

**City Council Work Session  
September 27, 2021**

The City Council of the City of Elizabeth City met in work session on Monday, September, 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  
Mayor Pro Tem Johnnie Walton  
Councilman Billy Caudle  
Councilman Kem Spence  
Councilman Chris Ruffieux  
Councilwoman Jeannie Young

MEMBERS ABSENT: Councilman Michael Brooks  
Councilman Darius Horton  
Councilman Gabriel Adkins

OTHERS PRESENT: Interim City Manager Eddie Buffaloe  
City Attorney Bill Morgan  
Interim Finance Director Alicia Steward  
Deputy Chief of Police James Avens  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Parks and Recreation Director Sean Clark  
Grants Administrator Jon Hawley  
Community Development Director Kellen Long  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
IT Director Matthew Simpson  
IT Systems Analyst Pedro Holley II  
City Clerk April Onley

Mayor Parker called the Work Session to order at 5:30 p.m. She recognized Councilman Spence to provide the invocation, after which everyone joined for the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

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

**2. Statement of Disclosure:**

The City Clerk read the statement of disclosure. No conflict of interests regarding items on the presented agenda were made.

**3. Presentation – Redistricting Update – Poyner Spruill;**

Director Long introduced Attorney Tara Bright of Poyner Spruill. Attorney Bright advised that Council that they have been officially engaged and she was present to give a general overview on the guiding principles for redistricting. The initial deadline is November 17<sup>th</sup>, but a request can be put it to have that extended to December 17<sup>th</sup> if necessary. With that in mind, tonight's presentation was for establishing the timeline and scheduling. October 11<sup>th</sup> would be slated for a public hearing and adoption of the guiding principles. October 25<sup>th</sup> would be for LRS consultants to present two to three alternative plans based on those principles, followed by a public hearing on plans. November 8<sup>th</sup> would be for the adoption of resolution formally redefining the electoral wards.

She explained that the guiding principles or criteria are instructions to the demographer. They guide them on how to draw the maps. Some of them are legally required and some are optional. What is important to Elizabeth City and its residents? What should we know about Elizabeth City? The contract provides that the City will be supplied with two to three alternative plans from the consultants. Legally required principles include the constitutional requirement of one person, one vote, and that every ward's total population should be within plus or minus 5% of the ideal ward size. Also, minority voting strength should not be diluted, but race should not unnecessarily predominate. The population is 18,631. The ideal ward size is 4,658 and the permissible range would be 4,425 to 4,891. Ward 1 sits at 4,833, which is +75 from ideal ward size. Ward 2 is at 5,552; +894 from the permissible range. Ward 3 is at 4,685; +27 from ideal ward size. Ward 4 is -1097 from the ideal ward size. Based on this information, there are two wards that need redistricting, Ward 2 and Ward 4. The two wards that are outside of the permissible range don't touch one another, so you can't just take from one and give to the other. It will require the entire city to be redrawn.

Attorney Bright illustrated the optional guiding principles: In order to minimize voter confusion, wards could retain their current configuration to the extent possible, which is called core configuration. Alternatively, the existing ward lines could not be considered except to the extent legally required, which is called blank slate. You could also decide to follow natural boundaries and physical features, such as roads or waterways to the extent possible. Or you could use precincts as building blocks for the wards, to the extent possible. You can also avoid pairing incumbents who are not already paired in the same ward; recognize and respect neighborhood boundaries; consider areas of potential future population growth; decide that wards should be reasonably compact to the extent possible; and recognize and respect communities of interest to be defined by the Council with public input.

She explained that the Council could decide if they wanted to receive public hearing on everything or go ahead and take some things off the table now that they knew the definitely were not interested in. Councilman Ruffieux asked what was considered a precinct since our city had wards. Mr. Gilkeson explained that precincts would be determined by the Board of Elections and he wasn't sure if they were the same as wards or if some wards were composed of multiple precincts. Councilwoman Young said she was for taking all of the options to the public hearing because she felt that it was a lot of good information and she wouldn't want to have to make a decision tonight. Attorney Bright said that would be fine if that was the pleasure of the Council.

Mayor Pro Tem Walton asked why there might be a reason for avoiding pairing incumbents? Attorney Bright replied that was something that was solely preferential. She noted that their company did not have any stake in the game on what was decided. Mr. Gilkeson pointed out that the way the Council is elected now, there were two councilors chosen from each ward. Councilman Caudle said he'd like to hear the public's comments on everything as well, particularly around growth and future growth in Ward 2, which should be taken into consideration as he felt there were many housing developments that could pop up in the next 10 years. Councilwoman Young agreed that Ward 2 was growing quickly.

**Motion was made by Councilwoman Jeannie Young to call for a public hearing for October 11<sup>th</sup> at 7:00 p.m. to be held in Council Chambers to gather public input on the redistricting guidelines. The motion was seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young and Caudle. Against: None. Motion carried.**

Director Long said she felt it was important to establish a committee to provide overview on redistricting now that the official dates were established. The committee could review the maps and make a general recommendation and meet one or two times. She noted that the timeline is very tight overall. Back in 2011, the mayor had appointed an advisory committee and she'd like to know if it was something they were interested in doing this time around. Councilwoman Young believed that was a good idea and allowed for another level of transparency. Director Long stated that four people on the committee would be councilors and maybe four would be community members, plus one member of the NAACP.

Councilman Spence asked if a committee was even necessary? Director Long replied that last time we'd had a redistricting, the process was staff-led, so it was much different. The timeline is so much tighter this time around. She noted that we can stick to the skeleton schedule; the committee is just an option. It does not have to happen. The committee itself would be completely staff-led. The recommendations from the committee would be presented to the full body and the public. Mayor Pro Tem Walton said he thought we should wait on establishing a committee because the more people who got involved, the more political the process would get. If we had to have a committee, we should do so after the public hearing. Councilman Caudle offered that they could go ahead and think of names of people who might be interested in participating so they could already have that information together if it came down to it. Director Long reiterated that we'd need everything by the 25<sup>th</sup>, so keep in mind it would be a very fast turnaround.

Mayor Parker said it sounded like a good idea to her if one councilor from each ward served on the committee and then other councilor could be responsible for picking a citizen from that ward who would serve. Councilman Ruffieux asked what the deliverables from the committee would be. Would they be the guiding principles? Director Long responded that it would, although it was not something that was required for them to do.

#### **4. Update / Consideration – Raw Water Reservoir Resolution for Additional Funding;**

Grants Administrator Jon Hawley briefly reminded the Council of the Raw Water Reservoir Rehabilitation Project, which had been underway for some time. The City needed to establish a floating ball cover over the reservoir to discourage contaminants and water fowl to satisfy the state's requirements. Staff applied to NCDEQ for a loan package, and was successful in getting just over \$1 million in loan assistance. Of that amount, about \$800,000 was loan forgiveness. When the project was bid out, the lowest bidder came in at \$1.6 million, which was EnviroTech, who was subsequently awarded the project. When they got to work and we started getting a full tally of the project cost, construction and engineering went closer to \$1.8 million. Unfortunately, when the liner was pulled off the reservoir, it appeared to be in much worse condition than expected and even more work was deemed to be necessary. The project engineer and the state have advised that we can apply for another drinking water loan to help with this large increase in the total cost. The route being recommended is to submit a second loan request to try to get more principal forgiveness so the City would hopefully have to repay as little as possible overall.

Mayor Pro Tem Walton asked if this project was a necessity. Mr. Hawley confirmed that it was. In order to put the reservoir back into service, we absolutely have to do this. We do have a secondary reservoir, but it is only about a few hundred thousand gallons compared to the multi-million transmissions that the primary reservoir holds. If there was a disruption in water transmission, having the primary reservoir back on line would be extremely important. Mayor Pro Tem Walton asked how much the second loan request was expected to be. Mr. Hawley said the entire project cost exceeds \$2.2 million. Right now, we have about \$1 million, and we're seeking about \$1.3 million to account for additional changes or gaps. Mayor Pro Tem Walton asked if Mr. Hawley believed we might have a good chance of getting this approved. Mr. Hawley replied that so far, the state had scored this project well, so he was hopeful, but it was competitive. Mayor Pro Tem Walton asked what we would do if we did not receive the funding package. Mr. Hawley noted that we do have a possible plan B, which would be increasing the first loan and taking it back to the LGC, but the problem with that would not allow us loan forgiveness or grant money access.

**Motion was made by Councilman Billy Caudle to submit the secondary loan application and adopt the raw water reservoir resolution, seconded by Councilman Kem Spence. Those voting in favor of the motion were: Spence, Ruffieux, Walton, Young and Caudle. Against: None. Motion carried.**

#### **RESOLUTION# 2021-9-04 Resolution for Raw Water Rehabilitation**

**WHEREAS**, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project); and

**WHEREAS**, the City of Elizabeth City has need for and intends to construct a drinking water treatment works project described as the Raw Water Reservoir Rehabilitation; and

**WHEREAS**, the City of Elizabeth City intends to request state loan assistance, including principal forgiveness, for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY:**

- That the City of Elizabeth City, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.
- That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
- That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Elizabeth City to make scheduled repayment of the loan, to withhold from the City of Elizabeth City any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
- That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.
- That Bettie J. Parker, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.
- That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
- That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

**ADOPTED** this the 27<sup>th</sup> day of September, 2021, at 306 E. Colonial Ave., Elizabeth City, North Carolina.

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Bettie J. Parker  
Mayor

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April D. Onley, NCCMC  
City Clerk

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Elizabeth City does hereby certify: That the above/attached resolution is a true and correct copy of the

resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Elizabeth City City Council, duly held on the 27<sup>th</sup> day of September, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, 2021.

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(Signature of Recording Officer)

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(Title of Recording Officer)

## 5. Update – Code Enforcement Information;

Mayor Pro Tem Walton pointed out that the councilor who'd asked for this item was not present. He wondered if they should table it until a later time? Councilman Spence stated that it was just an informational piece and they didn't need to make any actual decisions. Manager Buffaloe noted that staff did a great job compiling this information and he just wanted everyone to know that they'd been hard at work on it. He mentioned that it was somewhat hard for the City to secure vendors to cut 12-inch grass, which is what our current code required to begin the process of citation because it was so rough on their equipment. Director Long stated that she'd been having discussions with Manager Buffaloe about potential text amendments to the code of ordinances because as it was set right now, it did not allow the City to move very quickly to address problems. When they can't cite grass until it's already 12 inches high, and then they have to wait after that before actual action can be taken, it can get to be quite an eyesore. They fall behind before they can even get started.

Mayor Parker clarified that the process couldn't start until the grass was 12 inches. Manager Buffaloe said that was correct. Mayor Parker asked what happened after that point. What was the actual process? Director Long said that a code enforcement officer would send a certified and first class letter to the property owner by mail. They can't count Sundays, but they're given five days to cut the grass themselves. If they do not cut it, then staff will send a memo to one of the contractors that the City works with to request that they put it on their list to cut. She explained that often there are quite a few lots that the City has to cite, particularly in the summer months, so it may take the contractors several days to get through all of them. The City actually gives the contractors two weeks to get through the list that we've delivered because it may often take that long. Mayor Parker asked who pays for the contractors to cut the grass. Director Long said that the City pays for it, but will bill the property owner in question. If it's not paid, it will go as a lien against the property.

## 6. Committee Reports:

- a) **EC-PC Economic Development Commission: Councilman Caudle, Mayor Parker** –Mayor Parker stated that she'd been unable to meet with the Commission due to prior commitments. Councilman Caudle said they'd had a brief meeting the previous Wednesday.
- b) **Central Communications Advisory Board: Councilman Brooks** –. Councilman Brooks was not present to provide a report.
- c) **Fireman's Relief Fund Board: Councilman Spence** –. Councilman Spence had nothing to report.
- d) **NC Eastern Municipal Power Agency: Mayor Parker-** Mayor Parker had nothing to report.
- e) **Elizabeth City Downtown, Inc.: Councilwoman Young** – Councilwoman Young had nothing to report.
- f) **Elizabeth City Area Chamber of Commerce Board: Mayor Parker** – Mayor Parker stated that she'd been unable to attend the most recent meeting.
- g) **Parks and Recreation Advisory Board: Mayor Pro Tem Walton** –Mayor Pro Tem Walton advised that the board had not met.
- h) **Storm Water Advisory Board: Councilman Spence, Councilman Ruffieux and Councilman Horton** –Councilman Spence said the board did not meet.
- i) **Tourism Development Authority: Mayor Pro Tem Walton** –Mayor Pro Tem Walton shared that during the last TDA meeting, they'd received a presentation and update on the African American Experience.
- j) **Community Relations Commission: Councilwoman Young** –Councilwoman Young had nothing to report.

- k) **Airport Authority: Councilman Caudle** –Councilman Caudle said they’d discussed a few upcoming projects during their last meeting. They also requested that he pass on their thanks to the Council for the vehicle donation.
- l) **Albemarle RPO Transportation Advisory Committee – Councilman Ruffieux-**  
Councilman Ruffieux said the committee did not meet.

**7. Adjournment:**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 6:36 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk, NCCMC