

The City Council of the City of Elizabeth City met in regular session on Monday, January 25, 2021 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Finance Director Evelyn Benton
Chief of Police Eddie Buffaloe
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
ECDI Director / Interim Community Dev 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 Councilman Spence 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 Councilwoman Jeannie Young, seconded by Councilman Darius Horton. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle, and Adkins. Against: None. Motion carried.

2. Statement of Disclosure:

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

3. Presentations:

a. Certificate of Recognition – Shelton Johnson;

Mr. Johnson was present virtually to receive the Mayoral Certificate. Mr. Johnson said he appreciated the recognition. He noted that it was an amazing feeling to know that children were waiting to see the trash truck driver. He said there were a lot of people in sanitation, and they

would continue doing what they were doing to keep the community happy, and he would keep doing the best job that he could. Councilman Spence noted that he had placed this item on the agenda because he saw Mr. Johnson on Facebook in photos with children who he'd given toy trash trucks to. He said the community had told him that Mr. Johnson was extremely kind and gracious and always very nice to their children. Councilwoman Young thanked Mr. Johnson for going above and beyond for the community. She said the sanitation employees were some of the kindest, most thoughtful individuals within the entire organization and many always went above and beyond. She said she appreciated Mr. Johnson and all the sanitation employees for everything they did for the community. Mayor Pro Tem Walton said he knew Mr. Johnson had a great heart and told him to keep up his good work. Mayor Parker said the children would always remember the love that he spread to them through the gift of those little trucks and she greatly appreciated it.

b. Employee Retirement – John Patterson;

Mayor Parker read the retirement plaque into the record.

c. Employee Retirement – Mack Wilson;

Mayor Parker read the retirement plaque into the record.

4. Comments from the Public:

There were no public comments.

5. Public Hearings:

a. Hold a Public Hearing – BIG Application for 604 & 606 East Fearing Street;

Debbie Malenfant advised that the BIG program was in the 8th year of improving life, safety and ADA compliance for older buildings downtown and within the city. \$80,000 was designated for the program, although there were some additional dollars due to reimbursement by the CARES Act. Only one application had been received so far, which was the grant request for this evening. Two separate tax parcels that have three different addresses, 604, 606 and 610 East Fearing Street. The property will have significant external and internal renovations. Three business units will be on the first level and three residential apartments on the second level. The total cost of the project is over \$400,000, but only \$163,050 has been deemed eligible for the BIG. These properties are currently considered blighted in the downtown area and not code compliant. The properties are in the historic district and individually listed in the national historic register – this will save the historical assets for our city. The properties have been vacant for much longer than the requisite 60 days by the grant program. Although no exterior elements are proposed as part of the grant request, exterior restoration work will take place. The HPC granted necessary permissions for these renovations. The applicant is the property owner and all necessary permits have been obtained. The matrix rating is 50.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers. The Clerk replied that there were no speakers, although a representative of the applicant was on the line in case the Council had any specific questions for him.

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to approve 604 Fearing, LLC's BIG request in the Downtown Central Business District category in the amount of \$20,000. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

b. Hold a Public Hearing – Amend Raw Water CDBG;

Jon Hawley, the City's Grants Administrator, was present to discuss the purpose of the public hearing for the City's proposed amendment to an FY2017 CDBG-I award, namely Grant No. 17-I-2960, also called the Raw Water Transmission Main Replacement Project, Phase IIB. Mr. Hawley stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. Mr. Hawley also stated the public hearing must cover the City's community development needs, development of the proposed activities, and a review of program compliance before the submission of the City's proposed amendment to the state of the North Carolina.

Mr. Hawley stated the City proposes to request an amendment to increase the scope of work of the aforementioned CDBG-I project. The purpose of the CDBG-I grant program is:

To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2017, DEQ awarded the City of Elizabeth City the CDBG-I funding totaling \$903,581, which is less than the maximum available grant funding of \$2 million over a three-year period. The proposed amendment will be submitted within two weeks of this hearing.

Mr. Hawley said the CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

Mr. Hawley stated the City of Elizabeth City is seeking an amendment because the current scope of work for Phase IIB has been substantially completed, but significant grant funds remain that could be applied towards other appropriate, necessary improvements for operation of the Raw Water Transmission Main. The project's prime contractor, Enviro-Tech Unlimited Construction Services, substantially completed the replacement of approximately 5,890 linear feet of Raw Water Transmission Main on November 4, 2020, under a contract awarded on December 18, 2019. Replacement of the Raw Water Transmission Main was identified in the City's 2015 Asset Management Plan.

Mr. Hawley said this scope of work was completed with a significant amount of the grant award remaining. Subsequently, the City has identified six aged, deteriorated valves that need replacement to ensure the proper operation of the Raw Water Transmission Main. These valves include four gate valves and two silent-check valves. All of the valves are located at the City's wellfield pump house, which is outside of the project area for Phase IIB. This necessitates an amendment to allow CDBG-I-eligible work to be performed in this location. The City has determined this work will cost approximately \$25,000.

Mr. Hawley said a total of 100% of the CDBG-I funding will be used to benefit low-to-moderate-income (LMI) people. The project serves the entirety of Elizabeth City, and has been determined to have an area-wide LMI of 55.8 percent.

The range of activities covered by the CDBG-I funds for the proposed amendment to Phase IIB includes: Construction.

Mr. Hawley said that, a recipient of CDBG-I funding, the City of Elizabeth City is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

Mr. Hawley continued that the State of North Carolina requires that, as a recipient of CDBG funding, the City certifies it will comply with the requirements of the general displacement and relocation policy of CDBG funding. This policy assists low-to-moderate-income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the City of Elizabeth City confirms that during this public hearing.

Mr. Hawley said that, in the past, the City has applied for and received funding for the following completed CDBG projects:

- 2012 Pearl and North Road Street water and sewer improvements
- 2014 Elizabeth City Middle School Renovations
- 2015 Road Street water and sewer improvements

Mr. Hawley said the City will submit its proposed amendment within two weeks of this hearing. Documentation for the proposed amendment will be available for review during normal business hours at 302 East Colonial Avenue, Elizabeth City.

Mr. Hawley asked to open the floor for comments and questions about the CDBG program, and about the project and proposed amendment.

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

Motion was made by Councilwoman Jeannie Young, seconded by Councilman Chris Ruffieux to approve the proposed amendment to the City's CDBG-I for the Raw Water Transmission Main Replacement Project, Phase IIB; and further, approve submission of the proposed amendment, adopt the attached public hearing minutes (subject to any necessary revisions), and authorize the Mayor and City staff to sign and submit all necessary documents. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

6. Consent Agenda: (City Manager Recommends Approval)

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

- Consideration – Authorize Application for FY 2022 Governor's Highway Safety Program Traffic Safety Grant;**
- Consideration – Authorize Application of FY 21-22 Governor's Crime Commission Local Law Enforcement Block Grant;**
- Consideration – Authorize Application for the Watch for Me NC Campaign/Program with the NC Department of Transportation;**
- Consideration - Accept FY 2020-2021 Governor's Crime Commission's Grant for Body Worn Cameras;**
- Consideration - – Call for a Public Hearing – Nomination of Elizabeth City Historic Industrial District;**

(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 Councilman Kem Spence to approve the Consent Agenda. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Horton, Young, Caudle, and Adkins. 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 – Authorize Execution of Department of Commerce Grant Agreement;

Jon Hawley advised that on December 4, 2020, the NC Department of Commerce, Rural Economic Development Division (REDD), announced the City of Elizabeth City had been awarded \$765,000 in Community Development Block Grant-Coronavirus funding to establish and implement the “Coronavirus Care Collaborative” (CVCC) Program. The CVCC will be a partnership with the Albemarle Area United Way (AAUW) in which Elizabeth City and/or Pasquotank County residents who have experienced COVID-19-related hardship *and* meet low-to-moderate-income requirements may receive relief for housing and/or utility payments. We are extremely grateful to Commerce for awarding us this grant and providing this emergency relief to local residents.

City staff received some of the essential documentation on January 4. This documentation includes, in part, our Grant Agreement and Funding Approval Conditions. The Grant Agreement and Funding Approval Conditions are attached. In the Grant Agreement, REDD requires the City to execute these documents in a timely manner, defined as within 60 days of the REDD Director’s signature, which was December 17, 2020. The Grant Agreement sets forth standard and reasonable conditions for CDBG funding. Key terms of the Agreement include: The City’s commitment to perform the project as proposed in its CVCC application, and to hold all third parties – the AAUW, in this case – to the program’s requirements; The City’s commitment to comply with federal and/or state requirements such as: Conflict of Interest, Recordkeeping, Environmental Review, and preventing any Duplication of Benefits. Duplication of Benefits refers to ensuring beneficiaries do not receive assistance from another program and CDBG-CV for the same expense (e.g., two payments for the same month’s rent); The City’s commitment to adopting and following certain compliance plans, including in: Procurement, Equal Employment Opportunity, Language Access, Section 504 (prevention of disability-related discrimination), Section 3 (local economic benefit in hiring), etc.

Many of these requirements are similar, if not identical, to requirements the City already follows for CDBG assistance we’ve received for Public Utilities projects. Unfortunately, executing the Grant Agreement and Funding Approval Conditions Agreement are only the first of several steps the City must take before REDD will release funds and allow us to start disbursing aid to our residents. As previously communicated to the Council, the Grant Agreement also sets forth several other requirements and deadlines:

- **March 17, 2021:** Satisfy all Funding Approval Conditions.
- **April 17, 2021:** Submit Environmental, Equal Employment Plan, Procurement Plan, Fair Housing Plan, Section 3 Plan, Section 504 Plan, Language Access Plan, Duplication of Benefits Policy and Plan.
- **May 17, 2021:** Request for Release of Funds
- **March 17, 2023:** Obligate all funds

- **June 17, 2023:** Expend all funds
- **September 17, 2023:** All closeout documents returned to REDD

Commerce has indicated a virtual start-up visit will be held “between January 22-February 12, 2021,” and that our requests for additional documentation and further guidance on next steps will be addressed then. City staff will continue working to expedite this program.

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jeannie Young to authorize the Mayor to execute the Grant Agreement, Funding Approval Conditions Agreement, and other necessary documentation for receiving and implementing the City’s CDBG-CV award. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Spence had no comments.

Councilman Ruffieux had no comments.

Mayor Pro Tem Walton asked Director Malenfant about an article he read in The Daily Advance regarding potential costs associated with a facility because it used to be a dry cleaning business for so many years and possible contamination or clean-up. The fact that the property is occupied by an ongoing tenant brought up questions about whether or not the city could become a landlord and what would happen when the current lease was up. Would it have to be put out to bid? Also questions about if the city accepted the property and decided to sell it, they would have to sell the property through the surplus channels (i.e. the highest bidder with no control over the price and use). Former manager Olson declined and invited ECDI to either accept or help find another nonprofit entity to work with her. Mayor Pro Tem Walton said he thought that should have come across Council’s radar because it should have been their decision. He said he realized there was nothing to be done now, but he hoped things like that wouldn’t happen in the future.

Councilman Young had no comments.

Councilman Horton said he was shocked that the City had been approached about being given the property Mayor Pro Tem Walton was referencing and we didn’t take it. He said he wanted to verify that they were in the loop and there was more transparency in the future. He said to not give the Council the opportunity to discuss the matter disturbed him and he hoped that with new management, things like this would not take place. He said he prayed that the city would be able to operate in unity in the future. He hoped that we would all come together and be more unified, particularly as dealing with COVID and proper social distancing and the vaccine. He said he was proud to mention he had received his second dose of the vaccine and that he hoped everyone would govern themselves to do the best they could.

Councilman Caudle had no comments.

Councilman Adkins welcomed City Manager Freeman to Elizabeth City and said he was praying for a more unified council.

Mayor Parker reminded the public that COVID is still very dangerous and NC was spiking as terribly state-wide, as it was locally. She said she had gotten her second dose of vaccine and encouraged everyone that was available to get it, should get it. She said it was important if we were to pull ourselves up out of the pandemic to take it seriously. She said we’d need it to get to “herd immunity.” The turnout for the vaccine at COA had been very impressive and she suggested that when it became available, to please get inoculated.

9. Adjournment

There being no further business to be discussed, Mayor Parker adjourned the meeting at 7:43 p.m.

Bettie J. Parker
Mayor

April D. Onley, NCCMC
City Clerk