

**City Council Regular Session  
October 27, 2014**

The City Council of the City of Elizabeth City met in regular session on Monday, October 27, 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  
Police Lieutenant Mike Boone  
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  
Fire Chief Larry Mackey  
Building Inspector Brent Thornton  
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 Phil Dowdy 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.

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the agenda with any necessary adjustments. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried unanimously.**

*(Clerk notation: No agenda adjustments were requested.)*

**2. Statement of Disclosure:**

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

**3. Comments from the Public:**

No one in attendance requested to be heard.

**4. Approval of Minutes:**

- a. City Council Regular Session October 6, 2014

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to approve the minutes of the City Council Regular Session of October 6, 2014. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and King. Against: None. The motion carried unanimously.**

**5. 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 Ordinances to be effective upon receipt of acceptable title search by the City Attorney, declaring the applicable structures at 1504A West Main Street Extended and 818 Robinson Street condemned and authorize demolition of same;

**ORDINANCE # 2014 – 10- 05  
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 **February 28, 2012** 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 **1504 A West Main Street Extended (Map P120, Parcel 166, Tax ID 891403127845)** 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 **February 28, 2012** 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 27<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

**ORDINANCE # 2014 – 10- 06**

## 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 **August 15, 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 **818 Robinson Street (Map 22, Block E, Parcel 92-93, Tax ID 892309059699)** 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 **August 15, 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 27<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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City Clerk

- b. Consideration – Renewal of CUP-01-09 at 400 E. Main Street for a Private Tourist Guide Service with the original conditions;
- c. Consideration – Acceptance of grant agreement terms and conditions for US Department of Homeland Security FEMA Grant, approve the bid proposal submitted by Safe Air Systems as described, and adopt the following budget amendment as required for accounting purposes;

**BUDGET AMENDMENT**

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

**SECTION I.** That the Fire Department FEMA Grant (103490.5300) and the Fire Department Capital Outlay (105300.7400) be increased by \$58,500.

(To record FEMA grant for compressor. The 10 percent local match of \$6,500 is included in the existing Fire Department Capital Outlay.)

Adopted this 27<sup>th</sup> day of October, 2014.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

- d. Consideration – Declare the reclaimed construction material in the City's material yard to be surplus; authorize the City Manager to sell the material on a cubic yard basis at a negotiated price as deemed to be in the best interest of the City; and further that the price for the reclaimed material be set at \$12 per ton or other such prevailing rate as determined by the City

Manager;

- e. Consideration – Award of Debris Monitoring and Recovery Services Contract with Tetra Tech;
- f. Consideration - Call for a public hearing to be held on Monday, November 10, 2014 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue for consideration of Rezoning Request RZ-01-14 - a request to rezone 1002 S. Road Street from Residential R-6 to Neighborhood Business (NB).

**End of Consent Agenda.**

**Motion was made by Councilman Ray Donnelly, 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 unanimously.**

**6. Regular Agenda:**

a. Appointments to various boards, committees and commissions:

- 1. Consideration - By motion and roll call vote, appoint Ms. Deborah J. Malenfant to serve a 14 month term on the Parks and Recreation Advisory Board expiring December 31, 2015;

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker to appoint Ms. Deborah J. Malenfant to serve a 14 month term on the Parks and Recreation Advisory Board expiring December 31, 2015.**

**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 unanimously.**

**7. Comments and Inquiries on Non-Agenda Items:**

Councilman Donnelly announced that he had tickets for a breakfast being sponsored by the Elizabeth City Morning Rotary Club if a member of Council or City staff was interested in attending.

Councilman Spence stated that he had witnessed City workers who were doing an excellent job on curbing work downtown; and he said that it was obvious that they took pride in their work. He said that he wanted to commend the City workers for the good jobs they were doing.

Councilwoman Baker thanked the City for painting the crosswalks on Main Street. She complimented the good color used and said it was a great job. She also complimented the Parks and Recreation Department staff for the good job they did on cleaning up the Boatworks property. She stated that she attended the ECSU Homecoming game, and said that it was a good game and a very nice event. She requested an update on the Church Street repaving project from City Manager Olson.

Mayor Pro Tem Hummer had no comments.

Councilman Horton stated that he wanted to commend City staff for the work they were doing throughout the City, as he was hearing positive things from his Fourth Ward constituents. He said that he attended several ECSU Homecoming activities and he was excited about the bright future that the university has under its new leadership. He announced that he would be having a Fourth Ward meeting on Thursday, October 30. He asked everyone to pay attention to coming newspaper announcements to learn the meeting's location and time.

Councilman Stimatz stated that he attended the NCLM Conference and enjoyed some really good sessions and networking. He said that one of the things the League has been working on is visioning on key issues that relate to municipalities. He said the League does a great job in representing cities' interests and keeping everyone informed. He announced that Main Street residents would again host a Halloween event for children; and he invited everyone to attend the First Flight event at the Airport on Saturday, November 1.

Councilman Brooks had no comments.

Councilman King thanked God for granting him peace regarding a decision he had made; and he read the following statement:

*“Dear Mayor Peel and City Councilors:*

*I am saddened to inform you that I will resign from the Elizabeth City Council effective at the conclusion of the November 10, 2014 City Council meeting due to an employment opportunity outside of the area.*

*It has been my honor and privilege, to serve the Fourth Ward and all the citizens of Elizabeth City. The experience has been rewarding and challenging. I am proud of the accomplishments of the Council. I am especially honored to have been able to play an integral part in Council's support for Elizabeth City State University to ensure its continued influence on the region's economic health.*

*I want to thank the Fourth Ward for giving me the opportunity to represent them. We made history together and nothing can take that away from us. I am forever*

*grateful. Please accept my sincere appreciation and gratitude for your support during my tenure on the Elizabeth City Council and I wish you all continued success as you make the difficult decisions required to benefit everyone living and working in this community.”*

Mayor Peel stated that the Council wished Councilman King well and he thanked him for his service. He said that Councilman King’s resignation would require a Special Election and information would be forthcoming to the Council regarding that procedure.

**8. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 7:14 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk