no further comments.

Councilman Horton thanked everyone for their support with the passing of his mother. He said that he was also saddened to learn that Helen Williams with Visions of Hope Shelter passed away and wanted to remember her during this time.

Councilwoman Young had no further comments.

Mayor Pro Tem Walton said the mortality rate seems to be very high right now and we need respect the COVID virus. "You can do all the right things and still catch it. They still

are not organized in how they are putting the vaccine out.” He said he went to get in line and there were young people in front of him. The news did not get out very well and did not get to the right people. The Health Department must do better the next time with the updates in order to serve the public. He noted that we would also need to start discussing the retreat soon.

Mayor Parker wished a happy new year to Councilors, employees and citizens. She said there were dark and disturbing events going on in the country right now and many people feel hopelessness and despair. COVID is surging higher than ever in NC, and this past week, there was the attack on the Capital. She pointed out that even in darkness, there is light. She urged citizens that “if you have no known health issues, you should get in line to get vaccinated when it becomes available in the area.”

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

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

**10. Closed Session – As Allowed by NCGS-14-318.11(a)(6) – Discussion of Personnel** *(Added During Agenda Adjustments);*

The Council returned from Closed Session at 8:40 p.m.

#### **11. Adjournment**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 8:40 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley, NCCMC  
City Clerk