

**City Council Regular Session  
October 12, 2020**

The City Council of the City of Elizabeth City met in regular session on Monday, October 12, 2020, 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 Kem Spence  
Councilman Billy Caudle  
Councilwoman Jeannie Young  
Councilman Chris Ruffieux  
Mayor Pro Tem Johnnie Walton  
Councilman Michael Brooks  
Councilman Darius Horton  
Councilman Gabriel Adkins

MEMBERS ABSENT: None

OTHERS PRESENT: Interim City Manager Eddie Buffaloe  
City Attorney Bill Morgan  
Interim 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  
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

Councilman Caudle requested to remove item 9E – Accept Bid for Compensation Study from the agenda by request of staff. He also requested to remove item 9A – Approve Relinquishment of ETJ from the Consent Agenda and place it on the Regular Agenda.

**Motion was made by Councilman Kem Spence, seconded by Councilwoman Jeannie Young to approve the agenda as presented. 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. Proclamations:**

**a. Pharmacy Week;**

**PROCLAMATION**  
*Pharmacy Week*  
**October 18<sup>th</sup>-24<sup>th</sup>, 2020**

**WHEREAS**, pharmacists are experts in the successful use of today's complex medications, and

**WHEREAS**, patients in hospitals and outpatient clinics receive better care when pharmacists are directly involved in medication management decisions, and

**WHEREAS**, pharmacists' direct involvement in patient care helps reduce unnecessary costs and burden on the health system, and

**WHEREAS**, the pharmacists and pharmacy technicians practicing in the acute and ambulatory care settings of Elizabeth City contribute to the health and well-being of our citizens, and

**WHEREAS**, ASHP and Sentara Albemarle Medical Center have declared October 18-24, 2020 as Pharmacy Week.

**NOW, THEREFORE, BE IT RESOLVED** that I, Mayor Bettie J. Parker, do proclaim October 18-24, 2020 as **Pharmacy Week** in Elizabeth City and urge all our citizens to acknowledge the valuable services of the pharmacists and pharmacy technicians who work in inpatient, outpatient, home-care, and long-term-care settings and all they do to help patients make the best use of their medicines.

**PROCLAIMED**, this the 12<sup>th</sup> day of October 2020.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

\_\_\_\_\_  
Bettie J. Parker  
Mayor

*Attest:*

\_\_\_\_\_  
April D. Onley, NCCMC  
City Clerk

**b. ECSU Month;**

**PROCLAMATION**  
**ELIZABETH CITY STATE UNIVERSITY MONTH**  
**OCTOBER 2020**

**WHEREAS**, for nearly 130 years Elizabeth City State University has played a significant role in the economic health of the northeastern region of our state, and more particularly Elizabeth City and Pasquotank County; and

**WHEREAS**, ECSU has been and continues to be an institution of opportunity that provides the necessary hope, guidance and resources for many to pursue their dream of education and the better life it affords; and

**WHEREAS**, ECSU has continuously ranked in *Washington Monthly's* College Guide of "Best Baccalaureate Colleges;" and

**WHEREAS**, for many years, *US News and World Report* has ranked Elizabeth City State University in the top 20 HBCUs in the nation; and

**WHEREAS**, ECSU has dramatically strengthened the economy and quality of life of our community and provided for many a path to independence and success; and

**WHEREAS**, the Elizabeth City Council recognizes, honors and commends Elizabeth City State University, its faculty, staff, alumni and students for persevering to fortify its proud legacy.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Bettie J. Parker, Mayor of the City of Elizabeth City declare **OCTOBER 2020** as **ELIZABETH CITY STATE UNIVERSITY MONTH** and encourage all our citizens to recognize the profound impact the university has on the success and health of Elizabeth City, Pasquotank County and Northeastern North Carolina; and further, I call upon educators, public officials, professional organizations, corporations, and all citizens to observe this month with appropriate programs, ceremonies, and activities that acknowledge the countless contributions this institution and its alumni have made.

**THIS**, the 12<sup>th</sup> day of October 2020.

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Bettie J. Parker  
Mayor

Attest:

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April Onley, NCCMC  
City Clerk

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

**Mike Cox – Pasquotank County Attorney** - Attorney Cox expressed disappointment that the County was unable to offer their full presentation on the Wellfield ETJ. He offered a consistency statement to the City to adopt if they agreed to move forward with relinquishing the land in question. He noted that the Planning Board had unanimously voted in favor of the request.

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

##### **a. Hold a Public Hearing – Ray Street CDBG;**

Interim Manager Buffaloe explained that this was an opportunity to finalize the CDBG application with DEQ. The request will be for \$929,563.45, the maximum possible, for replacement of old and deteriorated water and sewer lines under Ray Street. On September 28, 2020, the City Council called for a virtual public hearing to be held on October 12, 2020. Staff is ready to proceed with the public hearing and will defer action, per state law, until October 26<sup>th</sup>.

Mayor Parker opened the public hearing and inquired of the Clerk if there were any speakers. The Clerk responded that there were no speakers.

**Motion was made by Councilman Billy Caudle to close the public hearing and defer action on the CDBG-I Ray Street water and sewer replacement project application until October 26, 2020 to allow for additional time for public comments and inquiries. The motion was seconded by Councilwoman Jeannie Young.**

Grants Administrator Hawley advised there was a script he needed to read into the record, which was recorded as follows:

“This virtual public hearing on October 12, 2020, will provide an explanation and description of the 2020 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

We are present to discuss the purpose of the public hearing for the City of Elizabeth City’s CDBG-I funding application. The purpose of the public hearing is to obtain citizens’ views and to allow response from the public to funding proposals and answer any questions posed by citizens. This public hearing will cover the City of Elizabeth City’s community development needs, development of the proposed activities, and a review of program compliance before the submission of the City’s CDBG-I funding application to the state of the North Carolina. The City of Elizabeth City proposes to request funding from NCDEQ’S CDBG-I program for the Ray Street Water and Sewer Replacement 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 2020, the CDBG-I funding available is expected to be \$25.2 million. The maximum available grant funding is \$2.0 million over a 3-year period. Applications for funding will be received no later than November 23, 2020. The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, 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 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 extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The City of Elizabeth City is seeking an amount in CDBG-I funds not to exceed \$929,563.45 for the Ray Street Water and Sewer Replacement Project. The purpose of the City’s request is to replace the water and sewer lines co-located under Ray Street. The water line is approximately 1,750 feet and the sewer line is approximately 1,600 feet. These lines serve at least 27 residences. Ray Street’s sewer line experiences high inflow and infiltration, which overburdens the supporting wastewater infrastructure. The deteriorated sewer line contains multiple cave-ins. These cave-ins block the sewer flow,

causing the water to go septic and further erode the piping. Pipe separations on the sewer line also cause sewage spills and potholes. Every home is either missing a sewer cleanout or has one in poor condition. Such outdated and inaccessible sewer infrastructure limits the City's ability to best serve the residents. Ray Street's water line is currently undersized to serve all of its connections. Moreover, the water lines have accumulated significant calcification, reducing an already limited flow capacity. The City proposes to replace the Ray Street sewer line with new PVC pipe; the pipe diameter will remain at 8 inches. Sewer cleanouts will be installed or replaced for every residence, thereby facilitating responses to any future issues. The City also proposes to upgrade the current 6-inch and 2-inch water lines with 6-inch PVC piping to better meet the needed capacity.

The project proposed by the City of Elizabeth City was identified in the 2020 Asset Management Plan. Community notices, including door hangers in the project area, were provided to inform citizens of the potential project and invite feedback from residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the City of Elizabeth City has been determined to have an income-survey area of 65%. The project area includes the entire length of Ray Street, approximately 1,600 feet, and 33 residential properties that benefit, directly and indirectly, from the proposed infrastructure.

The range of activities covered by the CDBG-I funds for the Ray Street Water and Sewer Replacement Project includes:

- Construction
- Engineering Design

If the City of Elizabeth City is awarded a CDBG-I grant, the town 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

The State of North Carolina requires that, if the City of Elizabeth City receives CDBG funding, the City will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant 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.

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

The City will submit its CDBG-I application for the Ray Street Water and Sewer Replacement Project by November 23, 2020. The CDBG-I application will be available for review during normal business hours at 302 East Colonial Avenue, Elizabeth City. Additional information is available from the Grants Administrator in the Finance Department office, reachable at 302 East Colonial Avenue, or by phone or email at 252-337-6861 and [jhawley@cityofec.com](mailto:jhawley@cityofec.com), respectively. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by October 26, 2020, and a written response to the written complaints and/or grievances will be sent by the City within 10 business days, where practicable."

**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 – Coronavirus CDBG;**

Grants Administrator Hawley advised that in late August, Gov. Roy Cooper announced new federal funding to help North Carolinians facing financial challenges because of the COVID-19 pandemic. As part of this funding, the NC Department of Commerce received \$27.5 million for the Community Development Block Grant-Coronavirus (CDBG-CV) program. Per the program's guidance, it is designed to "help a non-entitlement municipality or county to prepare, prevent, or respond to the health and economic impacts of COVID-19." The program further requires that any funded activities benefit "low- to moderate-income (LMI)" populations. Elizabeth City meets these criteria, as we are a non-entitlement community that is 55.8 percent LMI.

CDBG-CV further provides that eligible activities for funding may include "Public Service, Public Facilities, and Economic Development." Applications started being accepted as of September 1, 2020, and funds are to be awarded on a "first-come, first-served" basis. CDBG-CV will award up to \$900,000 in funding to communities.

As reported during the September 28, 2020 City Council meeting, City staff are working with the Albemarle Area United Way to propose an application focused on Public Service activities, specifically short-term utility and/or housing assistance to LMI persons impacted by COVID-19. We proposed implementing these activities through the AAUW – using its Community Care Collaborative program as a template – and allowing eligible residents of the City and/or Pasquotank County to apply. The Council approved calling for a necessary, initial public hearing to be held on October 12<sup>th</sup>. However, CDBG-CV guidelines require a second public hearing be held after the proposed project is finalized, but before it's submitted. Per CDBG-CV guidance, the second public hearing is required to allow citizens to comment on the details of the proposed project. City staff, the AAUW, and Pasquotank County staff continue working to finalize these details. This includes estimating the likely number of beneficiaries and the average assistance per beneficiary, which in turn will determine how much funding we request. As with the initial public hearing, City staff recommend the second public hearing be held virtually, with residents requested to submit comments in writing before and after the hearing.

Mayor Parker declared the public hearing open and inquired of the Clerk if there were any speakers. Upon the Clerk's response that there were none, she called for a motion to close the hearing.

**Motion was made by Councilman Billy Caudle to close the public hearing and delay action on this item until October 26, 2020. The motion was seconded by Councilwoman Jeannie Young. 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 Interim City Manager Buffaloe read the items on the Consent Agenda into the record.

**a. Consideration – Approve Relinquishment of ETJ (Removed from Consent Agenda and Placed on Regular Agenda During Agenda Adjustments);**

**b. Consideration – Approve RZ 01-20 as Filed by MFB;**

**Ordinance #2020-10-01  
Rezoning Request RZ-01-20  
Portions (14.06 acres) of Parcel IDs: 8903481702 and 8903382326**

**WHEREAS**, on September 1, 2020, the Planning Commission reviewed Petition RZ-01-20 filed by MPB Inc., to rezone approximately 14.06 acres (Parcel IDs: 8903481702 and 8903382326 from Apartment District (AD) to Highway Business (HB) District.

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

**WHEREAS**, the allowed uses in the Highway Business (HB) 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 that a portion of the above referenced parcel as HB (Highway Business) district.

**ADOPTED**, this the 12<sup>th</sup> day of October, 2020.

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Bettie J. Parker  
Mayor

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April Onley, NCCMC  
City Clerk

**c. Consideration – Approve RZ 02-20 as Filed by Mid-Atlantic Christian;**

**Ordinance #2020-10-02  
Rezoning Request RZ-02-20**

**Parcel IDs: 891420906994, 891420906939, 891420917023, 891420917089,  
891420918123, 891420918188, 891420918246**

**WHEREAS**, on September 1, 2020, the Planning Commission reviewed Petition RZ-02-20 filed by Mid-Atlantic Christian University to rezone parcel IDs: 891420906994, 891420906939, 891420917023, 891420917089, 891420918123, 891420918188, 891420918246 from (R-6) Residential to Office and Institutional (O & I).

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

**WHEREAS**, the allowed uses in the Office and Institutional (O&I) 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 Office and Institutional (O&I)

**ADOPTED**, this the 12<sup>th</sup> day of October, 2020.

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Bettie J. Parker  
Mayor

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April Onley, NCCMC  
City Clerk

- d. Consideration – Accept Bid for Senior Center Crosswalk;**
- e. Consideration – Accept Bid for Compensation Study** *(Removed from Agenda During Agenda Adjustments)*;
- f. Consideration – Accept Bid for Residuals Management;**
- g. Consideration – Approve Grant Application for Surplus Vehicles from Dominion;**
- h. Consideration – Accept Master Services Agreement with LearnLux;**
- i. Consideration – Budget Agreement for COPS Grant Program;**

**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 II.** That the General Fund revenue (103490.5115) be increased by \$29,712  
That the General Fund Police Salaries (105100.0201) be increased by \$29,712

**(To increase budgeted revenue and expenditures for the first of a three year COPS Hiring Grant)**

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Bettie J. Parker  
Mayor

**Attest:**

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April Onley, NCCMC  
City Clerk

- j. Consideration – Call for a Second Public Hearing for CDBG-CV;**  
**(End of Consent Agenda)**

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

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



## **7. Regular Agenda:**

### **a. Consideration – Approve Relinquishment of ETJ;**

Interim Manager Buffaloe noted this item had been removed from the Consent Agenda. It was for the relinquishment of ETJ zoning rights for two parcels, 890404624892 and 890404623736, in order to expand the current recycling facility due to flooding and to add another access point. The current recycling facility is located on parcel 890404624892 at 944 Wellfield Road. The zoning for the ETJ of the two parcels is currently R-15, residential. The recycling center located at 944 Wellfield road is currently serving both county and city residents. Pasquotank County and American Tower are requesting to expand the recycling center to the adjacent lot owned by American Tower. Expansion will help with flooding concerns and provide another access point for users making improving traffic flow. Manager Buffaloe noted that the public hearing had been held during the previous meeting, which was missed out on by the County. He asked that if the Council moved to take action on this item, they read the consistency statement into the record.

**Motion was made by Councilwoman Jeannie Young to approve relinquishment of the ETJ for parcels 890404624892 and 890404623736, and to adopt the consistency statement that according to the Pasquotank County-Elizabeth City CAMA land use plan adopted in 2012, the City's goals and policies support the continuous use of land and low density classified areas of low density dwellings and for public and institutional land use that support and that are compared with the type of residential development. The request by Pasquotank County for relinquishment of 1.9 acres of ETJ would be considered with the joint land use plan goals and policies in that the recycling center is a public land use that supports low density residential development and provides a necessary public service. This request is reasonable and in the public interest because relinquishment will allow the County for the existing recycling center to remove homes away from Vicky's Ridge subdivision while improving the public safety while assisting the site. The motion was seconded by Councilman Chris Ruffieux.**

Councilman Horton said he wanted to clarify something on the procedure. During the last public hearing, everything had been done according to procedure at the last meeting, had it not? Attorney Morgan confirmed that it had. He said that in speaking with Attorney Cox, he was made aware that the County had a setup for presentation but for some reason, they were not given the opportunity to proceed. Councilman Horton said during a Council meeting, the County is still considered the public and they missed their opportunity to speak. He did not want anyone pointing fingers at the Council. The public comment was opened, they were not in place, so the period was closed. Writing a letter about how you were disturbed is not acceptable. You missed your opportunity. We don't have to reopen something because you missed your opportunity. He said he thinks the city and county should work together, but he didn't appreciate finger pointing when we'd done things the right way.

Councilman Brooks said he agreed with Councilman Horton although he did vote personally to open the hearing up again. He did not want anyone trying to belittle the Council when they were just trying to follow policy and procedures.

Councilwoman Young stated she was embarrassed about the way we'd treated the County when they'd come to present. She expressed her apologies for the way it had been handled. She understood that they had a setup ready to present and for whatever reason, something did not come to pass and that was unfortunate. She said she'd called them and told them she was sorry that happened. We need to have a working relationship and letting them speak would have been a common courtesy.

Councilman Brooks said he would not apologize about following policy and procedure.

Mayor Pro Tem Walton said we're making this harder than the pandemic. This should be something easy. He noted he didn't understand what was even happening when Attorney Cox first asked to speak. He thought it would have been respectful if we'd let him speak. We all do procedures how we feel like we should, but I'm not going to apologize. Don't do

things just because we can. Do them because they make sense. We don't need to be hardball for no reason. If we hadn't done something right, Attorney Morgan would have told us, but next time, maybe we should work in relationship to one another. We're the democrats and they're the republicans, but we should try to get along.

Councilman Adkins he didn't know anything about a prepared presentation, so when Attorney Cox came in and was "hostile" about trying to speak, he didn't know anything beyond the fact that the hearing was closed. He felt a lot of it was miscommunication. There were texts going around from different members about how it was disrespectful, but we didn't know what was going on really. If we were better informed and prepared, I would have made a better decision. Don't characterize me as disrespectful when I didn't even have all the information.

Councilwoman Young pointed out that the County was the applicant and they should have been allowed to speak at any time during that hearing, but she understood where everyone was coming from. She agreed with Mayor Pro Tem Walton that we needed to show some more kindness.

Councilman Horton said he wouldn't have even made any remarks if not for the comments they made about not being able to speak. If the tables were turned and the Council went to the County meeting and took Mr. Morgan to be the spokesperson and he couldn't figure out when to speak, then maybe he shouldn't be the spokesperson.

Mayor Parker said she wasn't aware there was going to be a presentation or she would have called them forward.

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

#### **b. Consideration – Reallocation of Travel Funds / CDBG;**

Grants Administrator Hawley advised that the Council expressed interest in redirecting the public funds budgeted for Council travel to help respond to community needs associated with COVID-19. The Council has further expressed an interest in donating these funds to the Albemarle Area United Way (AAUW), specifically for its Community Care Collaborative (CCC). This program provides short-term, emergency assistance to individuals, including utility and rent/mortgage assistance. However, state law largely prohibits local elected officials from altering their compensation, including travel benefits, during the budget year. General Statute 159-15 does give governing boards general authority to amend their local government's budget mid-year, but GS 160A-64 provides that municipal councils may set their own compensation, including travel, by adoption of the annual budget. The NC Attorney General has issued opinion letters interpreting this statute to mean municipal councils may *only* set their compensation through adoption of the budget ordinance, with one exception applicable only to municipalities of fewer than 5,000 people.

Based upon the restrictions of state law, to give a grant to the AAUW, the Council would have to utilize City funds not tied to the mayor's or councilors' compensation. This would require a budget amendment either shifting funds from another budgeted expense or using available general fund balance. It should also be noted that, as with budgeted expense, any unspent travel dollars will return to the general fund balance at the end of the fiscal year. Therefore, if general fund balance is used, the Council's unspent travel dollars could indirectly compensate the general fund for the unbudgeted grant to the AAUW. If the Council does not use its travel for the rest of this budget year, City staff project a travel savings of \$10,000. For purposes of discussion, let us assume the Council wishes to make a contribution to the AAUW using available general fund balance, and that the contribution will be \$10,000, or approximately equivalent to anticipated travel savings. City staff then would like to present two options: First, the Council could simply approve a budget amendment authorizing \$10,000 for a one-time grant/donation to the AAUW for purposes of providing aid to Elizabeth City residents found eligible for CCC assistance. Upon amendment approval, the AAUW could draw down this allocation as it provides City staff with supporting documentation of CCC payments to City residents. City staff would recommend requesting the AAUW enter into a simple grant agreement to define the conditions of this assistance.

Second, the Council could approve a budget amendment reallocating and reserving \$10,000 to support the City's and the AAUW's upcoming grant application to the Community Development Block Grant-Coronavirus Program. The City's CDBG-CV proposal is intended to provide subsistence payments to City and/or County residents, and would operate similarly to the CCC, although at potentially larger scale as up to \$900,000 may be requested. A local match is not required for the CDBG-CV Program, but it is strongly encouraged.

Councilman Caudle asked if they took the second option, which would be tying it with the CDBG, would that strengthen the grant application? Mr. Hawley said the short answer was yes. Local funds and partnerships are looked upon favorably, but he wasn't sure how much it would strengthen it because it wasn't quantified in the application.

Mayor Pro Tem Walton said he felt the Department of Social Services would be a better fit than the United Way. He opined they had a better profile of the people and demographics of the area. He said he really didn't know who the United Way gave their money to.

Attorney Morgan advised that an issue with the Department of Social Services was that it was a county function and we should try to avoid that if we can. Manager Buffaloe said we really needed to focus on a non-profit. The United Way Community Care Collaborative already had an established program so we were looking to work through that.

Councilman Spence asked about SOULS. Manager Buffaloe replied that he believed their scope was limited and only related to feeding, so we needed someone with a wider breadth.

Councilman Brooks agreed that we didn't want to be one dimensional. He asked if they needed to make a motion. Manager Buffaloe said they'd need to direct staff on which option they'd like to pursue, if any. Staff will follow the format that's been established, have Council call for the public hearing, hold the public hearing, and then move forward. Attorney Morgan noted they could call for the public hearing this evening if they'd like to expedite things.

**Motion was made by Councilman Chris Ruffieux to approve a budget amendment allocating \$10,000 in available general fund balance as a local grant to the Albemarle Area United Way, for purposes of supporting Elizabeth City residents through the Community Care Collaborative, to authorize City staff to draft and execute a grant agreement with the AAUW for this purpose, and to call for a public hearing for October 26<sup>th</sup>, 2020 The motion was seconded by Councilman Michael Brooks. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Horton, Caudle, and Adkins. Against: Young. Motion carried.**

#### **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 Fund Balance Appropriated (103990.0000) be increased by \$10,000,**

**That the General Fund Non-Departmental Albemarle Area United Way (106620.5893) be increased by \$10,000,**

**(To increase budgeted revenue for Fund Balance Appropriated and to increase Non-Departmental Expenditures for a donation to Albemarle Area United Way to support residents through Community Care Collaborative)**

**This amendment will decrease General Fund Fund Balance by \$10,000.**

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**Bettie J. Parker**  
Mayor

**Attest:**

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**April Onley, NCCMC**  
City Clerk

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

Councilman Spence had no further comments.

Councilman Ruffieux had no further comments.

Councilman Brooks commended the Council's vision in taking the City forward. He noted that you can learn from mistakes in the past, but you don't ever want to go back. He did not want to go back to a time of division and conspiracy. He felt highly of the members of the Council and the work they were doing. He was proud of the plan they brought forward for the travel pay to help the citizens in need. He noted the Council may not always agree, but they've accomplished a lot.

Mayor Pro Tem Walton said change is sometimes uncomfortable, but it's unavoidable. He thought we should conduct an internal audit anywhere there have been changes because people don't just leave for no reason. He felt that it was always worth checking things out.

Councilman Adkins commended Manager Buffaloe on the job he'd done as interim manager. He said he'd been called several times by people who wanted him to remain as the permanent city manager. He reminded everyone that COVID is still very dangerous and should be taken seriously.

Councilman Caudle had no comments.

Councilman Horton mentioned the importance of early voting, which would be taking place shortly. He asked that the next agenda include consideration for an internal audit, simply for transparency. He said we could start internally and if something is discovered, we could go deeper. He said today marks three years that lives were lost at the prison and he asked if there could be a moment of silence in consideration of that loss. Mayor Parker agreed that would be fine and allowed for it.

Councilwoman Young had no comments.

Mayor Parker noted that many people had been asking about the city manager search process. She reminded everyone that it was primarily a personnel matter, so much of the process was confidential and conducted in closed session. She said she could share that the ad for the city manager was posted nationally, and that 37 applicants from across the country responded. After reviewing the Council selected a smaller number of applicants who met minimum qualifications to participate in screening, which included phone interviews and surveys conducted by Development Associates. This step solicited more details about candidate credentials. From there, the Council identified four applicants to take part in a skilled evaluation phase called an assessment center, which will take place later in October. Confidentiality of the candidates is still required at this stage, and more information will be shared when we are further down the road.

**9. Closed Session as Allowed by NCGS 143-318-11(a)(6) Personnel:**

**Motion was made to enter closed session at 8:26 p.m. as allowed by NCGS 143-318-11(a)(6) for discussion of Personnel by Mayor Pro Tem Johnnie Walton, seconded by Councilman Billy Caudle. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.**

Mayor Parker advised there would be a five-minute recess to allow for the room to be cleared.

The Council returned to open session at 9:10 p.m.

**Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Darius Horton to confirm the appointment of Sean Clark as Parks and Recreation Director. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, Caudle and Adkins. Against: None. Motion carried.**

**10. Adjournment**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 9:10 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk