

MONDAY-7:00 P.M.

SEPTEMBER 12, 2011

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 R. A. McLean presiding. Those counselors attending were: M. E. Brooks, L. M. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. J. M. Baker was absent. City Staff members attending were: City Manager R. C. Olson, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Public Utilities Director P. A. Fredette, Fire Chief L. M. Mackey, Electrical Director K. F. Clow, Finance Director S. E. Blanchard, ECDI Director R. Cross, Human Resource Director K. W. Felton, Police Chief C. E. Crudup and Parks and Recreation Representative H. Barclift.

Mayor McLean established a quorum was present and called the meeting to order at 7:00 p.m. He called upon Hipp Barclift for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Councilman J. A. Stimatz asked to remove ***Item 8-d Award of Community Support Grants from the Consent Agenda and place it for discussion on the Regular Agenda*** and he would like to ***add the salvage yard on Ward Street to the agenda for discussion***. He would also like to ***remove Item 8-h Appointment to the NCDOT CTP Steering Committee to the Regular Agenda*** due to the fact that it requires a roll call vote.

Councilman M. E. Brooks asked to ***remove Item 8-g-1- 1165 US Highway 17 South from the Consent Agenda and place it on the Regular Agenda for discussion***.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Brooks, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Ms. Selma M. White, 108 W. Cypress Street, Elizabeth City addressed City Council regarding the incident that happened during the storm. She asked to set the record straight. She called Councilman Brooks when she was unable to get her electricity turned back on. He helps not only people in his own Ward but the other Wards as well. He addresses people as he is addressed and if at times he comes across a little harsh then you shouldn't address him harshly. As far as the incident that happened she thinks it could have been handled in a better way. She believes the people working for the City do the best that they can. She thinks Mr. Brooks should be given more credit than what he is portrayed in our newspaper.

Ms. June Gibbs, Providence Road, Elizabeth City addressed City Council on behalf of Councilman Brooks. He was her representative until the redistricting took place. There was never a time that she called him that he didn't come. We all know some of us get emotional about things and we have passion. Councilman Brooks has a passion for this City. He is outspoken and some time people dislike you for being outspoken. One thing about Councilman Brooks is he shows his passion outward. If you see that as bullying that is another thing. There are different types of bullies. She can deal with one when she knows where they are coming from. It is not Mike Brooks' way to use profanity.

3} APPROVAL OF THE MINUTES:

a} Special City Council Meeting – August 12, 2011:

Mayor McLean called for action regarding the Special City Council meeting held on August 12, 2011:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B. S. Meggs to approve the minutes of the Special City Council meeting held on August 12, 2011. Those voting in favor of the motion were: Hummer, Meggs, Brooks, Hill-Lawrence, King, Stimatz and Walton. Against: None. Motion carried.

b} Work Session – August 22, 2011:

Mayor McLean called for action regarding the Work Session minutes of the meeting held on August 22, 2011.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the Work Session minutes of the meeting held on August 22, 2011. Those voting in favor of

the motion were: Hummer, King, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

c} Regular City Council Meeting – August 22, 2011:

Mayor McLean called for action regarding the Regular City Council meeting minutes for the August 22, 2011 meeting.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B. S. Meggs to approve the Regular Session minutes of the meeting held on August 22, 2011. Those voting in favor of the motion were: Hummer, Meggs, Brooks, Hill-Lawrence, King, Stimatz and Walton. Against: None. Motion carried.

d} Special City Council Meeting – September 16, 2011:

Mayor McLean called for action regarding the Special City Council meeting held on September 6, 2011.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the September 6, 2011 Special City Council meeting. Those voting in favor of the motion were: Hummer, King, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} PROCLAMATION:

a} College of the Albemarle 50th Anniversary:

Mayor McLean called upon Councilwoman B. S. Meggs to read the proclamation in honor of College of the Albemarle's 50th anniversary. Dr. Kandi Deitemeyer accepted the proclamation and made brief remarks.

b} Constitution Week – September 17-23, 2011:

Mayor McLean called upon Mayor Pro Tem L. A. Hummer to read the proclamation proclaiming September 17-23, 2011 as Constitution Week in Elizabeth City.

5} CONSENT AGENDA:

Mayor McLean called upon City Manager R. C. Olson to read the Consent Agenda.

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

Consent Agenda:

a} Called for a public hearing to be held on Monday, September 26, 2011 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of a Conditional Use Permit (CUP-05-10) for an outdoor firing range for the police department.

b} Approved the following Budget Amendments:

**BUDGET AMENDMENT
NUMBER 2011-14
SEPTEMBER 12, 2011**

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, 2012:

SECTION I. That the Temporary Electric Turn-on Fee (103550.1000) be increased by \$30,000, the Edgewood Park (106200.7300) be decreased by \$25,000 and the Rental Inspection Fees (103580.0000) be decreased by \$55,000.

(To record amendment for rental inspection fee program.)

SECTION II. That the Community Support Grants (106620.6000) be decreased by \$500 and the Elizabeth City Boxing Club (106620.4596) be increased by \$500.

(To record contribution to Elizabeth City Boxing Club.)

ADOPTED, this 12th day of September 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

- c} Awarded Bid for the construction of US Highway 17 South Sidewalk Project to Parks Land Development, Inc., in the amount of \$95,615.00.
- d} Authorized and Executed Franchise Agreement with Waste Industries for a five-year period.
- e} Authorized and executed a drainage easement for a vacant lot on Rivershore Road.
- f} Update on ECSU sidewalk project on Southern Avenue.
- g} Accepted the appointments to the Mayor's Task Force to study alleyways within the City.

End of Consent Agenda

6} PUBLIC HEARINGS:

- a} TX-02-11 – Text Amendment to increase the number of Internet Sweepstakes Cafés terminals from 20-to 40 and to amend shared parking to include any area:

Mayor McLean called upon Planning Director Brooks for comments.

Planning Director J. C. Brooks advised that TA-02-11 is a request by Past Times Sweepstakes to amend Section 11-4.44.1 of the Unified Development Ordinance to increase the number of internet sweepstakes terminals from 20 to 40. Earlier this year Council amended the length of operation hours at the request of the same applicant. During the review process for amending the number of terminals, staff reviewed the current establishments and parking availability. Planning Commission is recommending approval of this request.

Mayor McLean declared the meeting into public hearing.

Ms. June Gibbs, Providence Road, Elizabeth City spoke in favor of the above request. She presented a letter from Linda Gibbs and herself asking Council to vote in favor of this request. She also asked that Council revisited the recently imposed \$500 annual fee for each terminal.

There being no one else who wished to speak for or against the proposed amendment, Mayor McLean declared the public hearing closed.

A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to approve TA-02-11 to increase the number of Internet Sweepstakes Cafés terminals from 20-to 40 and to amend shared parking to include any area. Those voting in favor of the motion were: King, Stimatz, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

b} Adoption of rental housing licensing fee:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that this was a house keeping procedure caused by Senate Bill 683 that went into effect July 1, 2011. This item has been discussed several times by Council. Senate Bill 683 sets the amount that we are allowed to charge for rental inspections. We need to amend the City's fees to reflect the new fees that we are allowed to charge.

Mayor McLean declared the meeting in public hearing. Since there was no one present who wished to speak for or against the proposed inspection fees, Mayor McLean declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to adopt the following ordinance approving the rental housing licensing fee. Those voting in favor of the motion were: Stimatz, King, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

**ORDINANCE # 2011-07
RENTAL HOUSING LICENSING FEE
SEPTEMBER 12, 2011**

WHEREAS, the City Council adopted a Rental Housing Ordinance in 2005 and established a licensing fee of \$25 per unit annually; and

WHEREAS, Senate Bill 683 took affect on July 1, 2011 and limits the amount the City can charge for rental housing licensing fees; and

WHEREAS, the City of Elizabeth City's current rental housing licensing fee schedule is not in compliance with Senate Bill 683.

NOW, THEREFORE, BE IT ORDAINED, that the City of Elizabeth City Council hereby adopts the following rental housing licensing fee schedule, which is chargeable under Senate Bill 683:

- 1} Properties with 20 or more rental units – maximum of \$50
- 2} Properties with fewer than 20, but more than three rental units – maximum of \$25
- 3} Properties with three or fewer rental units – maximum of \$15 per unit.

BE IT FURTHER ORDAINED, that the above reference fee schedule shall become effective immediately upon adoption.

ADOPTED, this 12th day of September 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

7} REGULAR AGENDA:

- a} Community Support Grants:

Mayor McLean called upon Councilman Stimatz for comments.

Councilman Stimatz expressed his concern over a couple of items. He noticed we were giving Girls Inc. a \$1,000 for playground improvements. The objective of the Community Support Grants was to enhance the health and quality of life for our less fortunate citizens and improve the exposure and access for children of arts and science activities and opportunities. He just doesn't know how playground equipment can be reconciled with this item. In his mind if there had been a request for a \$1,000 to buy a weather station and a computer to monitor

it and hook that into a system and study meteorology it would be a no brainer. It would fit right in with the science. If they were going to buy equipment to create their own broadcast/production studio so that they could do radio broadcast or music or stuff like that then that is related to the arts. He just doesn't understand the playground equipment improvements. The other issue he has is the Highway 17 Transportation Association. He didn't see how this fits at all with what we are trying to do. It basically is a non-profit group and it is a lobbying organization. They are working on US 17 but in terms of what the community support grant was supposed to support, it didn't appear there was a deliverable or direct coalition between enhancing the health and quality of life of our less fortunate citizens or improving access to our arts and science. In that one he has a real question about. Other than that he thinks you made two bold statements here. One was supporting Meads Pool and the other funding the Clinic. While that is not technically our domain he thinks we need to help our people at the lowest need levels. The hospital clinic is very much there. The Meads Pool he applauds because we know from the Youth Task Force data that access to aquatic activities was the highest scoring item on the survey that we did.

Councilwoman Meggs said it is a safety issue and if you go over and visit and look at their playground area where the girls are swinging and doing all sorts of activities it is deplorable and they do not have the money to buy new equipment.

Councilman King said he looked at the Girls Club also and he thought the area where the little girls play was in very bad condition.

Councilwoman Hill-Lawrence said she thinks that \$1,000 could be used by the ECSU Music School. They are providing a more dire service for the community than Highway 17 at this particular time. That school is up and running and it is doing extremely well. They are offering scholarships to needed children and she just thinks we need to utilize that \$1,000 in a better capacity.

Mayor McLean suggested that this fee be included in our budget next year as an on going contribution.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. B. Walton to approve the contribution list as proposed by the Finance Committee for the Community Support Grants. Those voting in favor of the motion were: Meggs, Walton, Brooks, Hummer, King, Stimatz and Walton. Against: Hill-Lawrence. Motion carried.

b} 1165 S. Highway 17 South:

Mayor McLean called upon Councilman Brooks for comments.

Councilman Brooks stated he did not want what happened to Oak Grove happen to 1165 S 17. We voted unanimously to fix the drainage problem. That was a directive. According to our ordinance when the Council votes on something unanimously it is up to the City Manager to carry out the directive. It is three months later and nothing has been done. We did get a report saying that they believe that NCDOT would be responsible. He totally disagrees with Mr. Morgan when he said the City has no responsibility in helping take care of the problem. The reason being, we as a Council voted unanimously to do the riffraff at 1165 S. Highway 17. That gives us the responsibility. It should have been done.

Mr. Olson advised NCDOT has said they would be responsible for the repair of the property that has been damaged due to their drainage. DOT has had a surveying crew out there and their plans have been sent to the State Hydrologist and he is in the process of designing the project that needs to be done. Because of Hurricane Irene he has several other things that are more pressing such as Highway 12 in Dare County. The County has authorized us to utilize the cobblestone we are taking up from the Elizabeth Street project.

c} NCDOT CTP Appointment:

Mayor McLean asked for confirmation of Councilwoman Betty Meggs serving on the NCDOT CPT Steering Committee.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to confirm the appointment of Councilwoman B. S. Meggs as a member of the NCDOT CPT Steering Committee.

Roll Call Vote:

<i>Hill-Lawrence</i>	<i>yes</i>
<i>King</i>	<i>yes</i>
<i>Walton</i>	<i>yes</i>
<i>Hummer</i>	<i>yes</i>
<i>Meggs</i>	<i>yes</i>
<i>Stimatz</i>	<i>yes</i>
<i>Brooks</i>	<i>yes</i>

Motion carried with 7 yes vote and 0 no vote.

d} NCLM Voting Delegate and Alternate Voting Delegate:

Mayor McLean stated he would recommend that Councilwoman L. M. Hill-Lawrence serve as our Voting Delegate and Councilman J. A. Stimatz as our Alternate Voting Delegate.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to appoint Councilwoman L. M. Hill-Lawrence as the NCLM Voting Delegate and Councilman J. A. Stimatz as our Alternative Voting Delegate. Those voting in favor of the motion were: Stimatz, Hummer, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

e} Fish Court Park Project:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated that the Parks and Recreation Department staff researched raising the existing basketball court at Dawson Street and Southern Avenue. This neighborhood park is owned by the Negro Woman's Community Club and was leased to the City for \$1.00 per year for 20 years with a renewal option to lease for an additional 10 years. This option has been up for several years now. At this time, no living member of the club can be found. The park has been in a state of disrepair for several years due to tidal flooding and the settling of the basketball court. The Recreation Advisory Board has discussed the renovation of the Fish Courts during several meetings. They have expressed an interest in renovating the neighborhood park. During Hurricane Irene water rose approximately two and a half to three feet at the park. The water was midway the back of the player's benches. With this in mind, staff recommends that the basketball court be relocated to the volleyball courts area at the Dog Corner Park location. This area does not flood and there will be ample parking available. The Fish Court site would be nicely landscaped as an open space park with trees, shrubs, benches for fishing, bird watching and feeding the ducks and geese. The open space concept can be accomplished in-house and should cost no more than \$5,000. We can place the proposed renovation in the 2012-13 recommended budget.

Hipp Barclift stated the Recreation Advisory Board has some reservations about rebuilding the court in a flood zone. They believe the courts can be built on higher ground that does not flood. The Board asked Councilman King to return to Council and ask that the basketball courts be relocated to Dog Corner. Staff does not recommend that the courts be lighted as this is a neighborhood park and play after dark is not desired by the neighbors.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to table action on this item until our

next meeting and direct city staff to develop a concept plan for the Fish Court renovation; movement of courts to Dog Corner and upgrade of Dawson Creek area; and further moved that this be presented to the neighborhood and the result of that along with a clear budget source of funding be identified. Those voting in favor of the motion were: Stimatz, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

f} Salvage Yard:

Mayor McLean called upon Councilman Stimatz for comments.

Councilman Stimatz stated about six or eight weeks ago he spoke to staff about the status of the salvage yard and the fact that they haven't replaced the fence which was required when they were in the larger property. It has been some time now and he asked for a follow-up and he gets a lot of well maybe we can get them to do it. He doesn't know what it is going to take. He is not sure that we can do this but he would love to make a motion to direct staff to investigate a cease and desist order against them until they put the fence up. We made them put it up before when they were on the larger property. We should have automatically required them when they moved to the smaller site to put that fence up. They didn't do it. He is a little perturbed and the neighbors are a little perturbed. How does this Council put a stick of dynamite under staff to get this guy to put the fence up?

Mr. Morgan stated your motion should it be approved to direct staff to investigate the cease and desist order seems to be an appropriate mechanism. He has not investigated that but certainly will be happy to do so.

Mayor Pro Tem Hummer stated she would like to know the status of their proposed move outside the city limits.

Mr. Morgan stated there was one site that was looked at in the County and the County did not rezone that site. He is not aware of there being a second site that is being investigated now.

Mr. Olson stated that we have only been able to identify one area and he doesn't know if there is any property available and that would be along the Knobbs Creek Boulevard. That is zoned I 1 or 2. That is the only area he is aware of that would possibly be utilized for that right now. We do have some property off the railroad track which Council is familiar with that could possibly be used for that purpose.

A motion was made by Councilman J. A. Stimatz to direct staff to expedite the installation of an appropriate required fence around that property in compliance with the Code requirements. Mayor Pro Tem L. A. Hummer seconded the motion. Those voting in favor of the motion were: Stimatz, Hummer, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

g} Issue from the floor:

Mayor McLean called upon City Attorney Morgan for comments.

Mr. Morgan stated he has been handed a note from a citizen that is asking that she be allowed to address the full Council and make three comments that she would like for Council to consider in Closed Session tonight. We do not have a closed session scheduled tonight so he does not believe that is something that we could do at this late junction of the meeting.

8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor Pro Tem Hummer stated we have a major problem in a number of neighborhoods of the City and that is the kind of items that are put out on the curb and how we enforce that and which items we pick up and which items we don't. She knows on a regular trash day which in her neighborhood is Thursday people will wait until after trash day and then they will put everything they want on the curb. Some of it could have been put in their trash cans but then it sits there all weekend, but this goes on all through the City. She knows on Channel 11 we address this somewhat but not everybody has access to Channel 11. Could we possibly put a letter or notice in detail in our electric utility bills and tell people what items the City picks up and what items they don't pick up. Maybe it is time for another clean sweep especially after the storm. They put mattresses and other items of furniture and people come by and pick out what they want and spread it all over and even in the street. It is really an eyesore and dangerous. They even violate the ordinance that we have on construction items. A lot of the time you see items that have been removed from the houses that need to go to the dump. Right now there are items that are being placed in with the limbs and leaves. It makes it hard on our staff. She would also like to point out that the Public Works crews are making their second sweep of picking up limbs and storm debris and can't we convince the County to keep the landfill open later so that we can speed up this process. She knows we are working our crews longer hours. She wants people to know that is why this clean up isn't progressing any faster than it is. She also understands that we are due for some mosquito spraying this week. They will be worst after today's rainfall. Public Works are doing the best they can with the amount of debris on the streets.

Councilwoman Hill-Lawrence reported that on the 28th of this month the Legislative Action Committee which is part of the North Carolina League of Municipalities will be hosting their meeting to put together the agenda for the October meeting. She serves on that committee and they have asked that each person bring five items from their City in terms of the things that we would like for the legislators to be working on and they will be advocating for. Please email them to her so she can take them with her when she goes so that we can ensure that they will be placed on the agenda for action.

Councilman King stated we approved tonight the contract for Southern Avenue but we are missing one small part of that. We can get the sidewalk done but we couldn't get the stamp done because of the cost. It is about \$3,000. We need to come up with the money to do the project proper and without a stamp we really don't have "Viking Way". We need the stamp. He knows it is \$3,000 and that is a lot of money but Rich was saying it is possible that he could talk with someone at Elizabeth City State to partner with us to get the stamp so we can put the stamp in the sidewalk. That is the only way it will be "Viking Way".

A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to instruct the City Manager to find the money to fund the stamp so we can stamp the sidewalk and make the project complete for ECSU's walkway. Those voting in favor of the motion were: King, Stimatz, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

Councilman King said he has one other thing. We know that Veteran's Day is coming up and he knows Ms. Hummer is the chairperson for that so we need to get together to start working on it.

Councilman Walton stated Ms. Hill-Lawrence can put five of his recommendations on your list. Put electric on all five of the slots.

Councilwoman Meggs stated she had the best time yesterday afternoon. She heard the best preaching. This church burned nine months ago. It burned to the ground and its people came that Sunday morning and said what are we going to do. The Reverend said we are going to rebuild and they did it in that length of time. It is a beautiful place and she was proud to be a part of it yesterday. We are so happy that Hipp is on our staff and we feel like we own you too.

Councilman Stimatz stated his interest is in the storm cleanup. There is way too much large debris still on the lawns, in the gutters and along the curbs, blocking streets and sidewalks. There is also a huge amount of grass and leaves in the

gutters themselves. He wouldn't be surprised if a lot of that has found its way into the storm system after the rain this afternoon which will create even more problems. He knows city staff worked hard before the hurricane came but now all we have done is put it there. His concern is this. It has been over ten days since the hurricane came here. We have a contract to have someone come in and help us with the storm damage cleanup. He understands Ms. Hummer's point that it is no good to pick it up if you have nowhere to put it. That is where the County needs to step up to the plate. He has a real problem with going much beyond ten days. It will probably be another week or so he would guess before we get done. It is going to create problems in the storm water system that we are going to have simple rain events and we are going to flood. It is not the good way to go. A lot of people's lawns are going to be damaged, severely because of the huge piles of limbs and leaves because they are being good citizens and they are not putting them in the gutter. They are adhering to the rules and then they put it on their lawn but when they come pick it up there will be a huge hole in their lawn. That is not a good thing. His question is why haven't we got this contracting group in to help city staff get this done quicker?

Mr. Olson replied the amount of debris that we have is too small to activate the contract. We would most likely take bids locally and Council needs to realize that within two weeks we have basically done the first pickup throughout the entire City. Now we are going the second time around and it will probably take us another week to ten days to get the second time around. We have picked up over 1,000 tons of debris. Annually we pick up only 2,000 tons. In two weeks we have picked up what we usually do in half a year. When the storm totals are all in we will probably do in the month what we usually do in one calendar year. He thinks the city crews have done an excellent job and he will be happy to talk with the County to see if they could at least provide additional time at the landfill for us to utilize our crews to work overtime.

Mr. Stimatz said he is not knocking the work that they are doing. The time limit that we are working under is not satisfactory. His thought would be that staff needs to come back with a reasonable time period, ten days, fourteen days that they will have it 90% completed. You go down Cedar or Colonial and there are huge piles still there. His neighbor next door said they are never going to pick it up and he doesn't want his lawn ruin and he put it all on his trailer and kept taking it to the dump. That is not a satisfactory standard of performance. We need to do whatever it takes to get that down to better than ten days. A week and you have started damaging the lawn. Ten days might be reasonable. Come back with something and it takes a special contract with the prisons where we can take the guys out earlier and we start doing the stuff more often. He thinks it is important. He drives all around the city and there is still a lot of stuff out there. Kudos to the crews for working hard and getting what they get but they are only so many people and they can only do so much. He is suggesting that

we need to put more resources on the problem and create a standard whether it is by tonnage or by days it is going to be out there that we are going to stick too.

Councilman Brooks said he wants to address the incident that happened during the hurricane and this will be his last time addressing this. This will be put to rest. He will bury it right now. He would like for Dianne or Ms. White, whoever writes the minutes, he would like for them to write them word for word, verbatim. He does not want them to put them in their words but he wants them just like he said here. "He was amazed that so many, first of all he wants to thank Ms. Selma White for talking about the incident. She was there. He doesn't read blogs, he doesn't read opinions, and he doesn't read editorials. He wants to tell you right now, that he does not do so. If he mentions it that means someone actually told him. He took the time out because he wanted to make sure that he was right. He took the time out over the weekend to read our policy manual from cover to cover and he read as much as our ordinances that needed to be. With that being said, in this harbor of hospitality he wants to say thanks to the Daily Advance for almost making him a celebrity. He has been getting several emails, not just from the people in Elizabeth City. He realizes how far the internet travels. Even his son that is in the military and in Louisiana even talked about the incident that happened in Elizabeth City. He said, "Dad, I don't know who they were talking about. That is not you." But, anyway, he felt good as he had two young people to say, "Councilman Brooks, can I have your autograph." So he felt like a celebrity. So anybody that wants his autograph after this he will be standing at the door and he will give you his autograph. Section 2-21 of our ordinance says, "The city manager shall be appointed by the Council and shall serve at the pleasure of the council." Number one of that says, "Shall see that within the City that the laws of the State and the ordinances, resolutions and regulations of the City are faithfully executed." In light of the allegations made upon him, an elected official by a city employee September 2, 2011, according to the Daily Advance the City Manager Rich Olson said, quote "The action taken by the city employee based on the information I had was appropriate action." Then he goes on to say, "I can't have citizens threatening city employees while doing their job." His question there was how he came up to that conclusion. He didn't talk to me. He took an allegation made by a city employee and tells me it was threatening. Now, he will tell you what our policy says about that. In our Personnel Manual, Page 19 under "Conduct" it says, "An employee is expected to conduct himself properly both on and off the job so as to reflect credit on the City and fellow employees. This includes inefficiency and insubordination. When he first read the article he was under the impression that the city employee didn't say anything. No one said in the paper what the city employee said. It was just like I went out there and started fussing and cursing and doing all that stuff. And he found that very heartbreaking because that defamed his character. I am a licensed and ordained minister. I graduated from

Mid-Atlantic Christian University. One thing I can say to my credit is that I do not use profanity. You have seen me speak aggressively but you have never heard me use profane words. Rich Olson went on to state in the Daily Advance, he said, "he advised the city employee that the complaint could involve a criminal matter and advised the employee to consult with police." In essence, Mr. Olson was practicing law without a license. My question is why he didn't consult with our paid city attorney. On page 79 of our Personnel Manual it clearly states supervisors when notified of an incident shall respond in prompt and effective manner including conducting a complete investigation. On September 7, 2011 a Special Meeting was called by Councilman Walton and myself so Council could get in line with our city ordinance. Under Section 2-115, it says, "The City Council may direct the City Attorney to investigate any apparent violation of this code as it applies to the Mayor, Members of the City Council, City Manager or City Clerk and report the findings of his investigation to the City Council." Now, my problem is why was the policy not followed? Was it because it was Michael Brooks and you tried to find a way to keep him quiet. This is our policy. This is our policy in our Personnel Manual Handbook. If the City Council, then it goes on to say, "If the City Council after receipt of an investigation by the City Attorney has caused to believe a violation has occurred as to the Mayor, City Council members, City Manager or City Clerk, the City Council shall schedule a hearing on the matter. The official who is charged with the violation shall have the right to present evidence, cross examination, witness including the complainant and be represented by counsel at the hearing. What this said is this should not, according to our policy; this should not have gone outside of the City. We have a procedure in place. And, my thing is it had to be politically motivated because here is what our ordinance says. This is our policy. Every Council member has the same policy book that I have and I will continue. I don't have as much to say as you think I do. Not only was there not an investigation, neither the Chief of Police, who the City Manager advised the city employee to go through, neither the Chief of Police nor the City Manager nor anyone else asked me about the incident. No one asked me. The last thing I know is they just took what the employee said and ran with it. The last thing I knew everyone knew everything about everything that wasn't even there. But I will continue. I am going to address it. I am only calling names of council people and the city manager because they said this at the Daily Advance. They said this to the Daily Advance so it is public. Those who did not attend the Special Meeting failed their duties according to Section 2-115, a clear violation of our ordinance and our Personnel Policy Manual. Although they couldn't or didn't attend the Special Meeting, some on Council had a lot to say about it. On the same day, the 7th of September 2011, Councilman Stimatz, quote, "Mr. Brooks' behavior in his capacity as a council person has put this city at risk for a lawsuit." Mr. Stimatz has never talked to me prior to the allegations. He jumped on the bandwagon assuming that the employee was correct in his allegations. And he came to the wrong conclusion all by himself. If he had attended the Special

Meeting he would have heard the truth and could have been part of a meaningful conclusion. My question to Tony is, "Who made him judge and jury?" Stimatz further states in an email message questioning whether this crazy stuff and he mentioned this crazy stuff should have been handled in-house, and he quoted, "this crazy stuff refers to Brooks interfering with city employees at work which is not true. As an elected official, he has a right to ask the question to anybody he so desires. Neither one of the employees that was there said I gave them a direct order to do anything. I was just asking a question. I didn't tell them to do anything. But the truth being told, Tony and the others decided not to attend the Special Meeting and Rich Olson violated this section of our ordinance. Not only that, but page 79 under a response to a report of violence and page 19 under Conduct both in the City's Personnel Manual. On September 6th, 2011 Councilwoman Betty Meggs said and this really bothered me and stuff normally rolls off his back and he is thick skinned because I can say it and I can take it too. "I think he, referring to me, wants to be elected so bad that he would do anything. He thinks people will vote for him because of this but I think people in the Third Ward have more sense than that." It was amazing to me because when those people on Riverside Avenue had a problem with a realtor trying to open up the Health Center, I was the first one to jump on their bandwagon to help Councilwoman Meggs to get it through. This is the payback. When those people on Dunstan Lane needed to travel on a one way street, Michael Brooks came to bat for them. Well, Tony continues to talk about the tooth brush incident. I was first perplexed because he was trying to figure out what does the tooth brush incident have to do with a false allegation made on me by an electric worker. Where did that come from? You know, it kind of threw him for a loop. Now, since he brought it up I will sort of touch on it and I am about finished as I have one more paragraph to talk about. Since he brought it up and I will say this, definitely and I will stand on it and I would do it again the same way. In 2011, we should never have a city employee cleaning a public bathroom with a toothbrush in 2011. It just shouldn't happen. So, that was a good thing that I stood up for this young man. That was a good thing. And, even in that they tried to compile stuff. Finally, the Daily Advance. He was amazed because the Daily Advance talked negatively about the toothbrush incident also. But, it didn't faze him because he is thick skinned. In the opinion section, the Daily Advance wrote on September 4, 2011 which upset his sisters in my family. They said, "City Councilman Michael Brooks has been allowed to skip along the path of local governance sometimes with negativity, sometime with open hostility as was the case a few months ago when he yelled down Councilwoman Baker to shut up. It is amazing; they didn't say what Councilwoman Baker said. She told me, a grown man, to look at her while she talked. It is amazing that wasn't established. Tony you know everything about everything so I don't know why you are shaking your head for because you know everything about everything but you don't know the law. Then it goes on to say, "All to frequently, his behavior has mimic the spoiled child whose parents have

granted special privileges but provided no guidance or lesson or responsibilities on how to use them. My sisters and I took that as a direct hit on our upbringing, our Mother and Father. He doesn't care if there are those out there shaking their heads because it is amazing to me. I am calling it just like I see it. I was there. Now, to say that about my Mother and Father it is disgusting. It is very disgusting. I have very good parents. Both of them have gone on to be with the Lord, but I had good parents. My Father was a World War II Vet; my brother was a Vietnam Vet. He succumbed to Agent Orange while fighting for our country. I am an honorable discharged vet. I have three sons that one is honorable discharged and two that are serving as we speak. I graduated from high school. My Mother passed when I was thirteen and that is why we became such a close knit family. My Mother passed when I was thirteen, my older siblings made sure that everything was in order. I graduated from high school. Came back and finished my degree at Mid-Atlantic Christian University. I have a career diploma in private investigation, graduated with a 4.0 GPA. These are not my escalades; he is addressing the Daily Advance issue. I graduated with a 4.0 GPA as a paralegal. He didn't stop there as I am a licensed and ordained minister but I didn't stop there. I decided to serve my country more so I ran for City Council. This is my second term. My Mother and Father would be proud. They attacked my family and they attacked my faith. I will conclude by saying to those that don't want to hear it or thumbing their nose and stuff and don't want to hear the truth but want to hear some fabricated stuff and bogs and stuff like that. That is fine as that is the alternative. In my faith I believe no weapon formed against me shall prosper. I am anointed by God and my faith says touch not my anointed nor do my prophet no harm and let stand fast. I believe it from the bottom of my heart. In serving the citizens of Elizabeth City whether going to the cause of Ms. Farmer who was about to have her land taken by eminent domain, the residents near Carolina Avenue who opposed drastic changes to their neighborhood, the residents on Dunstan Lane or at present Mr. and Mrs. Barclift at 1165 17 South, some ask what will happen to my position on Council. I stop and help the people all over the city. What would happen to my reputation as a license and ordained minister. I reverse the question. The question is not what will happen to me, the question is what will happen to them if he does not stop and help them, what would happen to them. I might become weary but in my faith I believe in due time I shall reap a harvest. This is the last time that I will address this. I will not address it anymore. As far as I am concerned it is a dead animal. And, I want this written verbatim because if the City allows this to go to court on the 30th of September, I want to make sure that the truth has been documented word for word and I should be able to use these notes in the court of law. Thank you very much, Mr. Mayor."

Mayor McLean said he also made the paper as a result of Mr. Brooks actions but he does believe it was ill advised for the Daily Advance in their editorial to talk about a family member or family members and that really bothered him that

they would talk about parents that they don't know and parents that are no longer here. He knows it is the job for paper to write things in the newspaper that interest readers but he begs the people who are responsible for doing the editorials to leave our families out of it. It is bad enough when we have to sit here and go through all of this and do the right things for our citizens, but please leave our families out of the editorials. He didn't make the football game but ECSU did win the game and that is to be applauded. He was here in Elizabeth City and he went to South Park. He saw 30 Little League baseball teams out there. It was something to see. You need to come out and see them as these kids are serious. He met a lot of people from all over. He also attended the EC Boxing Club matches. He saw 18 fights. He saw eight year olds fighting. He wants to congratulate PAL. They did a fine job. They had about 500 people there. There are a lot of good things happening in Elizabeth City. We look forward to the COA's 50th anniversary that is coming up on September 24th. Please go out and take part in that. He wants to thank the Council for a very productive meeting and the staff for all that you do to support this City. He believes as we move on while considering the needs of our City we are going to do a much better job in terms of addressing the needs of the people. On the Consent Agenda he wants to thank the Finance Committee for the job that you do.

9} ADJOURNMENT:

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

A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to adjourn the meeting. Those voting in favor of the motion were: King, Stimatz, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 9:06 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor