

**City Council Work Session  
August 24, 2020**

The City Council of the City of Elizabeth City met in work session on Monday, August 24, 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  
Mayor Pro Tem Johnnie Walton  
Councilman Billy Caudle  
Councilman Darius Horton (*Arrived at 6:36 p.m.*)  
Councilwoman Jeannie Young  
Councilman Chris Ruffieux  
Councilman Kem Spence  
Councilman Michael Brooks

MEMBERS ABSENT: Councilman Gabriel Adkins

OTHERS PRESENT: Interim City Manager Eddie Buffaloe  
City Attorney Bill Morgan  
Finance Director Suzanne Tungate  
Deputy Chief of Police James Avens  
Interim Electric Superintendent Bob Vannoy  
Assistant City Manager Angela Cole  
Human Resources Director Montique McClary  
Public Utilities Assistant Director Amanda Boone  
Interim Parks and Recreation Director Bobbi White  
Community Development Director Carter Thompson  
Deputy Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
IT Director Matthew Simpson  
City Clerk April Onley  
Deputy City Clerk Doris Walton

*(Clerks Notation: This meeting was conducted remotely 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 City Council work session was called to order by Mayor Bettie Parker at 5:30 p.m. Mayor Parker welcomed everyone to the meeting and recognized Councilman Brooks to give the invocation, followed by the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Parker then requested the Council's pleasure regarding approval of the prepared agenda.

**Motion was made by Councilman Kem Spence, seconded by Councilman Chris Ruffieux to approve the agenda as presented. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Caudle, Young, and Brooks. 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. Presentation – Flora Street and Riverside Avenue;**

Public Works Director Amanda Boone was recognized to begin the presentation. Director Boone explained that for years, the intersection of Flora Street and Riverside Avenue experienced problems with flooding. The City had contacted Kimley-Horn, who recommended several alternatives, all of which include the installation of an inline check valve and stainless steel inlet grates to prohibit animal intrusion. The other alternatives include additional work such as a stormwater wetland, cul-de-sac of Flora and/or elevating Riverside Avenue. These alternatives each have their pros and cons as well as varying associated costs. At this time, staff is proceeding forward with finalizing the engineering for the inline check valve and stainless steel inlet grates in order to put the project out to bid and construct. Staff believes this same scenario is applicable to the Shepard Street location and will include both locations in the design and construction. Prior to moving forward with any of the other alternatives, staff will further engage the public and seek their input. Staff will also pursue whether or not alternative funding sources are available for any of the proposed alternatives.

Kimley-Horn determined that Flora Street and Riverside Avenue experience such frequent flooding due to high wind tides and limited stormwater infrastructure. The first alternative proposed was the most cost effective; alternative two was similar to alternative one, though it did not fully address stormwater capacity issues. Alternative three was the most long-term solution. Director Boone noted that the full write-up and analysis from Kimley-Horn detailing each alternative had been included as backup to the agenda.

Councilman Caudle referenced a letter he and members of City staff had received from a concerned citizen, Mr. Bunn. Councilman Caudle asked what the size of the drainage pipe in now was. Director Boone said it was reported preliminarily that the pipe was 10 inch, but as that was not a common size, she believed it may be 12-inch. She noted that this pipe was always inundated with water, so it was difficult to get information on it. Councilman Caudle asked if it was possible to replace this pipe with something larger. Director Boone said that was on the table, but it was very difficult to tell what was stormwater runoff and what was the river backing up. She noted that if it was a 12-inch pipe, that might be enough to sufficiently handle that area. Councilman Caudle said he believed it was only stormwater runoff and not the river because he lived in the area and had seen it happen. He said the area used to drain much faster than it does now. He asked if there was something that could be done to keep the catch basins cleaned out so the water could have a chance to drain more easily. He noted that Mr. Bunn's letter stated that his house had flooded and it was coming from the street. He said he was concerned because this street was one that many people used heavily. Director Boone reiterated that these two locations were difficult to clean out because they were always flooded. She said when she put the device on them, they were simply sucking up the river and making no progress.

Mayor Pro Tem Walton said he remembered at one time the water on Shepard Street was dissipating quicker than it is now. He asked if it was due to an animal getting in somehow. Director Boone mentioned that a muskrat or something similar had chewed a hole in the check valve, which caused the problem. Mayor Pro Tem Walton asked if it was an expensive piece of equipment. Director Boone said it was about \$2,500 and had only lasted six months. She said staff is proposing putting the check valves back in place with screens in front to prevent animals from getting in. Mayor Pro Tem Walton asked the price of this. Director Boone responded that alternative one would be \$8,200 at each location, although it may be slightly deeper at Shepard Street because a dive team would not be required there.

Mayor Parker said she appreciated the work staff was doing to rectify the problem. Mayor Pro Tem asked if the funding for this would come from the stormwater fund. Director Boone confirmed that it would. She said she required nothing from the Council at this time, as she had previously been told by former City Manager Olson to move forward with alternative one. She noted it would be back before the Council for further discussion in the future.

#### **4. Presentation – Crosswalk for Senior Center;**

Interim City Manager Buffaloe stated that this was an update on the crosswalk that was previously discussed. He recognized Interim Parks and Recreation Director Bobbi White and Assistant Manager Angela Judge for comments. Assistant Manager Angela Judge

said this was an information update, but staff would be seeking Council's guidance for how to proceed. She noted the new Senior Center opened successfully in March, prior to closing due to the pandemic. She said the City had every intention of installing a crosswalk, but had no luck getting grant funding or had been able to identify funding in the budget. She said the County had urged the City to find funding because they found it a necessity. In February, 2020, County Manager Sparty Hammett raised additional concerns from the Commissioners that repainting the existing crosswalks would not be enough; it needed to be raised with lighted crossing, as initially suggested. She stated that if the City was to move forward, direction from the Council to hire an engineer would be absolutely necessary.

Interim Parks and Recreation Director Bobbi White stated she met with County Manager Hammett in July to discuss his questions and concerns about the center. Mayor Pro Tem Walton asked how many elevations in the road were discussed. Director White said there were four or five, with pilings coming through the road, as well as numerous driveways and power lines. She said there was quite a bit of work that would need to be done before a mid-block crosswalk could be put in. She noted there was already a crosswalk at Poindexter, as well as one on Water Street, and the mid-block would go as near to the public parking as possible. She noted "the best crosswalks we have are already there, they just need lighting and signage." Mayor Pro Tem Walton asked why we'd need an engineer to look at the project. Interim Director White said that all three of the companies who looked at the project were hesitant to approach it due to the many difficulties facing it, and they did not want their names associated with something that might make a situation worse or better. Mayor Pro Tem Walton asked if the Commissioners had the same information the Council did; Interim Director White confirmed that they did.

Councilwoman Young said she understood contractors not wanting to work without an engineer because they didn't want their livelihoods potentially damaged. She noted that the City had an engineer in Director Boone, who had also said the project should not move forward.

Councilman Caudle asked if sections of the street would need to be dug out before a crosswalk was installed. Interim Director White confirmed that would be the case, particularly due to the standing water on Church.

Councilman Ruffieux asked if the County Commissioners felt so strongly that the crosswalk had been in place, why hadn't staff spoken with them? Interim Director White said the same memorandum the Council had was given to the County Manager, but she did not know if he had passed it onto the Commissioners. Councilman Caudle asked if had to be raised, if it couldn't just be painted and lighted? Interim Director White said the County Manager had told her the County would not be satisfied with that, that the crosswalk should be raised. Assistant Manager Judge said she didn't believe they had drawn a line in the sand, but that they were very determined to have the crosswalk as described. She stated that if the Council would like staff to meet with County members, they would be willing to do that if the Council agreed to spending the additional time and money to approach the subject.

Councilman Brooks said he had the opportunity to speak with the County Manager, who said he wanted the crosswalk raised was due to the traffic flow and the number of pedestrians, as it would slow down the traffic.

Councilman Ruffieux asked if staff could sit down at the table with the County to further discuss the matter. Mayor Parker said she believed that's what staff was asking for, Council directive to meet with the County. Interim City Manager Buffaloe added that staff could also meet with technical staff as well. Assistant Manager Judge said she received confirmation from the County Manager, and that he was agreeable to further conversations. Mayor Pro Tem Walton asked if there was a time period when the Senior Center was expected to be reopened; Mrs. Judge replied that she believed October 1<sup>st</sup> would be the earliest.

Councilwoman Young urged staff to meet with the County prior to getting an engineer involved. Mayor Pro Tem Walton stated that he'd like this meeting to occur prior to the next Council meeting. Mayor Parker agreed that it should be done as expeditiously as possible.

## 5. Consideration / Discussion – Fire Station Improvements;

Fire Chief Chris Carver greeted the Council and presented his concerns of fire personnel about the safety of Fire Station II. He explained that on several occasions, due to shootings in the nearby area, bullets have penetrated the walls of Fire Station II and become lodged inside of the premises. He said that although the damage was minor and no one was injured, and in spite of the fact that the incidents appeared random, he was concerned about the safety of his personnel staying in the station. He said he did not have actual cost estimates currently, but he was expecting them to be in the \$25,000 to \$30,000 range. Chief Carver advised the Council that this station was built as a temporary station in 1997 following station one's condemnation. This station was meant to house four or five firefighters, and currently housed eight or nine. He pointed out that the station had to be evacuated in any storm category one or higher. Chief Carver said there was an area north of Knobbs Creek identified for a permanent site, but the Council was not interested in pursuing that option at the time. He said he would like to have a "hardening" of the living quarters for more sturdy walls to prevent projectiles from entering the station. He noted that no money was in the budget for this project.

Councilwoman Young said she was on Council and she remembered the fire station was supposed to be temporary and could not believe that personnel were still having to operate out of it. She said she could not imagine having to sleep in the station and having to worry about projectiles and bullets. She said the number one priority should be the safety of the firefighters in that station and would like to see the statistics and monetary impacts.

Councilman Spence asked if there was a moisture barrier that could be put in the walls, because he thought that was necessary. Chief Carver agreed and said that it had been discussed in the past.

Councilman Caudle said he remembered a previous memo on this item and thought it was moving at a faster pace. He encouraged both staff and the Council to make this a priority and get this taken care of quickly.

Chief Carver noted that cameras had been installed and the ECPD had offered their support with putting a car outside the location for extra security. Mayor Pro Tem Walton asked if the shots occurred at night. Chief Carver responded that they did happen at night, but were not discovered until the following morning because the firefighters had been dispatched to a call.

**Motion was made by Councilwoman Jeannie Young, seconded by Councilman Kem Spence to bring the process for hardening of the fire station, with any additional information, costs and budget amendments to be brought back to the Council. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, and Caudle. Against: None. Motion carried.**

## 6. Consideration – Call for a Public Hearing – TA 02-20 – Effects of 160-D on Unified Development Ordinance;

Community Development Carter Thompson explained that the new North Carolina State Statute, Chapter 160D consolidates both current city and county-enabling State Statutes of Chapters 153A and 160A. She said that due to COVID-19, the date that the new laws must be conformed to by no later than August 1, 2020. She noted that for the City to be in compliance with the new statute, staff recommended that all conditional use permits be stricken from the UDO, and that any uses that require a conditional use permits would become special use permits. These special use permits require Technical Review Committee approval, review and recommendation by the Planning Commission, and final action at the Board of Adjustment. She said that in order to move forward with this, the Council would need to call for and hold a public hearing; and following that, the City would be compliant far ahead of schedule.

Mayor Pro Tem Walton asked what the whole Text Amendment was going towards. Director Thompson said previously the County and City regulations were contained in two different chapters, and 160D would serve to consolidate those chapters. She stated the only thing staff needed to do to be compliant would be get rid of the conditional use

permits and make them all special use permits. Mayor Pro Tem Walton asked if the Council had input on conditional use permits. Director Thompson confirmed that this change would remove control from the City Council and final determination would be made by the Board of Adjustment. She noted that if the Council had a problem with the new process, staff certainly had time to bring it back at a later time after further investigation.

**Motion was made by Mayor Pro Tem Johnnie Walton, seconded by Councilman Michael Brooks to table this item until a new option that involved the Council could be brought back. Those voting in favor of the motion were: Spence, Ruffieux, Brooks, Walton, Young, Horton, and Caudle. Against: None.**

## **7. Committee Reports:**

- a) **EC-PC Economic Development Commission: Councilman Adkins, Councilman Caudle, Mayor Parker** – Councilman Caudle reported the ECPCEDC met the prior Wednesday, but did not have a quorum.
- b) **Central Communications Advisory Board: Councilman Brooks** – Did not meet.
- c) **Fireman's Relief Fund Board: Councilman Adkins, Councilman Spence** – Did not meet.
- d) **NC Eastern Municipal Power Agency: City Manager Olson and Mayor Parker** – Mayor Parker stated that she was not sure if former City Manager Olson had met, but a report was not provided.
- e) **Elizabeth City Downtown, Inc.: Councilwoman Young** – Councilwoman Young said ECDI did meet, but she was unable to attend due to a medical emergency.
- f) **Elizabeth City Area Chamber of Commerce Board: Mayor Parker** – Mayor Parker stated they had not met.
- g) **Finance Committee: Mayor Parker, Mayor Pro Tem Walton, Councilman Caudle, Councilwoman Young, Councilman Brooks, Councilman Adkins, Councilman Ruffieux, Councilman Horton, Councilman Spence** – Mayor Parker stated the Finance Committee was not meeting due to the pandemic.
- h) **Parks and Recreation Advisory Board: Mayor Pro Tem Walton** – Mayor Pro Tem Walton stated they had not met.
- i) **Storm Water Advisory Board: Councilman Spence, Councilman Ruffieux and Councilman Horton** – Councilman Ruffieux advised the Board met on July 28<sup>th</sup> and discussed several projects, as well as the viability of the Board.
- j) **Tourism Development Authority: Mayor Pro Tem Walton** – Mayor Pro Tem Walton said they met virtually and applied for a \$20,000 grant for COVID funding.
- k) **Community Relations Commission: Councilman Brooks** – Councilman Brooks said they had not met.
- l) **Airport Authority: Councilman Caudle** – Councilman Caudle said the Authority met on July 22<sup>nd</sup> with their new manager, Scott Hinton.
- m) **Albemarle RPO Transportation Advisory Committee – Councilman Ruffieux** – Councilman Ruffieux said the Committee met via Zoom and discussed updates with COVID-19 and its impact.

## **8. Adjournment:**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 6:47 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk, NCCMC