

The City Council of the City of Elizabeth City held its first meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding and the following council members in attendance: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, J. A. Stimatz and J. B. Walton. Councilman K. K. Spence was absent. City staff members attending were: City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Fire Chief L. M. Mackey, Planning Director J. C. Brooks, Electric Director K. F. Clow, ECDI Director R. Cross, Finance Director S. E. Blanchard, Interim Police Chief J. A. Manley, Parks and Recreation Director B. V. White, Human Resource Director K. W. Felton and Public Utilities Director P. A. Fredette.

Mayor J. W. 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 Council's pleasure regarding the prepared agenda.

Councilwoman L. A. Hummer asked to remove ***Item #8-a-Consideraton of resolution award to two retired officers their service weapon and badge and place it on the Regular Agenda.***

***A motion was made by Councilman L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the prepared agenda to include the above noted item. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence and Walton. Against: None. Motion carried.***

**2} PROCLAMATIONS:**

a} Alpha Delta Kappa Month – October 2012:

Mayor Peel read and proclaimed the month of October 2012 as ***"Alpha Delta Kappa Month"*** in Elizabeth City.

b} Public Power Week – October 7-13, 2012:

Mayor Peel read and proclaimed the week of October 7-13, 2012 as "**Public Power Week**" in Elizabeth City. He presented the proclamation to Electrical Director K. F. Clow who made brief remarks.

c} Hospital and Health System Pharmacy Week – October 21-27, 2012:

Mayor Peel read and proclaimed the week of October 21-27, 2012 as "**Hospital and Health System Pharmacy Week**" in Elizabeth City. He presented the proclamation to Jennifer Burgess who made brief remarks.

### **3} PUBLIC COMMENTS:**

There was no one present to speak.

### **4} APPROVAL OF MINUTES:**

a} September 24, 2012 – Work Session Minutes:

Mayor Peel called for approval of the minutes of the September 24, 2012 Work Session meeting.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to approve the minutes of September 24, 2012 Work Session as presented. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Brooks, Donnelly, Stimatz and Walton. Against: None. Motion carried.***

### **5} CONSENT AGENDA:**

Mayor Peel called upon Fire Chief Mackey to read the items listed on the Consent Agenda.

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

### **Consent Agenda:**

a} Accepted ownership, operation and maintenance of US 17 North sewer force main pursuant to the Sanitary Sewer Agreement dated March 17, 2005 as reflected by the Bill of Sale from Pasquotank County.

b} Approved the Live Fire Training request from the Elizabeth City Fire Department to use the structures located at 700 and 704 West Ehringhaus Street and owned by Weston McPherson for live fire training.

c} Adopted the following Resolution authorizing the City Manager to remove a police canine (Baska) from service.

**RESOLUTION #2012-11  
AUTHORIZING CITY MANAGER  
TO REMOVE POLICE CANINE BASKA  
FROM SERVICE**

**WHEREAS**, the City of Elizabeth City owns a black and tan in color German Shepard breed dog name Baska who has served as a canine officer for the police department; and

**WHEREAS**, Canine Officer Baska's medical condition is such that he should be retired from service; and

**WHEREAS**, North Carolina General Statute §160A-266(c) permits the City of Elizabeth City to discard any personal property that is determined to have no value; and

**WHEREAS**, while Canine Officer Baska's service to our police department and our City cannot be adequately valued in monetary terms, his age and medical condition place him beyond the ability to consider asking a monetary amount for his adoption;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City authorizes the City Manager to transfer ownership of such canine to such person or agency who in the Manager's sole discretion believes capable of providing the best care for such canine and upon such terms and conditions that the Manager shall determine.

**ADOPTED**, this 8<sup>th</sup> day of October 2012.

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Joseph W. Peel  
Mayor

Dianne S. Pierce-Tamplen, MMC  
City Clerk

d} Authorized Mayor Joseph W. Peel to execute the land lease with English Construction Company, Inc. for \$500 per month (The lease is for a small field office and staging area for construction materials and equipment for the Knobbs Creek Bridge Project).

e} Called for a public hearing to be held on Monday, October 29, 2012 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of Text Amendment (#TA-02-12) adopting language to regulate the use of temporary portable storage containers and shipping freight containers in residential areas.

f} Called for a public hearing to be held on Monday, October 29, 2012 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of Text Amendment (#TA-02-09) for modifying the UDO to adopt language defining and creating Conditional Zoning Districts.

### **End of Consent Agenda**

#### **6} PUBLIC HEARING:**

a} Financing for the Roanoke Avenue Drainage Project, Phase III:

Mayor Peel declared the meeting into public hearing. Since there was no one present to speak for or against the proposed financing, Mayor Peel declared the public hearing closed.

Mayor Peel advised that on September 27, 2012 staff opened bids for the Roanoke Avenue Drainage Project, Phase III. The lowest bid far exceeded the engineering estimate and the project budget. Under a separate agenda item, staff is recommending that Council reject all bids received for this project. Due to the uncertainty of the cost for the project, staff does not believe it would be appropriate to adopt a resolution authorizing the submission of an application for approval of a financing agreement at this time.

#### **7} REGULAR AGENDA:**

a} Adopted the following Resolution awarding badge and service side arm to retiring police officers, C. E. Kirby and G. R. Bray.

**RESOLUTION #2012-12  
AWARDING BADGE AND SERVICE SIDEARM  
TO RETIRING POLICE OFFICERS  
SERGEANT C. E. KIRBY AND SERGEANT G. R. BRAY**

**WHEREAS,** NCGS 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS,** NCGS 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

**WHEREAS,** Sergeant C. E. Kirby served as a member of the Elizabeth City Police Department for a period of 23 years and retired from the Department on September 30, 2012; and

**WHEREAS,** Sergeant G. R. Bray served as a member of the Elizabeth City Police Department for a period of 13 years and retired from the Department on September 30, 2012;

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Elizabeth City, North Carolina that the badge and service weapon worn and/or carried by Sergeant C. E. Kirby and Sergeant G. R. Bray be awarded to them on the occasion of their retirement.

**ADOPTED,** this 8<sup>th</sup> day of October 2012.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Reappointed Gordon T. Adams, Sr. as a member of the Historic Preservation Commission:

***A motion was made by Mayor Pro Tem J. B. Walton, seconded by Councilwoman L. A. Hummer to reappoint Gordon T. Adams, Sr.***

**as a member of the Historic Preservation Commission with a term ending September 30, 2015.**

**Roll Call Vote**

<b>Donnelly</b>	<b>Yes</b>
<b>Baker</b>	<b>Yes</b>
<b>Hummer</b>	<b>Yes</b>
<b>Walton</b>	<b>Yes</b>
<b>Hill-Lawrence</b>	<b>Yes</b>
<b>Stimatz</b>	<b>Yes</b>
<b>Brooks</b>	<b>Yes</b>

**Motion carried 7 yes – 0 nay.**

c} Rejection of Bids for Roanoke Avenue Drainage Project, Phase III:

Mayor Peel advised that four contractors submitted bids and all four bids far exceeded the Engineers' estimate. The Manager has asked staff to review the construction bids to see if there are changes that can be made to the bid documents in order to bring the costs down in order to be within budget on this project.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. M. Hill-Lawrence to reject all bids as submitted for this project; and further direct the City Manager to review the construction bids to determine if there are changes that can be made to the bidding documents and to consider re-scoping the project so that the drainage improvement project can move forward this year. Those voting in favor of the motion were: Baker, Hill-Lawrence, Brooks, Donnelly, Hummer, Stimatz and Walton. Against: None. Motion carried.***

**8} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:**

Councilman Brooks stated he had no comments.

Councilman Stimatz stated a lot of things were going on within the City. He wanted to remind everybody of Ghost Walk this Friday and Saturday from 5:30 to 9:30 p.m. The other thing that is coming up this month is the *Sound of Music*. The first performance will be on Friday, October 26<sup>th</sup>. All performances will begin at 7:30 p.m.

Councilwoman Hill-Lawrence stated starting on Wednesday and throughout the week through Saturday we will have a lot of guests in town. We are having the Regional Aerial Competition at ECSU. It will be held at the Regional Airport. It is a big event and we are blessed to have the Naval Academy that will be here as well. We would like to thank the City and the City Council for generously sharing in hosting that event and feeding some of these people. We will have a lot of people here and we want you to come out and enjoy the competition.

Mayor Pro Tem Walton reminded everyone that Elizabeth City State University homecoming and activities will be October 19-21, 2012. He would also like to ask the Mayor to place his "Vision Project" on the agenda for the next work session.

Councilwoman Hummer stated on behalf of the Pennsylvania Crime Watch group she would like to thank City Manager and Public Utilities Director Paul Fredette for attending their last meeting and giving an update on the Elizabeth Street project.

Councilwoman Baker said she wanted to expound a little more on Ghost Walk. This is the 16<sup>th</sup> year of Ghost Walk. If you haven't been before it is a combination house tour/history lesson and live theater. This year is all to do with the Civil War and the Battle of Elizabeth City which is celebrating its 150<sup>th</sup> anniversary. The person in the house will do a skit about their participation in the City's history. It is a really fabulous event and she hopes everyone will attend. Tickets are \$12.00 and you can use them for both nights and \$10.00 with a military ID. If you hear cannon shots don't be surprised because those Yankees gun boats are coming down the river and they will be shooting at them.

Councilman Donnelly stated there will be a breakfast for Senator Burr on October 17, 2012 who will be here for the ribbon cutting at the Coast Guard Base new swimming facility. This breakfast is being sponsored by the Chamber of Commerce.

Councilman Stimatz said one thing he forgot to add was the Candy Bomber festival is coming on October 27<sup>th</sup>. This year they will also have the famous Tinker Bell which is a C46 Aircraft. The Young Eagles program will be providing free flights for people that show up. There will also be a remote controlled air show and you will have a chance to actually remotely control one of the airplanes. The candy drop will be on the 27<sup>th</sup>. Please come out and support this event.

Councilwoman Baker said she forgot two things. There is a wrap around fund raising dinner for ECDI during both nights of Ghost Walk. It will be barbeque and fried chicken for \$8.00. Also there will be optional carriage rides.

Councilwoman Hill-Lawrence said she would like to thank Mr. Paul Fredette, the Mayor and Mr. Olson for coming out and sharing with the community about the Roanoke Avenue project. They really were glad to get all the information they got.

Mayor Peel stated he would like to add a couple of things. It is amazing how much is going on in our little place here. This weekend there will be about 75-80 artists from across the State here for the NC Water Color Festival which is taking place at AoA. He has been to several events with them over the weekend. There is a class going on this week for 18 artists that have stayed the whole week. There is a teacher/artist from Minnesota who was the judge in the show who is teaching the class. People were absolutely blown away. Many of them had never been to Elizabeth City. They are from all over the State. We have gotten some great PR. Some of our local hotels and B&B's are doing a phenomenal job welcoming people and making them feel at home and whatever. Also at the University they will be having their Lyceum Series. That is just a phenomenal series of events that are basically free and usually not that well attended. That is something that you need to look out for because they bring some phenomenal talent here. COA just put their list of entertainment out for this season at their auditorium. We really have an awful lot going on and a lot to be thankful for.

**9} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 7:33 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Joseph W. Peel  
Mayor