

MONDAY-7:00 P.M.

JANUARY 9, 2012

CITY COUNCIL

The City Council of the City of Elizabeth City held its first meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding. Those members attending were: Mayor Pro Tem L. A. Hummer, Councilors J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, K. K. Spence, J. A. Stimatz and J. B. Walton. City Staff attending was: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Inspections Director S. E. Ward, Parks and Recreation Director B. V. White, Finance Director S. E. Blanchard, Public Utilities Director P. A. Fredette and Electric Director K. F. Clow.

Mayor J. W. Peel established a quorum was present and called the meeting to order at 7:00 p.m. He called upon Reverend Michael E. Brooks for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor Peel called for approval of the prepared agenda.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman K. K. Spence to approve the agenda as presented. Those voting in favor of the motion were: Hummer, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Stimatz and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Mayor Peel called for comments from the public.

City Clerk Pierce-Tamplen advised that we have one individual to sign up to speak. She called Ms. Los Phares, Lot 13, 1403 River Road, Elizabeth City to the podium.

Ms. Phares spoke regarding issues she has involving Earth 383 Comics & Games owned by Duff Franco. The owner does not provide heating or cooling in the building. Her concern is he says it is too expensive to heat the place. Also, he

does not provide adequate supplies for the bathroom. She will keep coming back before Council until something is addressed. Something needs to be done.

3} ELECTION OF THE MAYOR PRO TEM:

Mayor Peel called for the pleasure of Council regarding the position of Mayor Pro Tem.

Councilman M. E. Brooks nominated Councilman J. B. Walton as Mayor Pro Tem. Councilman K. K. Spence seconded the nomination.

Councilwoman J. M. Baker nominated Councilwoman L. M. Hill-Lawrence as Mayor Pro Tem. Councilman J. A. Stimatz seconded the nomination.

Mayor Peel called for a vote on the nomination of Councilman J. B. Walton.

Roll Call Vote for nomination of Johnnie B. Walton as Mayor Pro Tem:

<i>Brooks</i>	<i>yes</i>
<i>Stimatz</i>	<i>No</i>
<i>Hill-Lawrence</i>	<i>No</i>
<i>Hummer</i>	<i>Yes</i>
<i>Walton</i>	<i>Yes</i>
<i>Baker</i>	<i>No</i>
<i>Spence</i>	<i>Yes</i>
<i>Donnelly</i>	<i>No</i>

Vote tally: 4-yes and 4-no

Mayor Peel called for a vote on the nomination of Lena M. Hill-Lawrence.

Roll call vote on nomination of Lena M. Hill-Lawrence as Mayor Pro Tem:

<i>Brooks</i>	<i>No</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>
<i>Hummer</i>	<i>No</i>
<i>Walton</i>	<i>No</i>
<i>Baker</i>	<i>Yes</i>
<i>Spence</i>	<i>No</i>

Donnelly **Yes**

Vote tally: 4 yes and 4 no

Councilman R. T. Donnelly asked if he could hear from each individual on why they would like to be the Mayor Pro Tem.

Councilwoman Hill-Lawrence said she will tell you why she thinks she should be it. First of all she attends all of the affairs in the two years she has been on City Council. She has been there because she feels it is her responsibility. She took an oath to represent the City and she is going to do it and she is going to do it well. The second reason is she is available to do it. If she was not going to be available to not be able to do it she would not have run for office. It is an obligation to the people. The people deserves good representation and she thinks being available to do the job that you have been elected to do is representing the people in fairness and honestly.

Councilman Walton said if he had been prepped for this question he probably could give you a long answer. He didn't run for the position but questions like this are usually asked when you are running for a position. The rule of the Council is to nominate who they think would represent them as a Mayor in case something was to happen to the Mayor. He didn't hear anything from the opposing person that says they are qualified. He feels like he should be Mayor Pro Tem because he's qualified to be there. In qualifying it is hard to say why because hopefully Mayor Peel will make all the events. In case he doesn't that is when the Mayor Pro Tem is called upon. If the qualifications are only to attend all the events we probably should get somebody from the Daily Advance to run because he knows they attend all the events. But that is not qualifying you to be a Mayor Pro Tem. The Mayor Pro Tem should be a person that is qualified and have ethics. Being visible is good but sometimes it is also good to be invisible so people could really judge you by what you show.

Councilwoman Hill-Lawrence asked to make a comment in general. What are the qualifications? She hasn't seen any written qualifications in terms of the Mayor Pro Tem's job for the City of Elizabeth City.

Mayor Peel read a paragraph from the City's Rules and Procedures that describes the Mayor Pro Tem's duties.

A motion was made by Councilman R. T. Donnelly that we as a Council select Lena Hill-Lawrence as Mayor Pro Tem for year one and Johnnie Walton for year two. Councilwoman L. M. Hill-Lawrence seconded the motion.

Councilman J. B. Walton said he would like to make a friendly amendment to that motion in that you turn that around Mr. Donnelly because he at least knows what the rules of the Mayor Pro Tem are.

Councilman R. T. Donnelly said he would not accept the friendly amendment.

Councilman M. E. Brooks said we are still running into the same thing. So just call for the question and we will see whether it passes or not.

Councilman Donnelly said he has the right to speak last before we vote. He believes Lena is present at all the events that take place in the City. When he served on the Chamber Board she was always at every event, the ribbon cuttings, the Business After Hours, very active and visible in the community. He thinks visibility is very important. He knows Johnnie is talking about retiring this November and he thinks then he would have more time to be more visible within the community serving as Mayor Pro Tem. Thus his decision to go the way he moved.

Councilman Walton stated you don't know his agenda as he has been to events that he has seen you but he has also been to events that he didn't see you.

Mayor Peel said we have a motion on the floor and he will do a roll call vote.

Roll Call Vote

Brooks	No
Stimatz	Yes
Hill-Lawrence	Yes
Hummer	No
Walton	No
Baker	Yes
Spence	No
Walton	Yes

4 no votes and 4 yes votes.

A motion was made by Councilwoman J. M. Baker that we split the Mayor Pro Tem position to one year each and we decide who goes first by the flip of a coin. Councilman R. T. Donnelly seconded the motion.

Councilman Walton said he doesn't like the fact that the Mayor Pro Tem would be selected on luck. If that is the case then all the seats should be done that way and some of us probably would not be up here. He will go to bat for himself

in one area. In his Ward and we both ran in our Ward, he had 475 votes compared to 295 votes and a person that put their name in the hat at the last minute had 199 votes. His Ward was more satisfied with what he does than what the other two people are capable of doing. The majority of numbers mean something. Right now we are deadlock because we come here with our political agendas already set. We can vote as many times as you want to put it out there. You can put up his character and his ethics against anybody on this Council. He tries to do things on a no nonsense approach that is going to be logic and fair to everybody. You put that on the table and you will only have one coin to flip.

Councilwoman Hill-Lawrence said she thinks that was an awful analysis you just made. The first year that she ran for election she had 400 votes, her first time in public office, so that was an awful analysis. Besides on half the votes you got you cheated to get them.

Mayor Peel called Ms. Hill-Lawrence out of order. He said we don't need to be attacking one another. That is not going to get us anywhere. We need to be talking about the qualifications and why we think you are qualified.

Councilman K. K. Spence said he would like to go ahead and vote on the motion of flipping a coin because we are not going to get anywhere going back and forth on this.

Mayor Peel called for the vote on the motion.

Roll call vote:

<i>Brooks</i>	<i>No</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>
<i>Hummer</i>	<i>No</i>
<i>Walton</i>	<i>No</i>
<i>Baker</i>	<i>Yes</i>
<i>Spence</i>	<i>No</i>
<i>Donnelly</i>	<i>Yes</i>

4 no votes – 4 yes votes

A motion was made by Councilwoman J. M. Baker, seconded by Councilman M. E. Brooks to table action on this item and bring it back at the next meeting.

Councilwoman Baker asked to state that she feels we are going to come up with the same thing at the next meeting, the next meeting and the next meeting and Ms. Hummer is going to be Mayor Pro Tem until somebody misses a meeting which is what happened once before. It is not the way to do it but it is what is going on.

Councilman Donnelly just wanted to check with Ms. Hummer as to whether or not she is interested in continuing to serve.

Ms. Hummer replied as the Mayor has said it is up to the Council to select the Mayor Pro Tem.

Mayor Peel called for a vote on the motion.

Those voting in favor of the motion were: Baker, Brooks, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: Donnelly. Motion carried.

4} CONSENT AGENDA:

Mayor Peel called upon City Manager Olson to read the items listed on the Consent Agenda.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman M. E. Brooks to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Hummer, Brooks, Baker, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

Consent Agenda:

a} Approved the Minutes of the December 12, 2011 (a) and December 12, 2011 (b) minutes as presented.

b} Authorized the execution of Municipal Agreement Project #B-4922 for Church Street Extended bridge construction (WBS Elements: 40177.3.1) contingent upon NCDOT providing a utility agreement which allows the City to pay for the cost of the utility relocation over a three year period with 0% interest.

c} Awarded bid for carpet for City Hall to Mill-End Carpet Shop in the amount of \$11,440.00 and approved the following budget amendment.

BUDGET AMENDMENT

NUMBER 2012-01
JANUARY 9, 2012

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 the fiscal year ending June 20, 3012:

SECTION I. That the Building Improvements Fund Balance Appropriated (533990.0000) and Transfer to General Fund (536600.0000) be increased by \$11,441. That the General Fund Transfer from Capital Reserve Fund (103970.5100) and Buildings Capital Outlay Improvement (105000.7300) be increased by \$11,441.

(To record carpet installation.)

ADOPTED, this 9th day of January 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Approved awarding the bid for the Knobbs Creek Recreation Center air conditioning unit to Doug Williams/Rick Gilbert in the amount of \$78,621.38; and award the bid for the insulation to Keane Insulation in the amount of \$26,738.

e} Approved Elizabeth City Fire Department performing live burn training at 108 E. Ward Street.

f} Called for a public hearing to be held on Monday, January 23, 2012 at 7:15 p.m. in the City Council Chambers of the Municipal Administration Building to notify the citizens regarding the City's intention to apply for a CDBG Infrastructure Grant for South Road Street (\$750,000), a CDBG NC Catalyst Grant (\$500,000) for public facility improvements and/or slum and blight removal and an infrastructure hook-up grant for a few houses on Fifth Street developed by a non-profit organization (\$75,000).

g} Authorized the execution of a Municipal Agreement for Project #B-4599 (WBS Elements: 3379.3.1) (Knobbs Creek Bridge Replacement) contingent upon

NCDOT providing a utility agreement, which allows the City to pay for the cost of utility relocation over a three year period at 0% interest.

End of Consent Agenda

5} PUBLIC HEARING:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated the previous Council held a public hearing on this proposed land use plan on November 28, 2011. At that particular time, the Council requested that the staff go ahead and submit it to CAMA. We subsequently sent a draft to CAMA and they have asked that additional changes are made to the document, thus requiring a second public hearing. Those changes have been made to the Joint Land Use Plan both by the City and the County. The changes deal with some areas along the Halstead Connector defining jurisdiction issues. Also, there are some minor changes to the density and intensity in several of our zoned districts. There are no other major changes to the documents.

Mayor Peel declared the meeting into public hearing. Since there was no one who wished to speak for or against the proposed Land Use Plan, Mayor Peel declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to adopt the following Resolution adopting the Joint Land Use Plan as presented by staff to include the minor corrections as stated. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

RESOLUTION #2012-01 CITY OF ELIZABETH CITY PASQUOTANK-ELIZABETH CITY CAMA CORE LAND USE PLAN

WHEREAS, the Joint Pasquotank County-Elizabeth City CAMA Advanced Core Land Use Plan was financed in part through a grant provided by the North Carolina Coastal Management Program through funds provided by the Coast Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration; and

WHEREAS, from January 2003 through December 2009, the City drafted a Land Use Plan with the assistance of its consultant The Wooten Company, Inc., and conducted a series of public workshops and meetings as part of a

comprehensive public participation program under the leadership of the Joint CAMA Land Use Plan Committee; and

WHEREAS, at a duly advertised Regular Meeting on Monday, January 9, 2012 the City Council of Elizabeth City, North Carolina held a public hearing on the draft Joint CAMA Advanced Core Land Use Plan; and

WHEREAS, at the Regular Meeting on Monday, January 9, 2012, the City Council of Elizabeth City, North Carolina found the policies in the draft Joint CAMA Advanced Core Land Use Plan to be internally consistent; and

WHEREAS, at the Regular Meeting on Monday, January 9, 2012, the City Council of Elizabeth City, North Carolina found the policies and Future Land Use Map in the draft Joint CAMA Advanced Core Land Use Plan to be consistent with the City's desired vision for the future and unanimously approved to adopt the draft Joint CAMA Advanced Core Land Use Plan; and

WHEREAS, the adopted Plan will be submitted as required by state law to the Elizabeth City/Northeast District Planner for the Division of Coastal Management under the North Carolina Department of Environmental and Natural Resources and forwarded to the Coastal Resources Commission; and

WHEREAS, a presentation by the City and County to the Planning and Special Issues (P&SI) committee of the Coastal Resources Commission will be scheduled; and

WHEREAS, the P&SI committee will decide on a recommendation to the Coastal Resource Commission (CRC) at the meeting; and

WHEREAS, the P&SI committee chairman will submit the recommendation to the CRC and the CRC will then vote on certification of the Joint CAMA Advanced Core Land Use Plan; and

WHEREAS, a certified Pasquotank-Elizabeth City CAMA Core Land Use Plan will be forwarded to the Office of Ocean and Coastal Resource Management (OCRM) for federal approval.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Elizabeth City, North Carolina, has unanimously adopted the draft Pasquotank County-Elizabeth City CAMA Advanced Core Land Use Plan; and

BE IT FURTHER RESOLVED that the City Manager of the City of Elizabeth City is hereby authorized to submit the adopted Pasquotank County-Elizabeth City CAMA Advanced Core Land Use Plan to the State for certification as described above.

ADOPTED, this 9th day of January 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

6} REGULAR AGENDA:

a} Team Building Exercise:

Mayor Peel stated he sat and watch Council for a number of months before taking office. He heard Mayor McLean on several occasions apologize for being a numbers guy. Mr. Brooks more than once has told him he is a preacher and not a politician. Tonight, he is asking that you bare with him a little because he is more of a teacher than a politician. He thought as we begin our time together that it might be good to reflect on a few things. He would like to share some things that he has thought about recently. At our meeting in December Mayor McLean and Council members King and Meggs had the opportunity to talk about their ideas and thoughts as they left. Basically what they were talking about was what their legacy was. Mayor McLean talked about a number of things that have been accomplished. He thinks as we are sitting here tonight it is probably not a bad idea to ask ourselves and begin to reflect on the question of what will our legacy be? One thing he has wondered since he has been elected is why people voted for him. He briefly went over an article that was distributed by the Municipal Research and Service Center out of Washington, DC.

He has asked Ms. White to hold out a basket with stones in it and he will asked each of your to take a stone from the basket, but first he would like to make a few comments about each of you.

Mr. Donnelly, he wants to share with you what he thinks you can contribute to the City Council Team. You have a strong background in business and a good sense of the needs of this business community. You have a strong counseling background. It makes you a compromiser. You have served in many capacities

throughout this community and know it well such as being the President of the Chamber. You like people and you are passionate about the downtown area.

Mr. Spence, you have a strong background in the Criminal Justice System. You are a good listener and a good communicator. One of the things he learned about you the other evening is you have a deep caring for your Ward and for the people that live in that Ward. You are a peace maker. You hopefully will bring some fresh eyes especially from the respect to your age group.

Ms. Lawrence, you are a community builder. You are very visible in the community. You are a strong supporter of the Community Watch Program. You bring knowledge and experiences from the business world and from a vast experience outside this community.

Ms. Baker, you come to the board with a business background. You are very knowledgeable of many aspects of this town. It is found that you have a great volunteer history with the ECHNA Group and you also have strong interest in developing the tourism and downtown area and you have been on City Council for a long time and bring that wealth of experience and background.

Ms. Hummer, you are one of our historians. You have served in a variety of roles that others have not like working with the Finance Committee. You have very strong community relationships within your Ward. You are one of the real old timers in that you have not only served on this Council for a while but you are in touch with a group of people in this community because of your long history and the fact that you grew up here. He has found you to be very honest and straight forward.

Mr. Stimatz, you are our details guy--our process guy. You are the one at one time or other we will probably all are going to hate because you keep us on the straight and narrow. We need you because you are going to make sure that we not only do it but that we do it correctly. You are going to hold our feet to the fire. You do your homework and you ask great questions and he thinks your strong military background is important given the kind of community that we live in.

Mr. Brooks, we depend on you to never forget the little guy. You have a lot of passion about this city and its people. You are forgiving. He doesn't believe that you carry a grudge. You are very focused on the infrastructure repair, especially in your Ward and your area. You have a strong military sense and background respective as well.

Mr. Walton, you care deeply about the children in this community and providing services to them. You are connected to the University. He thinks you believe

strongly in the sense of fair play and the level of playing field. You too on many occasions have been the historian for this group by recalling things that have happened in the past and in making sure we got things straight. We are going to rely on you as well as some others to make sure we don't fall in the same ditch twice. He thinks you understand the importance of building and having a team with your athletic background and those kinds of experiences.

Mr. Peel stated each of you has a stone that represents all that he thinks you have to offer and contribute to this Council. As he sees it there are three things that you can do with your stones. One is you can hold them and not share them. Secondly, you can throw your stones at one another on occasion. The third thing you can do is put your stone back in the basket and together we can build a better city.

Councilman Walton stated the biggest thing in teamwork is practice. We can talk until the crows come home. Right now as a team member on this team he is hurt because he was assaulted as being a cheater and he knows he is not that. He hopes our new Mayor will take us to a place that we haven't been because up to this time people are on teams but it is still four to four. Unless we change our attitude we won't get any better and will be the same as we have always been.

All members of Council put their stones back in the basket.

Mayor Peel went through a team building exercise with members of Council and staff.

b} Committee Appointments:

Mayor Peel stated that after talking with Ms. Felton and the past members of the Personnel Committee he was recommending that we disband it.

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to disband the Personnel Committee. Those voting in favor of the motion were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

Mayor Peel presented the following appointments:

1} Albemarle Economic Development Commission: Mayor Pro Tem Hummer, Councilwoman Baker and Councilwoman Hill-Lawrence, Mayor Peel as Ad Hoc Member.

2} Central Communications Advisory Board: Councilman Walton.

- 3} Fireman's Relief Fund Board: Councilman Kem Spence.
- 4} Joint Land Use Plan Committee: Councilman Stimatz.
- 5} NC Eastern Municipal Power Agency: Mayor Peel.
- 6} Solid Waste Committee: Councilman Ken Spence.
- 7} Elizabeth City Downtown, Inc.: Councilman Donnelly.
- 8} Elizabeth City Chamber of Commerce Board: Mayor Peel.
- 9} Finance Committee: Mayor Pro Tem Hummer, Councilman Donnelly, Councilwoman Hill-Lawrence and Mayor Peel.
- 10} Parks and Recreation Advisory Commission: Councilman Walton.
- 11} Alleyway Committee: Mayor Pro Tem Hummer, Councilwoman Baker, Councilman Brooks and Councilwoman Hill-Lawrence.
- 12} Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz to fill unexpired term ending June, 2012.
- 13} Storm Water Drainage Task Force: Councilman Stimatz, Councilman Donnelly
- 14} NCDOT CTP Commission: Ms. Betty S. Meggs

Mayor Peel stated that since we have so many appointments he is requesting that we suspend the rules and only use one roll call vote on this item.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to suspend the rules in accordance with 18b and allow for a single roll call vote on all of the above appointments. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to accept the above appointments for a term ending December 8, 2013 excluding the Airport Authority which Councilman Stimatz is being appointed to fill the

unexpired term ending June 30, 2012 and the Tourism Development Authority which present term ends June 30, 2013.

Roll Call Vote:

Brooks Yes
Stimatz Yes
Hill-Lawrence Yes
Hummer Yes
Walton Yes
Baker Yes
Spence Yes
Donnelly Yes

Motion carried with 8 yes voted and 0 no voted.

c} 2012 Council Meeting Schedule:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson went over the propose calendar for the schedule of meetings dates for 2012.

A motion was made by Councilman J. B. Walton, seconded by Mayor Pro Tem L. A. Hummer to approve the following Schedule of Council Meetings for 2012. Those voting in favor of the motion were: Walton, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Stimatz. Against: None. Motion carried.

**CITY OF ELIZABETH CITY
CITY COUNCIL
2012 CALENDAR**

MONTH	FIRST REGULAR CITY COUNCIL MEETING OF THE MONTH	SECOND REGULAR CITY COUNCIL MEETING OF THE MONTH	JOINT CITY COUNTY MEETING
January	9th	23rd	30th
February	13th	27th	
March	12th	26th	
April	9th	23rd	30th

May	14th	29th Tuesday	
June	11th	25th	
July	NONE	23rd	30th
August	13th	27th	
September	10th	24th	
October	8th	24th Wednesday	29th
November	13th Tuesday	26th	
December	10th	NONE	

***Regular City Council Meeting to begin at 7:00 p.m.**

****Work Session will begin at 5:30 p.m. prior to Second Regular City Council Meeting**

*****Fifth Monday is Joint City/County Joint Meeting**

d} Council Retreat:

Mayor Peel stated that the Council Retreat has been schedule for February 3-4, 2012 which is a Friday and Saturday. We originally scheduled the start at 1:00 p.m. on Friday but we got an email today from the Institute of Government suggesting that we go from 3:00 to 8:00 on Friday. Then we start at 8:30 a.m. on Saturday to 2:00 p.m.

Mr. Olson said that there is a planning committee meeting tomorrow at 1:00 p.m. Those people that you have asked to sit on that committee will attend this meeting tomorrow. We will be going over the content of the retreat as well as the times.

A motion was made by Councilman J. B. Walton to accept the retreat dates and times as presented. Mayor Pro Tem L. A. Hummer seconded the motion. Those voting in favor of the motion were: Walton, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Stimatz. Against: None. Motion carried.

e} iPads for Council Meetings:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated that City staff is requesting that this body consider migrating to a paperless agenda. This is something that staff has been looking into for the few years. The City uses roughly 6700 sheets of paper and it takes 80 hours to assemble the packets and distribute them to Council. Our hard costs associated with the finish packets is \$2913. Our soft costs are \$4460 and of course we provide each member of Council with a fax machine and the dedicated lines that costs \$3251. Our total costs associated with distributing the packages and providing information to the City Council is \$10,630.48. What staff is proposing is that we go ahead and issue each member of Council an iPad. It is what most communities are migrating toward. The reasons why is because the ease of use, the definition of items you distribute, the maps, the drawings, pictures can be blown up and scaled to whatever you so desire. The cost of the iPads and the software that would be utilized by the Council is \$5940. That is a one time cost. We would see a savings of over \$15,000 over a two year period. The iPads would be purchased by the City and would be distributed to each member of the City Council. We would provide a training session. He showed a very short video that was done by the City of Williamsburg which is an excellent tool that shows you how to use the iPad in addition we did start last Friday putting the entire agenda on the Web site. That allows for transparency so our individual citizens can open it up and look at all non confidential agenda items of what staff provides to City Council. Since Friday on that particular site we had 27 hits as of this morning. It is a very cost effective way to distribute the items to City Council. Right now, Hampton, Norfolk, Williamsburg and numerous other communities in our general area utilize this process. Staff would like for Council to give us a favorable consideration to this process. We would have training session with each member of Council. We will do both hard copies and the iPad copies until everyone is comfortable with the program. The iPads would be the property of the City and as such, will have a fixed asset tag placed on each unit.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. T. Donnelly to authorize staff to move forward with the procurement of iPads and a paperless agenda and to produce the two side by side until Council is comfortable with the new technology. Those voting in favor of the motion were: Baker, Donnelly, Brooks, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

f} Fish Court Update:

Mayor Peel called upon City Attorney Morgan for an update on the Fish Courts.

Mr. Morgan stated he sent a memo to Council and he will not repeat what was in that memo. In his opinion it would be prudent for us to continue to try to locate any officers or other individuals who may be affiliated or know someone who is affiliated with this organization that owns this property and perhaps we can move toward acquiring ownership or another long term lease. Nothing has been filed by this group with the Secretary of State for ten plus years but under State law, non-profit corporations remain in existence until they are disbanded. This could go on indefinitely.

Ms. Lawrence said she has some minor details. Since we have started talking about this she has conducted some research and has found the people who know these people who were the originators on this particular deed. She knows these people herself. Some of them are dead but family members are still here in the area. The Hill is her family. She knows the children of these people. She has an appointment with Ms. Viola Hoffman who was a member of this organization. She will keep Mr. Morgan informed of any information she receives.

g} Bridge Loan to Boys and Girls Club:

Mayor Peel stated we have received a letter from the Boys and Girls Club asking the City to provide a \$25,000 Bridge Loan so that they can stay in business until the end of June of this year. They have their property for sale on Ehringhaus Street and at the time that is sold the City would be reimbursed for this money. They have no operating funds so if they are not able to secure this Bridge Loan they will have to close their doors. They still are pursuing getting a loan from the National Organization but as of today that doesn't look very promising. We are currently serving 70+ children there. They have also expressed interest in moving from the Hugh Cale Center at the end of the year and transition to Elizabeth City Middle School. We are asking that you allow the Attorney to negotiate with them and secure the loan for this amount.

Mr. Stimatz asked if they have approached the County with this proposal. What if the property doesn't sell?

Mr. Morgan said what you typically see in a transaction like this is a provision in the Promissory Note that requires that the monies be paid upon closing or by set date, whichever happens first. If they are not in a position to acquire the loan through conventional financing sources the repayment possibilities are not too good. That is a concern. He would not recommend that we make the loan without getting a deed of trust on the property.

The Council then discussed the pros and cons of making this Bridge Loan.

A motion was made by Councilman J. B. Walton, seconded by Councilman R. T. Donnelly to loan them \$5,000 until our next City Council meeting whereby we would determine which way to proceed.

Councilman Walton said he feels that we should sit down with all the stakeholders and work out the details. We may not have to loan the full \$25,000. Others might step up and contribute some funds.

Councilman Stimatz stated it is his understanding that there are not other stakeholders. It is between the Boys and Girls Club and the City. We would have the first lien.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to amend the motion by changing the amount of \$5,000 to \$25,000 to minimize our risk and further to authorize the City Attorney to draw up the agreement that will reduce our risk and to sit down with the parties to see if they are amenable. Those voting on the amended motion were: Stimatz, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to end debate on the original motion and proceed to take a vote on the motion as amended. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to authorize a \$25,000 Bridge Loan to the Elizabeth City Boys and Girls Club, Inc.; and further to instruct the City Attorney to draw up the agreement. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

h} Hayes Iron and Metal:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated we did perform three composite sites using a Virginia Testing Lab. Those results are included in your agenda package. There was some heavy metal concentration. There were no VOC's. We have forwarded the results on to DENR and they sent an email back to us late this afternoon saying, after reviewing the data included stated they are within acceptable health base soil remediation goals. All three samples exceed the levels for unrestricted use of the soil for total arsenic and mercury. Two samples exceed the levels for unrestricted use of cadmium. That to him means that DENR does have some concerns. They have asked us some questions and staff is working on those answers. The fence is up around the active site of Hays Iron and Metal pursuant to an earlier deadline we had given to them.

7} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

City Manager Olson asked to remind everyone that we do have the Martin Luther King celebration this coming Monday. The route because of the construction downtown, the march area has been changed. They are marching from the Little Library on ECSU campus to the auditorium at Sheep Harney. There is also a breakfast starting at eight o'clock this coming Monday. We do have tickets in his office if you want to attend that breakfast.

Councilman Brooks said he wanted to thank everybody for the out pouring of love for the Walker family whose home burned in the Third Ward. A child lost its life in that fire. He asks that you continue to show your love and support by continuing to give because it is a pain that stays around and doesn't leave in a week. He doesn't know the whereabouts of the children, mother or grandmother.

Councilman Stimatz said that Michael reminded him that we are a community of giving and outreach in the community and he has had reasons to reflect on that recently. That is one of the things that he likes about Elizabeth City. Michael is right we need to keep being those people that look out for each other because it goes a long way. Happy New Year! It is a new year and he wishes everybody the best in all success.

Councilwoman Hill-Lawrence said she wants to piggy back on what has already been said and we want to certainly remember the hungry and give to those shelters that need food and clothing. There is a clothing situation now that one of the homeless shelters is giving away clothes so we hope that you would encourage people to go down to Tony Rice's place and pick up some really nice things. She has been there and looked around. And, to support the poor in our community because we have a lot of poor among us. This year she is not looking to the right, she is not looking to the left; she is staying focus on what she has to do so everybody stay out of her way.

Mayor Pro Tem Hummer said she would like to thank the Mayor for his team building efforts tonight which began with individual interviews over the past couple of months. You certainly done a lot of research in our backgrounds and you have paid attention to our concerns and suggestions. You are certainly adept at assessing each one of us in which areas of city government we would work best in. She would also like to thank Councilman Stimatz for meeting with her last Friday which was very beneficial to both of us and the Second Ward.

Councilman Walton stated when you have team building skills it is good. Practice is the most important. Ms. Hill-Lawrence he did vote for you that first year himself. He does expect an apology.

Ms. Hill-Lawrence apologized to Councilman Walton.

Councilwoman Baker stated she wanted to say that it was a very good meeting. Welcome to the Mayor and the two new council people. She thinks it was a good start. Good luck to Councilman Donnelly and Rich's wife in their upcoming surgery.

Councilman Spence stated he did want to piggyback on what Councilman Brooks was saying about the family in the Third Ward. The mother and the children are staying with their grandmother. The grandmother is staying with her daughter. There is still going to be hard times for them and losing a love one is hard. They are going to need your prayers. He thinks some local churches are working together with tearing the house down for them. Also, as the Mayor said about him he is a peace maker. He doesn't like confusion and he is not on one side or the other on Council as he is for what is right. He wants to get all the Council together to meet and greet besides business and debating. Let's meet each other as individuals. He thinks once we get to meet each other as individuals we will learn to appreciate each other more as men and women or human beings instead of councilmen or politicians.

Councilman Donnelly stated that he was hoping that the retreat will help bring some of that out for us. Happy New Year of course and being his really first formal meeting he wants to thank the entire Council, the Mayor especially for that team building exercise. We seem to be working toward team building and he thinks there is a sincere effort on everybody's part but at the same time we have got to get over that hump on the Mayor Pro Tem. But, he would like to commend one of our downtown businesses for everything they have done in the past and that is the City's Wine Cellar. Debbie Malifant and her staff worked hard in the community for over eight years through building a nice little comfortable hangout for music, conversation, for a lot of pleasant activities and to Debbie and her staff he would like to say thank you.

Mayor Peel stated that he would like to thank Ms. Tamplen, Ms. White, Mr. Olson, Mr. Morgan and all city council members for helping to make his transition to this role fairly easy. He still has a lot to learn, but he is a quick study. He really appreciates your honesty and forthrightness as he thinks that is a real important key as we work together. He would like to echo what Mr. Donnelly said about the City Wine Cellar closing.

8} CLOSED SESSION:

Mayor Peel entertained a motion to retire into Closed Session.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to retire into Closed Session for consideration of acquisition of properties as per NCGS 143-318.11(a) (5) and consideration of Closed Session Minutes as per NCGS 143-318.10 (e). Those voting in favor of the motion were: Hummer, Baker, Brook, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting into Closed Session.

9} RETURN FROM CLOSED SESSION:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz to return to regular session. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting back into full session.

10} ITEMS FROM CLOSED SESSION:

a} Acquisition of Property:

Mayor Peel called for a motion regarding the acquisition of property as discussed in Closed Session.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to authorize City Staff to offer College of the Albemarle \$250,000 for property as discussed in Closed Session. Those voting in favor of the motion were: Stimatz,

Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

b} Approve Closed Session Minutes:

Mayor Peel called for a motion to approve the Closed Session Minutes as presented in Closed Session.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman M. E. Brooks to approve the Closed Session minutes as presented in Closed Session. Those voting in favor of the motion were: Hummer, Brooks, Baker, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

11} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel entertained a motion for adjournment.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adjourn the meeting. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Mayor Peel adjourned the meeting at 10:07 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor