

MONDAY-7:00 P.M. SEPTEMBER 24, 2012 CITY COUNCIL

The City Council of the City of Elizabeth City held its second regular 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. Council members attending were: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton. City staff members were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy Clerk V. D. White, Finance Director S. E. Blanchard, Planning Director J. C. Brooks, Fire Chief L. M. Mackey, Interim Police Chief J. A. Manley, Electric Director K. F. Clow, Inspections Director S. E. Ward, ECDI Director R. Cross, Public Utilities Director P. A. Fredette, Human Resource Director K. W. Felton and Parks and Recreation Director B. V. White.

Mayor Peel established a quorum was present and called the meeting to order at 7:00 p.m. He called for a moment of silent reflection after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for approval of the prepared agenda.

Councilman J. A. Stimatz asked to add ***a Closed Session for consultation with the City Attorney.***

Mayor Pro Tem J. B. Walton asked to add ***discussion of personnel matters to the Closed Session.***

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the prepared agenda as presented to include the above noted items. Those voting in favor of the motion were:

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

2} PUBLIC COMMENTS:

There was no one present to speak.

3} APPROVAL OF MINUTES:

a} September 10, 2012:

Mayor Peel called for approval of the September 10, 2012 City Council meeting minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman K. K. Spence to approve the minutes of the September 10, 2012 City Council meeting as presented. Those voting in favor of the motion were: Hummer, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

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

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

Consent Agenda:

a} Authorized the execution of second delivery point

Agreement with NCEMPA and adopted the following resolution authorizing the filing of an application for approval of a financing agreement authorized by NCGS 160A-20.

**RESOLUTION #2012-10
AUTHORIZING FILING APPLICATION FOR APPROVAL
OF A FINANCING AGREEMENT FOR ROANOKE AVENUE
DRAINAGE PROJECT (\$1,000,000)**

WHEREAS, the City of Elizabeth City, North Carolina desires to construct Roanoke Avenue Drainage Project to better serve the citizens of Elizabeth City; and

WHEREAS, the City of Elizabeth City desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED, that the City of Elizabeth City, North Carolina, meeting in regular session on the 8th day of October 2012, made the following findings of fact:

- 1} The proposed contract is necessary to provide adequate service to the citizens of Elizabeth City;
- 2} The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater;
- 3} The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on engineer estimates;

4} The City of Elizabeth City's debt management procedures and policies are good because policies are carried out in strict compliance with the law and adequate debt management will continue to be provided as directed by the Local Government Commission;

5} The City of Elizabeth City is not in default in any of its debt service obligations;

6} The attorney for the City of Elizabeth City has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina;

7} The probable net revenues of the Project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to act on behalf of the City of Elizabeth City in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

THIS, resolution is effective upon its adoption this 24th day of September 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Called a public hearing to be held on Monday, October 8, 2012 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building regarding financing for the Roanoke Avenue Drainage Project, Phase III.

End of Consent Agenda:

5} REGULAR AGENDA:

a} Selection of voting delegates to NCLM Annual Business Meeting.

Mayor Peel advised that Council will need to select a voting delegate and an alternate voting delegate in order for the City to have a vote at the North Carolina League of Municipalities Annual Business Meeting.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to select Mayor J. W. Peel as the voting delegate and Mayor Pro Tem J. B. Walton as the Alternate Voting Delegate for the Annual Business Meeting of the NCLM. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

6} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated everybody is familiar with the court case he was in last week. He would like to address some things and he would ask that the City Clerk write the minutes verbatim. He will give her his notes after the meeting. He wants it word for word because it is good. Written in our Pledge of Allegiance it talks about us being one nation under God and justice for all. Justice for all was the mocking orders for those who gave their life during the Civil Rights Movement five decades or a half century into our Country's past. It is sad to say today in the City of Elizabeth City we continue to fight against demons of the past disbanding the idea that justice is

blind. According to the City's Personnel Policy Manual Page 78 Section 4 it is a violation of the City's ordinances and its policies to; a) engage in threats, intimidation, physical attacks and other forms of workplace violence. On page 79, paragraph (b) states a response to a report of violence; supervisors when notified of an incident shall respond in a prompt and effective manner, including conducting a prompt and complete investigation. He asks why an investigation wasn't called concerning the incident with an electric worker making false allegations on an elected official. Why was our policy violated? Something is suspect. Section 2-2.1 states it is the responsibility of the City Manager to see that within the City laws of the State, ordinances, resolutions and regulations of the City are faithfully executed. He asks concerning this incident why wasn't they faithfully executed? Article 4 under Organization and Administration, Section 4-2 of our Charter states that the City Manager shall be responsible for administration of all departments of the City government. Why wasn't this done? Something is suspect. In Section 4, page 78 of our policy manual was violated by supervisors and in Section 2-2.1 was violated by the city manager by not calling for an investigation. Section 2-2.115 says the City Council may direct the city attorney to investigate any apparent violation of this Code as it applies to the Mayor, member of City Council, City Manager or the City Clerk and report the findings of his investigation to Council. A Special Meeting was called by then Councilman Walton and now Mayor Pro Tem, but four (4) council members did not show failing to correct the no action of the City Manager in calling for an investigation. Council too violated policy, ordinance and charter. His question is why? Something is suspect. Earlier this month Mr. Peel called for a council member, (myself) to be investigated. In law, he met with council members discussing investigating him. By law this is called "a conspiracy". His name was slandered and since it was read, liable is included. Our Charter and Ordinance states the Mayor can't make a motion nor vote unless there is a tie vote on council. Section 4-1 in our form of government says we have a council-manager type of government. In accordance Part 2 of Article 7 Chapter 160A of the General Statutes. Section 2-3 under Mayoral Duties it says according to Article 2 under governing body the Mayor shall exercise powers and duties conferred by the general law or directed by Council. The

Mayor does not and cannot direct Council but Council can direct the Mayor according to this section. The Mayor made the motion and no one responded so Councilman Stimatz took it upon himself to make the motion. Although when the Special Meeting was called to correct the no action of our city manager he did not show up so we could not hold a forum but found it necessary to call for an investigation on a council member without merit. Something is suspect. Section 2-112 under Standards of Conduct it states no city official shall grant any special consideration, treatment or advantage to any other citizen beyond that which is available to every other citizen. To keep this from being lengthy because it covers a lot of stuff, he will be sending a request to this Council to cease and desist all actions discriminating against him, slandering his name, defaming his character and trying to hold him to a different standard under Section 2-112 of our Charter and Ordinances. If this is ignored there will be legal action taken. There will be legal action. Thank you very much.

Councilman Stimatz stated had no further comments.

Councilwoman Hill-Lawrence stated she had no further comments.

Mayor Pro Tem Walton said this weekend the Down East Classic will be in Rocky Mount, North Carolina and Elizabeth City State is looking for the support as always in the past.

Councilman Donnelly stated he has a couple of questions directed to the City Manager. In his travels around his Ward he noticed there is a hole in front of Logan Rays in the new sidewalk. It looks a sign belongs in there. It is about a four inch hole and he is concerned about someone walking out of Logan Rays and tripping themselves up. Across the street from that location that building that is being held up by the 2 x 4's, what is the status on that.

Inspections Director S. E. Ward replied it has been referred to the City Attorney.

Mr. Morgan said he will report back to you on that issue.

Councilman Spence stated he sees where they have started putting up the swing set out in the ball park area, do you have any idea about when it will be completed.

Mr. Olson replied he has been told that it will be finished by the end of the month.

Councilwoman Baker stated as every knows there was a clean up last Saturday in preparation of putting on a clean face for people coming to town for the Ghost Walk on October 12-13 or the designer house that is coming along at 2000 Rivershore. That is really a very pretty house and the designers have done individual rooms and it is a really nice thing to see. There are tons and tons of things to do all around town. She hopes everyone takes advantage of them. Ghost Walk is all Civil War related this year. We had over 1500 people last year and we feel it will be equally busy this year. We have had a lot of national exposure this year and we have changed the ticket to include stub that will show exactly where the people are coming from.

Councilwoman Hummer stated she had no further comments.

Mayor Peel said he mentioned during the work session that Mr. Olson was successful in securing an additional quarter of a million dollars transportation monies to redo Road Street. Also last week we were notified that we got an additional three quarters of a million dollars to do the water and sewer project on South Road Street. He would like to commend the city manager and staff for bringing in about a million dollars last week to improve our infrastructure. We got a letter from Marilyn Robinson who is with the Environmental Defense thanking Mr. Dennis Gordon and sending him and the City a very nice prism. Last Thursday the Food Bank celebrated their 30th anniversary. The City Council was recognized for being a strong supporter of the Food Bank over the years and we received a nice plate. They were very appreciative of all the work that the City has done for them.

7} CLOSED SESSION:

A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilwoman J. M. Baker to retire to Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3); and discussion of personnel matters as per NCGS 143-318.11 (a) (6). Those voting in favor of the motion were: Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting in Closed Session.

8} RETURN FROM CLOSED SESSION:

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

Mayor Peel declared the meeting back into full session of Council.

9} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 7:50 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor