

**City Council Regular Session  
October 6, 2014**

The City Council of the City of Elizabeth City met in regular session on Monday, October 6, 2014 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: NONE

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  
Human Resources Director Katherine Felton  
Public Utilities Director Paul Fredette  
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 Joe Peel at 7:00 p.m. Mayor Peel welcomed everyone to the meeting and recognized Toni Wood to give the invocation, after which all in attendance recited the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Peel called for any adjustments to and approval of the agenda.

Mayor Pro Tem Hummer asked to add consideration of an alternate voting delegate for the NCLM Annual Business Meeting and a Closed Session as allowed by NCGS 143-318.11(a)(6) to discuss personnel matters.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Darius Horton, to approve the agenda as amended. Those voting in favor**

were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King.  
Against: None. The motion carried.

## 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. Proclamation/Presentations:

- Proclamation – Alpha Delta Kappa Month – October 2014:

Mayor Peel read and presented a Proclamation declaring October 2014 as “**Alpha Delta Kappa Month**” in Elizabeth City. The proclamation recognized and paid tribute to this international honorary sorority and encouraged all citizens to recognize and support the professional efforts of our outstanding women educators. Ms. Debbie Cherry accepted the proclamation on behalf of the organization and thanked the Council for this recognition.

- Police Officer Commendations/Mayoral Certificates of Recognition:

Chief of Police Eddie Buffaloe provided background details to the Council for the commendations being made to four outstanding Elizabeth City Police Officers. Mayor Peel read and presented to the following officers Mayoral Certificates of Recognition in appreciation of their heroic service to the citizens of Elizabeth City:

Sergeant James K. Judge in gratitude of heroic service to the citizens of Elizabeth City on June 19, 2014 by successfully communicating with a barricaded subject and assisting the Pasquotank County Sheriff’s Office in concluding the incident with a peaceful surrender.

Sergeant M. W. Marriner in gratitude of heroic service to the citizens of Elizabeth City on May 19, 2014, by administering life-saving CPR to an unconscious victim that facilitated the saving of another human being’s life.

Police Officer III B. W. Miller in gratitude of heroic service to the citizens of Elizabeth City on May 19, 2014, by administering life-saving CPR to an unconscious victim that facilitated the saving of another human being’s life.  
*(Clerk notation: Officer Miller was attending a training session and was unable to attend the meeting.)*

Detective Barbara Morgan in gratitude of exceptional service to the citizens of Elizabeth City on September 9, 2014 by enabling the arrest of a dangerous offender by the U. S. Marshal’s Service through diligent, efficient investigative work.

## 4. Comments from the Public:

No one in attendance requested to be heard.

**5. Approval of Minutes:**

- a. City Council Work Session – September 22, 2014, 2014

**Motion was made by Councilman Darius Horton, seconded by Councilman Montravias King, to approve the minutes of the City Council Work Session of September 22, 2014. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

- b. City Council Regular Session – September 22, 2014

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to approve the minutes of the September 22, 2014 Regular Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

**6. Consent Agenda:**

Mayor Peel recognized City Manager Rich Olson to read the items listed on the Consent Agenda for the record. Mr. Olson recommended approval of all items, as follows:

**Beginning of Consent Agenda:**

- a. Consideration – Adoption of the following four (4) Ordinances to be effective upon receipt of acceptable title search by the City Attorney, declaring the applicable structures at 606 West Cypress Street, 515 North Poindexter Street, 503 White Street and 320 Persse Street condemned and authorize demolition of same;

**ORDINANCE # 2014 – 10 - 01  
CONDEMNATION AND DEMOLITION**

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**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS,** the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that

all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on May 2, 2013 and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby authorized and directed to place on the house at 606 W. Cypress Street a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated May 2, 2013 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon receipt of acceptable Title Search by the City Attorney.

**ADOPTED**, this 6th day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk

**ORDINANCE # 2014 – 10 - 02**

## CONDEMNATION AND DEMOLITION

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**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS**, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on May 7, 2014 and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby authorized and directed to place on the house at 515 North Poindexter Street a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated May 7, 2014 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon receipt of acceptable Title Search by the City Attorney.

**ADOPTED**, this 6<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk

**ORDINANCE # 2014 – 10 - 03  
CONDEMNATION AND DEMOLITION**

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**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS**, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on May 29, 2014 and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby authorized and directed to place on the house at 503 White Street a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the

owner thereof dated May 29, 2014 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon receipt of acceptable Title Search by the City Attorney.

**ADOPTED**, this 6<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk

**ORDINANCE # 2014 – 10 - 04  
CONDEMNATION AND DEMOLITION**

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**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS**, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on April 14, 2014 and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby authorized and directed to place on the house at 320 Persse Street a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated April 14, 2014 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon receipt of acceptable Title Search by the City Attorney.

**ADOPTED**, this 6<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk

- b. Consideration – Authorization for City Manager to execute Debris Management Services contract with Phillips & Jordan, Inc.;
- c. Consideration – Acceptance of grant agreement terms and conditions for Fiscal Year 2014 COPS Hiring Program Grant in the estimated amount of \$117,740 with a \$39,247 cash match by the City of Elizabeth City;
- d. Consideration – Authorization to execute Engagement Letter with Cauley Pridgen, PA as outside legal counsel for ElectriCities Contract;
- e. Consideration – Award of Downtown Improvement Grants as recommended by the Finance Committee: \$5,000 for Port Discover;



\$9,000 for In-Stitches Embroidery; and \$20,000 for Spiros Arts Studio, for a total of \$34,000.

**End of Consent Agenda.**

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

**7. Public Hearing:**

- a. Consideration – Public hearing to adopt resolution to approve CUP-01-14 for a pawnshop located at 1501 W. Ehringhaus Street by Elizabeth City Pawn and Jewelry.

At 7:30 p.m., Mayor Peel declared the meeting into Public Hearing and inquired of the City Clerk if persons were present who wished to be heard. Upon reply by the Clerk that no one wished to speak, Mayor Peel declared the Public Hearing closed.

Councilman Stimatz commented that in paragraph six of the staff recommendation, any new electrical work will require an electrical permit; and he noted that in paragraph seven, the recommendation states that the use shall not commence “until the permit has been recorded”. He stated it was not clear the permit being referred to in paragraph seven and suggested it be changed to indicate the CUP. Planning Director June Brooks noted the suggestion of Councilman Stimatz.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Montravias King, to adopt the following resolution to approve CUP-01-14 for a pawnshop located at 1501 W. Ehringhaus Street. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

**RESOLUTION # 2014 – 10-01  
Approval of Conditional Use Permit CUP-01-14**

**WHEREAS:** The City Council considered a request by Elizabeth City Pawn and Jewelry, (Kevin Stroud and Eric Rainwater) for a conditional use permit for a pawnshop at 1501 W. Ehringhaus Street. The 6000 square foot space is located on the south side of W. Ehringhaus Street between Cardwell Street and Halstead Boulevard and is further identified as Parcel 891309262778; and

**WHEREAS:** North Carolina General Statutes §160A-364 requires a public hearing be held in order to consider the request; and,

**WHEREAS:** The Planning Commission considered and held a public meeting regarding Conditional Use Permit 01-14 on September 2, 2014; and,

**WHEREAS:** There were no comments made by the public at the public hearing in opposition or agreement of the conditional use permit request; and

**WHEREAS:** The Elizabeth City Planning Commission recommended approval with the following conditions:

- a. Comply with the Conditional Use Permit criteria for pawnshops found in Article 11-4.56 of the Unified Development Ordinance;
- b. As per State Statute 130A-309.10(f), the applicant shall provide recycle containers for plastic bottles;
- c. After the pawn use has ceased, the permit shall become null and void;
- d. A business/privilege license shall be secured by the applicant annually;
- e. Renovations other than cosmetic (painting, carpet, etc.) shall require a Building Permit;
- f. The record owner of the property shall record the Conditional Use Permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the permit has been recorded and indexed under the record owners name as grantor; and,

**WHEREAS:** The City Council of the City of Elizabeth City found this application to be consistent with the Joint Elizabeth City and Pasquotank County Land Use Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that Conditional Use Permit CUP 01-14 is hereby approved this 6th day of October 2014.

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Joseph W. Peel  
Mayor

*ATTEST:*

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Vivian D. White, NCCMC  
City Clerk

**8. Regular Agenda:**

a. Appointments to various boards, committees and commissions:

1. By motion and roll call vote, reappoint Mr. William A. "Bill" Manning to serve a two year term on the Central Communications Advisory Board expiring October 31, 2016;

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly to reappoint Mr. William A. “Bill” Manning to serve a two year term on the Central Communications Advisory Board expiring October 31, 2016. Mayor Peel called for a roll call vote, which is recorded as follows:**

**Donnelly – Yes**

**Spence - Yes**

**Baker - Yes**

**King - Yes**

**Hummer – Yes**

**Horton - Yes**

**Stimatz - Yes**

**Brooks - Yes**

**The motion carried.**

b. Discussion/Update – Proposed Veterans Memorial Park:

Mayor Peel recognized City Manager Olson to provide background for this item. Mr. Olson stated that questions arose during the September 22, 2014 Council meeting regarding the City’s property located at the foot of the Camden Bridge, which is being utilized by NCDOT as a staging area for the bridge construction work. Mr. Olson called on Parks and Recreation Director Bobbi White to provide an update on the proposed park to be located on that parcel.

Ms. White stated that in 2007, the City purchased a small piece of property located at the foot of the Pasquotank/Camden Bridge at 222 North Water Street from Carolina Construction Corporation with a CAMA Grant in the amount of \$337,500. She said that this parcel of property is 60’ x 175’ and is .205 acres and is known as “Spot Park” by the Parks and Recreation Department staff and Water Street Park within the community. She advised that the property is the site of a former service station, is bulk headed and all the tanks were removed prior to the purchase.

Ms. White explained that, knowing that a new east bound bridge was to be built in the near future, this park was irrigated and left as an open green space for several years. She reported that the bridge building contractor, Archer Western, needed staging space and North Carolina DOT paid the City \$49,700 to rent the park until the construction of the bridge is completed in late 2015 or early 2016. She stated that at the completion of the bridge project, NCDOT will return the park to its original grassed and irrigated state.

Ms. White pointed out that in 2010, the Council expressed the desire for a park to honor our veterans; and “Spot Park” became the future site of our Veterans Park. She reminded the Council that it was discussed at that time that the rental fee from NCDOT would be used to construct this park.

Ms. White advised that Parks and Recreation Department staff worked with members of several veterans’ organizations such as the VFW Post 6060 and the American Legion to

develop five different park designs. She reported that due to the small size of the land and its proximity to the bridge, this park will have street parking only. She stated that the designs were presented to the Recreation Advisory Board in 2010; and the Board voted to endorse Design # 1. She reported that Design #1 features an American Flag in the center with three flags on each side for each branch of the military and a stone monument honoring all our Veterans. She reported that there will also be three metal park benches similar to those found at Mariners' Wharf along the sidewalk facing the Pasquotank River and the flags. She said that City staff presented the different park designs to City Council on October 27, 2010, highlighting Design #1.

Using PowerPoint slides, Ms. White provided examples of four proposed designs for the park.

Councilman Stimatz stated that the Council had not yet made a decision regarding the design of the park. Mr. Olson responded that it would be roughly eighteen months before the property would be available to the City from NCDOT. He stated that NCDOT had money available to do all the "soft-scaping" for the property but would not do any "hard-scaping".

Mayor Peel commented that at some point the proposed designs would come to the Council for a decision. Mr. Olson responded that it would.

c. Consideration – Rotary Peace Pole Project:

Mr. Olson stated that the proposed Veterans Park project is directly related to the request by the Elizabeth City Morning Rotary Club to install a Peace Pole in a City park. He called on Bobbi White to provide background regarding this consideration.

Ms. White stated that during the September 22, 2014 Work Session, Russ Haddad, president of the Elizabeth City Morning Rotary Club, gave a short presentation to City Council regarding a proposed Rotary Peace Pole. She reported that the proposed Peace Pole will be a six to eight foot granite monument with four to six sides, inscribed on each side with the message, "May Peace Prevail on Earth". Ms. White said that during his presentation, Mr. Haddad asked that Council give permission for a Peace Pole to be erected at one of the City's waterfront parks before November 22, 2015 to mark the 30<sup>th</sup> Anniversary of the Elizabeth City Morning Rotary Club.

Ms. White stated that the City is very fortunate to have several parks located along the Pasquotank River, such as Veterans Park, Moth Boat Park, Mariners' Wharf, Waterfront Park, Dog Corner, Charles Creek and now the Boatworks property. She said that City staff looked at the various park locations and the usages of each park. She reported that Moth Boat Park does not have the space to place the Peace Pole prominently. In addition, she said that Mariners' Wharf also has a space issue with holding concerts, movies and the Downtown Market. Ms. White explained that Waterfront Park is widely used for festivals, concerts, the 4<sup>th</sup> of July celebration; and it is also slated to have a

Musical Notes area built in the future. She said that City staff believes that Waterfront Park can become too cluttered.

Ms. White reported that City staff believes that the best location for the Peace Pole would be Veterans Park, but that park cannot be constructed until 2015 or 2016. She stated that it was City staff's recommendation that the Rotary Peace Pole be temporarily located at Waterfront Park along the south side of the park near the parking lot to give it visibility in all directions. She recommended that when Veterans Park is constructed, the Peace Pole can be moved and permanently located at that park.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker to direct staff to plan to erect the Rotary Peace Pole at the future Veterans Park; and to temporarily locate the pole at Waterfront Park until such time as the Veterans Park is developed. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

Councilman Donnelly pointed out that the Underground Railroad Waterway Monument is located at Waterfront Park. He stated that is also a symbol of peace. He said that he could live with the Peace Pole at Veterans Park, but thought the connection of the underground railroad and peace in general was worthy of comment.

- d. Consideration – Award of Fiscal Year 2014-2015 Community Support Grants:

Mayor Peel recognized City Manager Olson for a review of this request. Mr. Olson stated that a motion was needed to take this consideration from the table.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Darius Horton to take this matter off the table from the previous meeting and act on it tonight. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

Mayor Peel stated that a motion was needed to dispose of the item.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Darius Horton, to accept the 2014-15 Community Support Grant applications, as presented by the Finance Committee.**

Councilman Stimatz stated that technically the motion should be an amendment to the motion that is on the floor. He said the motion on the floor was to accept the recommendations of the Finance Committee *in toto*. He stated that a motion to amend the motion on the table, to include the changes, is required first; and then a vote on the motion was needed.

City Attorney Morgan stated that it was his opinion that the motion to table superseded or essentially “killed” the earlier motion.

Councilman Stimatz stated that the motion was not killed by the motion to table, but set aside to another time and place. He stated that the motion stands and did not change.

City Attorney Morgan stated that it was his understanding that the discussion was being revived, rather than the earlier motion.

Councilman Donnelly stated that he would amend his motion, as follows:

**To accept the recommendations, as amended by the Finance Committee, at its last meeting. (Councilman Horton accepted the amendment.) Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

Mayor Peel asked if there was further discussion on the motion from the previous meeting (to accept the Finance Committee recommendations).

Hearing none, Mayor Peel called for a vote on the original motion (to accept the Finance Committee recommendations).

**Those voting in favor were: Baker, Donnelly, Hummer, Brooks, Spence, Horton and King. Against: Stimatz. The motion carried.**

**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.**

(Memorandum Only)	<u>Decrease</u>	<u>Increase</u>
(106620.6000) Community Support Grants	\$45,150	
(106620.4610) Food Bank of the Albemarle		\$10,000
(106620.5810) Arts of the Albemarle		2,550
(106620.5820) YMCA		2,000
(106620.5825) Education Foundation		2,500
(106620.5830) Kids First		6,000
(106620.4540) Pasquotank Library		1,250
(106620.5864) Girls, Inc.		1,500
(106620.5865) National Council of Negro Women		1,100
(106620.5840) River City CDC		8,500
(106620.5860) Tabernacle of Faith		5,000
(106620.5878) Healthy Carolinians of the Albemarle		500
(106620.5884) SOULS		3,000
(106620.5886) ECSU Foundation		1,250
Total	<u>\$45,150</u>	<u>\$45,150</u>

(To record community support contributions for FY 2014/15.)

**Adopted**, this the 6<sup>th</sup> day of October 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk

- e. *Addition to Agenda by Mayor Pro Tem Anita Hummer:*  
Consideration: Alternate Voting Delegate for the NCLM Annual Business Meeting:

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Tony Stimatz, to appoint Councilwoman Jean Baker as the Alternate Voting Delegate. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

#### **9. Comments and Inquiries on Non-Agenda Items:**

Councilman Brooks had no comments

Councilman Stimatz stated he was looking forward to attending the NCLM Annual Conference with other Councilors. He said the conference provides an excellent opportunity to talk to others who are looking for solutions for the same types of issues as the City of Elizabeth City. He reminded everyone that Halloween on Main Street will occur again this year and urged everyone to make sure all the kids are safe.

Councilman Horton reminded everyone that October is Breast Cancer Awareness Month and he urged everyone to become educated about the disease in order to seek early detection.

Mayor Pro Tem Hummer stated that she was very happy to learn that strides were being made in the Rosewood neighborhood to assist the residents with the various problems from the infrastructure improvements in that area.

Councilman King congratulated the members of the Police Department for the commendations received. He thanked members of the community for the great attendance during the showing of the Racial Taboo film. He said he believed the community was stronger because of its showing and pointed out that the number of people who attended was more impressive than the film itself. He thanked City Manager Olson for being pro-active concerning transportation and infrastructure

issues and thanked the public for continued patience as the City continues to work on infrastructure projects.

Councilwoman Baker provided information about all the great events being held in conjunction with the annual Ghost Walk event themed “World War II in the Albemarle”.

Councilman Spence stated that he often says that “if you take care of your people, your people will take care of you”. He said that he wanted to take the time to thank the City employees for their hard work and dedication and to let them know that he recognizes and appreciates their efforts.

Councilman Donnelly thanked the Community Relations Commission and The Hope Group for sponsoring the Racial Taboo film event. He stated that he attended and remarked that the Museum of the Albemarle auditorium was “standing room only”. He remarked that the film was a great film and it brought together a diverse group of people for a broad range of discussion. He recognized the Food Bank for successfully gaining a corporate gift from Wal-Mart. He also recognized the successful seasons for the Mariners’ Wharf Film Festival and Music on the Green.

Mayor Peel stated that citizens often remark about the need for a sidewalk on Herrington Road. He advised that Herrington Road is not a City street, but is owned by NCDOT; and there is really not anything the City can do to make a sidewalk happen along that stretch of road. He reported, however, that he and the City Manager had met with NCDOT and will be submitting a request for sidewalk funds for Herrington Road. He said he did not know if it would be successful, but the item is at least in the NCDOT queue. He stated that a number of local leaders would attend the State of the Region Event hosted by the Hampton Roads Chamber of Commerce as an attempt to reach out to that part of Virginia.

**10. Closed Session as allowed by: NCGS 143-318.11(a)(3), Consultation with City Attorney regarding Triple S Internet Café Lawsuit; NCGS 143-318.11(a)(5), Acquisition of Property; NCGS 143-318.11(a)(6) Personnel, and NCGS 143-318.10(e), Approval of Closed Session Minutes.**

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Ray Donnelly, to go into closed session as allowed by NCGS 143-318.11(a)(3), Consultation with City Attorney regarding Triple S Internet Café Lawsuit; NCGS 143-318.11(a)(5), Acquisition of Property; NCGS 143-318.11(a)(6) Personnel, 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 carried.**

Mayor Peel declared a five minute recess at 7:47 p.m., after which the Council entered Closed Session.



**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to return to open session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

The Council returned to open session at 8:05 p.m.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to approve the closed session minutes of August 11, 2014 and September 8, 2014 as provided by the City Clerk. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly, to authorize the City Manager to execute the documents when they arrive for the Triple S Lawsuit. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried.**

**11. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:06 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, NCCMC  
City Clerk