

**City Council Regular Session
July 14, 2014**

The City Council of the City of Elizabeth City met in regular session on Monday, July 14, 2014 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Pro Tem Anita Hummer
Councilwoman Jean Baker
Councilman Ray Donnelly
Councilman Tony Stimatz
Councilman Michael Brooks
Councilman Darius Horton
Councilman Montravias King

MEMBERS ABSENT: Mayor Joe Peel (*Excused absence-on vacation*)
Councilman Kem Spence (*Excused absence-family medical*)

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Chief of Police Eddie Buffaloe
Electric Department Superintendent Karl Clow
Assistant to the City Manager Angela Cole
ECDI Director Rebecca Cross
Public Utilities Director Paul Fredette
Deputy Fire Chief Dale Smith
Inspections Director Stanley Ward
Parks and Recreation Director Bobbi White
City Clerk Vivian White

The City Council regular session was called to order by Mayor Pro Tem Anita Hummer at 7:00 p.m. Mayor Pro Tem Hummer welcomed everyone to the meeting and recognized Rev. Tim Stallings to give the invocation, after which all in attendance recited the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Pro Tem Hummer called for any adjustments to and approval of the agenda.

No agenda adjustments were requested.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Darius Horton, to approve the agenda as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

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. Comments from the Public:

Johnnie Walton, 401 New York Avenue, Elizabeth City NC requested that the Council place the public comment period provided during Council meetings at a later time on the agenda to allow citizens to comment on items discussed during each meeting. He also requested that the City Council support the continuation of the STEM program at River Road Middle School at the high school level by placing a STEM program at Northeastern High School.

Bill Hiemer, 107 Osprey Cove, Elizabeth City, NC stated that he had a very productive email dialog with Mayor Pro Tem Hummer regarding the \$200,000 budget surprise for police salaries in the recently concluded fiscal year. He stated that he appreciated her rapid and thoughtful response and hoped that measures would be taken to prevent a similar occurrence in the future. He said that the surprise was out of character for the professional City staff. He expressed that he thought the police salary money was well spent in that the Police Department has had a substantial impact on crime in the City.

4. Approval of Minutes:

- a. City Council Work Session May 27, 2014:

Motion was made by Councilwoman Jean Baker, seconded by Councilman Montravias King, to approve the minutes of the City Council Work Session of May 27, 2014. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

- b. City Council Regular Session May 27, 2014 (Amended):

Motion was made by Councilwoman Jean Baker, seconded by Councilman Montravias King, to approve the amended minutes of the May 27, 2014 Regular Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

- c. City Council Work Session June 23, 2014:

Motion was made by Councilman Darius Horton, seconded by Councilwoman Jean Baker, to approve the minutes of the June 23, 2014 Work Session. Those voting in favor were: Baker, Donnelly, Hummer,

Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

d. City Council Regular Session June 23, 2014:

Motion was made by Councilman Montravias King, seconded by Councilman Darius Horton, to approve the minutes of the June 23, 2014 Regular Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

e. City Council Special Meeting June 30, 2014:

Motion was made by Councilwoman Jean Baker, seconded by Councilman Montravias King, to approve the minutes of the June 30, 2014 Special Meeting. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

5. Consent Agenda:

Mayor Pro Tem Hummer recognized City Manager Olson to detail the items presented on the Consent Agenda. Mr. Olson read all items for the record and recommended approval, as follows:

Beginning of Consent Agenda:

- a. Consideration – Authorization for City staff to proceed with the Community Support Grant application process for Fiscal Year 2014-2015 as presented;
- b. Consideration – Adoption of Budget Amendments to appropriate additional funds to the Fairgrounds Project and to record Electric Department salary adjustments, as follows;

BUDGET AMENDMENTS

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2015:

SECTION I. That the General Fund Balance Appropriated (103990.0000) and Fairgrounds Project (106600.7315) be increased by \$544.29.

(To appropriate additional funds to Fairgrounds Project. Initial number provided by County was incorrect.)

SECTION II. That the Electric Fund Retained Earnings Appropriated (303990.0000) be increased by \$64,395, the Electric Distribution Salaries (308300.0200) be increased by \$53,446, and Load Management Salaries (308400.0200) be increased by \$10,949.

(To record Electric Department salary adjustments.)

Joseph W. Peel
Mayor

Vivian D. White, NCCMC
City Clerk

- c. Consideration – Authorize the City Manager to enter into a contract for the design, fabrication and installation of a Hydrated Lime Preparation and High Density Lime Slurry Feed System at the City’s Water Treatment Plant with Chemco Systems, L.P. for \$379,973.00; and further that Options 1 through 4 as offered by Chemco be included as part of the Lime Feed System for a total contract award of \$427,400.00;
(Clerk notation: This award resulted from a second bid opening with only one bid received.)
- d. Consideration - Approve for execution the Agreement between the City and DRS governing payment of the lease claw-back provision, as presented.

End of Consent Agenda.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Montravias King, to approve the Consent Agenda as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

6. Regular Agenda:

- a. Consideration – Appointments to Stormwater Advisory Board:

Councilman Horton inquired if there had been an advertisement to solicit citizens interested in serving on the Stormwater Advisory Board. The City Clerk responded that there was no advertisement and that the names presented for consideration by the Council were Mayor Peel’s recommendations.

The two citizens presented for consideration of appointment to the Stormwater Advisory Board were as follows:

1. Oscar O. Etheridge representing the Third Ward.

Mayor Pro Tem Hummer conducted a roll call vote on the appointment of Oscar O. Etheridge to the Stormwater Advisory Board. The roll call vote is recorded as follows:

Councilman Brooks – Yes
Councilman Stimatz – Yes
Councilman Horton – Yes
Mayor Pro Tem Hummer – Yes
Councilman King – Yes
Councilwoman Baker – Yes
Councilman Donnelly – Yes

Mayor Pro Tem Hummer announced that the appointment was approved.

2. Jacqueline S. Latson representing the Fourth Ward.

Mayor Pro Tem Hummer conducted a roll call vote on the appointment of Jacqueline S. Latson to the Stormwater Advisory Board. The roll call vote is recorded as follows:

Councilman Brooks – Yes
Councilman Stimatz – Yes
Councilman Horton – No
Mayor Pro Tem Hummer – Yes
Councilman King – Yes
Councilwoman Baker – Yes
Councilman Donnelly – Yes

Mayor Pro Tem Hummer announced that the appointment was approved.

- b. Discussion/Consideration – Formalization of Stormwater Advisory Board Membership and Term Limits.

Mayor Pro Tem Hummer recognized City Clerk White for an overview of this consideration.

Ms. White stated that during the City Council meeting held on December 13, 2010, Mayor Roger McLean recommended the creation of a Stormwater Advisory Task Force to look at issues caused by flooding in our community. She said that Mayor McLean recommended that the Task Force consist of three City Councilors and a citizen from each Ward and made appointments under that premise. Ms. White reported that at the

conclusion of their review work, the Stormwater Task Force presented their final report to the City Council during the November 14, 2011 City Council meeting with one of the recommendations of the Task Force being to establish a Storm Water Advisory Board. She advised that the motion to accept the Task Force final report passed unanimously, thus creating the Stormwater Advisory Board; however, the actual membership make-up of the board and term limits of its members was not established. Since that time, the Board has continued to operate based on the Stormwater Task Force make-up with three Council members and a citizen representative from each Ward. Ms. White advised that staff is seeking direction from the City Council regarding whether the Stormwater Advisory Board membership and term limits should be provided for through a new section in the Stormwater Management Utility Ordinance, and suggested that if that is the Council's desire, staff will draft a proposed amendment to the Stormwater Utility Ordinance for review during the August 11, 2014 meeting. She stated that at that time, the Council could call for a public hearing to be held during the August 25, 2014 meeting to adopt the ordinance amendment.

Councilman Stimatz commented that it would be his suggestion that staggered terms be established to provide for Board continuity because the issues faced by the Board are very complex. He stated that the current First Ward and Second Ward representatives could be re-appointed to serve a one-year term, after which their replacements would serve two year terms. He said that the newly appointed representatives of the Third and Fourth Wards could be designated to serve two year terms. He expressed that it would be particularly important when the outreach effort, which is required by the federal stormwater regulations, is begun to have representation from all four wards.

Councilman Donnelly stated that with all the water flowing through Elizabeth City, it is important that the Stormwater Management Ordinance be well-defined and implemented. He said that he thought it was critical to bring this issue forward and have a public hearing.

Councilwoman Baker pointed out that some guidelines for the Board should be established within the ordinance amendment.

Mayor Pro Tem Hummer asked if a motion was needed in order to move the matter forward. Mr. Olson stated that staff only needed the general consensus of the Council, which had been provided, in order to bring the matter back for consideration during the August 11, 2014 meeting.

c. Consideration – Adoption of Budget Amendment for Fiscal year 2014-2015 for Stormwater Utility Fund Projects:

Mayor Pro Tem Hummer recognized City Manager Olson for a review of this request. Mr. Olson stated that the City Council had placed \$233,311 in a contingency line item for the Stormwater Utility Fund for fiscal year 2014-2015, primarily in anticipation of the Stormwater Advisory Board providing a list of projects recommended for funding. He stated that the Board's funding priorities totaled \$310,000. Mr. Olson reported that staff

had prepared a budget amendment based on the amount of funds available and the projects recommended for funding, and needed the Council to move the money through the budget amendment process to specific projects or accounting categories.

Mr. Olson stated that the Finance Committee discussed this matter during their meeting of July 10, 2014 and recommended placement of the request on the Council's regular agenda in order to receive Councilman Stimatz' feedback, since he is chairman of the Stormwater Advisory Board.

Councilman Stimatz pointed out that the Board did not ask for more than the available funding, because they considered the line item holdover amount in the Board's discussions of projects. He said that he wanted to note that in addition to the Halstead Boulevard Master Plan, there are a number of items that need to be done within the stormwater system, such as completion of the mapping and an alert system. He stated that one of the issues that the Board has discussed is the discovery that the City is not capturing changes with properties that would increase their stormwater utility assessment. An example he provided is a commercial property enlarging its parking lot. He indicated that the process to capture this information would take coordinated planning among departments but would result in increased funding. He suggested that staff should come back with another budget amendment for the left-over funding in order to do the additional projects needed.

Councilman Stimatz announced that the Fairgrounds project is almost complete; and has already had a significant impact in improving stormwater run-off problems on the west end toward Hughes Boulevard. He reported that the Tiber Creek Project had been moved up in importance by the Advisory Board because the large culvert running from the waterfront to Road Street has silted in two to three feet, meaning there is less retention capacity for taking water off the streets. He stated the project was the number one priority because of its potential major impact for hundreds of citizens and businesses. He reported that cleaning out the culvert is only Phase I, with Phase II being the installation of larger pumps at some time in the future.

Mayor Pro Tem Hummer called for the Council's pleasure regarding the budget amendment.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to adopt the following Budget Amendment for Fiscal Year 2014-2015 Stormwater Utility Fund projects, as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

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 the fiscal year ending June 30, 2015:

SECTION I. That the Stormwater Tiber Creek Phase I (348500.7305) be increased by \$150,000, Fairgrounds Project (348500.7304) be increased by \$30,000, Halstead Boulevard Overlay District Master Drainage Plan (348500.7308) be increased by \$53,311 and the Contingency (348500.6000) be decreased by \$233,311.

(To appropriate funds for Stormwater Projects.)

Joseph W. Peel
Mayor

Vivian D. White, NCCMC
City Clerk

d. Discussion – Disclosure Forms and Rules of Procedure for Members of Appointed Boards and Committees:

Mayor Pro Tem Hummer recognized City Attorney Bill Morgan for his comments on this matter.

Mr. Morgan stated that the City Council recently revised its Rules of Procedure to require that all City employees complete an annual disclosure form just as City Councilors and Department Heads have previously completed for years. He said that it was his opinion that the Council should now consider requiring appointed members of the Historic Preservation Commission (HPC), Planning Commission and Board of Zoning Adjustments (BZA) to also complete an annual disclosure. He explained that both the HPC and BZA are quasi-judicial boards that render important land use decisions. He advised that, although the Planning Commission only makes recommendations to the City Council, their recommendations are relied upon by the Council in zoning matters and other real-estate matters involving potentially large sums of money.

With regard to a disclosure requirement for volunteer board members, Mr. Morgan expressed that “it is a fine line between asking someone to do what’s right and asking someone who’s volunteering his or her time to do something that is burdensome.”

In addition, Mr. Morgan stated that he thought it would also be a good idea to require the various boards and commissions to adopt some sort of Rules of Procedure to govern the operation of their meetings. He expressed that, while the City should probably not impose the Council’s rules upon the various boards, he thought the City should require some sort of established guidelines and procedures for conducting their meetings. He stated that he had asked staff to gather any current procedures for boards that do exist for his review. He suggested that during the August work session, the Council could review the current rules and decide where to go from that point.

Councilman Stimatz thanked Mr. Morgan for closing the “loop” on this issue. He stated that as he understood the discussion, staff would come back during the August work session with additional information. He commented that the Council’s rules were based on Fleming Bell’s book Suggested Rules of Procedure for City Councils; and if an issue is not covered, the fallback is Roberts Rules of Order. Councilman Stimatz pointed out that there is a book, also written by Fleming Bell, entitled Suggested Rules of Procedure for Small Local Government Boards. He stated that he would have no problem directing the various groups to create their own rules using that publication as a template.

Mr. Morgan stated that both the HPC and BZA are “creatures of statute” and have very specific requirements.

Councilman Stimatz stated that it was his understanding that a recommendation would be brought back regarding requiring completion of a disclosure form by board members; and offered that the question of rules preparation should include Fleming Bell’s book on that subject. He said he thought it would help all citizens, whether appearing before a board or serving on a board, for the Council to provide general rules to follow.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to have staff come back to the August Work Session with a recommendation regarding both the disclosure form being used by all members of these three boards and any other board they think may be appropriate; and to have some suggested alternatives for the Council to direct boards to follow in terms of standard rules of procedure. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

e. Discussion/Consideration – Downtown Improvement Grants for FY 2014-2015

Mayor Pro Tem Hummer recognized City Manager Olson to provide the details of this item.

Mr. Olson reported that during the fiscal year 2014-2015 budget process, the Council funded the Downtown Improvement Grant (DIG) program in the amount of \$80,000. He reminded the Council that during the March 24, 2014 City Council meeting, the Council approved revisions to the guidelines for the DIG program and created a scoring rubric. In addition, he stated that the Council authorized a competitive selection process with applications for the first round of funding due on September 1, 2014. Once the funds for the first round have been approved and awarded, all remaining funds up to \$80,000 will be used to award a second round of funding.

Mr. Olson suggested that, in an effort to address comments made during both the City and County Public Hearings on the Thompson Thrift Project, staff would propose that any unencumbered funds as of March 31, 2015 be opened for City-wide applicants

under the same guidelines and scoring rubric as the DIG program. He suggested that the City would advertise that after March 30, 2015, all remaining funds would be available to be awarded to applicants with qualified projects inside the City's corporate limits, but outside the Downtown District; and a competitive round would be held for those funds. He stated that City staff would utilize the existing rubric to rank these projects and the City Council would award funding up to the amount remaining in the DIG program. He advised that if a qualified application for a business located within the Downtown District is received prior to the Council approving awards for outside applicants, they would receive preferential consideration.

Councilman Donnelly stated that when the Finance Committee discussed this proposal, all members thought it was a great idea to make the money available at a certain point in time to everyone in the City.

Mayor Pro Tem Hummer commented that the program may need some changes in order to do this, since it was originally designed for downtown businesses.

Councilman Donnelly stated that he thought the scoring rubric would take care of a lot of that, but some changes may be needed. He said that staff could bring issues not covered before the Council for the Council's decision.

Councilman Stimatz asked if the priority would be on creating new jobs for applications submitted by businesses outside the central business district, to which Mr. Olson responded that it would. Councilman Stimatz commented that would be good for incubators trying to get started and reiterated that the purpose of the DIG program is to create jobs.

Councilman King stated that he thought it was a good idea for the Council to extend the opportunity to everyone in the City after March 31, 2015.

Hearing no further discussion, Mayor Pro Tem Hummer announced that the Council's consensus was to proceed with the program for fiscal year 2014-2015 as presented by staff.

f. Discussion/Consideration-City Code Carnival Regulations

Mayor Pro Tem Hummer recognized City Manager Olson to introduce this discussion. Mr. Olson stated that Councilman Horton had requested that this matter be considered by the Council.

Mr. Olson said that during the June 23, 2014 Council Meeting, a representative of Southgate Mall requested that the Council review the City's carnival regulation for a possible Code amendment in order to allow carnivals to operate for a period longer than one day. Mr. Olson explained that the one-day Code requirement was the reason staff sought direction from the Council when the Potato Festival organizers requested permission to include mechanical rides for their three-day festival. He stated that it was

staff's opinion that the carnival was an accessory use in that case; and the Council agreed and granted permission for them to operate for three days at that time.

Mr. Olson explained that in addition to Section 14.1 of the City Code, the Unified Development Ordinance also addresses carnivals with regard to zoning districts, design parameters and the like. He stated that staff's research had revealed that most cities only allow carnivals conducted by 501(c)3 organizations as fundraisers for non-profits in the community.

Councilman Horton thanked Mr. Freeman of Southgate Mall for coming to the last City Council meeting to bring this matter to the Council for consideration. He said that he believed there were a lot of "loose ends" that needed to be "tightened up" as to the actual operation of carnivals. He stated that one of the things he constantly hears from citizens is that there is not a lot to do in the City and they have to travel outside the area for entertainment and activities. He said he attended the carnival held at Southgate Mall last year as well as the Potato Festival and found both to be an enjoyable experience. He expressed that he thought it was the Council's responsibility to provide various opportunities for the community to come together and enjoy themselves. He stated that a Code amendment was worth discussing in order to be able to help the business community and provide activities for the citizens.

Mr. Olson stated that the present Code requirement had been on the books for 40-50 years without change; and that is was not uncommon for cities to place restrictions on various activities, such as carnivals, that had a certain "stigma" attached.

Councilwoman Baker stated it was her understanding that in order to secure a "high-end" carnival company; the activity had to run for no less than three days. She pointed out that the carnival conducted during the Potato Festival was professionally managed. She asked if a Special Use Permit could be issued as a temporary measure to "test the waters" without changing the City Code. Mr. Olson replied that a Special Use Permit would require an application to the Board of Adjustment, which requires a rather long, cumbersome process.

Councilwoman Baker said that she had been told by Southgate Mall representatives that most of the profits from last year's carnival had been donated to various non-profits. She stated that she was not opposed to trying to see what could be done to accommodate the request.

Mr. Olson stated that another staff concern was that a carnival would fall under the City's new Special Events Policy, which requires adequate security and adequate restrooms; and staff would handle a carnival as a major event.

Councilman Donnelly asked if there had been problems or issues with the previous carnival at Southgate Mall other than the fact that the length of time was not allowed by ordinance. Mr. Olson responded that nothing had been reported to him.

Councilman Stimatz said that he did not want to get into the carnival business, but he saw great benefit that could come out of it, especially if the activity was somehow tied to a non-profit or public purpose fundraiser. He stated that coming back with an amendment containing verbiage that would limit carnivals to no more than three per year would keep it under control and not open the floodgates with carnivals held “every weekend”.

Mr. Olson stated that staff could have a working draft of an ordinance amendment ready by the August 11 Council meeting for consideration.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, for staff to come back with a draft ordinance at the next City Council meeting that addresses the issues discussed by the Council during the meeting for the Council to look at and make a decision. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and King. Against: None. The motion carried unanimously.

g. Discussion – Overview of Fiscal Year 2014-2015 Tax Notices/Revaluation.

Mayor Pro Tem Hummer called on Mr. Olson for a review of this item. Mr. Olson stated that under the North Carolina Constitution, a revaluation of property is required every eight years. He said that the revaluation process is a function of Pasquotank County and that the City has no input in the process. He reported that the City of Elizabeth City’s assessed valuation in Fiscal Year 2013-2014 was \$1,392,617,665; and that the valuation in Fiscal Year 2014-2015 is \$1,167,854,605, which is a decrease of 19%. This new valuation is the result of a recent revaluation of property.

He stated that the Councilors had received questions from their constituents regarding the recent tax notices mailed by the Pasquotank County Tax Office; and using PowerPoint slides, Mr. Olson provided various valuation scenarios to illustrate the notices residents received due to the recent revaluation of properties.

h. Discussion – Daily Advance Editorial printed on July 10, 2014

Mayor Pro Tem Hummer recognized Mr. Olson to discuss this item. Mr. Olson stated that on July 10, 2014, an editorial appeared in The Daily Advance, which was critical of Chief Buffaloe with regard to the year-end budget amendment for police salaries. Mr. Olson said that he wanted to state for the record that Chief Buffaloe is an excellent Chief and employee and that he was very happy that he had chosen him.

Mr. Olson explained that staff had spent a great deal of time trying to determine what happened to cause the need for the large salary budget amendment. He said that in preparing the budget each year, staff takes the hourly rate of each employee and multiplies it by the number of hours worked; then, applies those totals to every departmental budget. He said that Police Department personnel fall under a special exemption of the Fair Labor Standards Act and can work more than 40 hours in a work

week without receiving overtime. He explained that the City had chosen an 86-hour pay period every two weeks for police officers. He submitted that staff had been able to ascertain that the formula used for Police Department salaries was based on 2080 hours, which is a normal employee working 40 hours per week; but that Police Officers actually work 2184 hours. Therefore, the incorrect formula used in computing Police Department salaries was the root of the problem.

Mr. Olson stated that this issue was not anything that Chief Buffaloe was responsible for; and that he took full responsibility for the problem. He said that staff automatically took the numbers and placed them in the budget and should have fact-checked to see that the number of hours used was the appropriate number of hours for police officers.

Mr. Olson advised that unless the number of hours worked in the Police Department is changed, another budget amendment will be required for the current fiscal year. He said that staff would be working to minimize any adjustment caused by this issue.

Mayor Pro Tem Hummer said that it had been suggested to her that the Council should receive an in-depth budget presentation at least on a quarterly basis; and that she had spoken to Mr. Olson about coming up with something to address this matter for the Council going forward.

7. Comments and Inquiries on Non-Agenda Items:

Councilman Brooks had no comments.

Councilman Stimatz stated that he was out of town during the 4th of July Celebration but did check the webcam to see the crowd gathering for the event. He said he was glad to see that the City celebrated America's birthday; and it is something we should be proud to do every year.

Councilman Horton had no comments.

Mayor Pro Tem Hummer referenced a recent Letter to the Editor that referred to the lack of display of the American flag. She said that she agreed with that and encouraged everyone to fly their flag proudly.

Councilman King thanked the Parks and Recreation Department for doing a fantastic job with the 4th of July Celebration and said that everyone enjoyed the event. He expressed dismay at the closing of the Family Dollar Store on Weeksville Road across from ECSU. He thanked the Southgate Mall representatives for attending the meeting and bringing the carnival issue to the Council's attention.

Councilwoman Baker stated that she personally placed 300 flags for the 4th of July and said that she knew other real estate agents had done the same thing. She encouraged other organizations to join in and blanket the whole City. She thanked the new City Council meeting camera operators, complimented the new equipment and stated that

she thought it was a good investment. She recognized and thanked Firehouse Subs Foundation for the recent grant award for AED units for the Police and Fire Departments.

Councilman Donnelly thanked the Police Department for their fine job in monitoring the restrooms at Mariners' Wharf Park.

8. Closed Session as per NCGS 143.318-11(a)(3) Consultation with City Attorney and NCGS 143-318.10(e) – Approval of Closed Session Minutes:

Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to go into Closed Session as allowed by NCGS §143-318.11(a)(3) – Consultation with Attorney and NCGS 143-318.10(e) – Approval of Closed Session Minutes. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion passed unanimously.

Mayor Pro Tem Hummer declared a five minute recess at 8:21 p.m. after which the Council entered Closed Session.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to come out of Closed Session and return to Open Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion passed unanimously.

Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker to approve the Closed Session Minutes of May 27, 2014 and June 23, 2014 as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion passed unanimously.

9. Adjournment:

There being no further business to be discussed, Mayor Pro Tem Hummer adjourned the meeting at 8:51 p.m.

Anita Hummer
Mayor Pro Tem

Vivian D. White, NCCMC
City Clerk