

MONDAY -7:00 P.M.

OCTOBER 29, 2012

CITY COUNCIL

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

Mayor Peel established a quorum was present and called the meeting to order at 7:10 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 agenda adjustments and approval of the prepared agenda.

Mayor Pro Tem Walton stated he would like to ***remove Item 7-c-Budget Amendments from the Consent Agenda and place them on the Regular Agenda for discussion.***

Mayor Peel stated he would like to add to the Regular Agenda two items from the Work Session Agenda. They are ***continued discussion of the Records Retention and Disposition Schedule and add the Committee Reports.***

Councilman Stimatz asked to add an ***update on Hayes Metal.***

A motion was made by Councilwoman 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, Baker, Brooks, Donnelly, Spence, Stimatz and Walton. Against: None. Motion carried.

2} PUBLIC COMMENTS:

City Clerk Pierce-Tamplen advised that no one had signed up to speak.

3} APPROVAL OF MINUTES:

a} September 24, 2012 – Regular Meeting Minutes:

Mayor Peel called for action regarding the September 24, 2012 Regular Meeting minutes.

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

b} October 8, 2012 – Regular Meeting Minutes:

Mayor Peel called for action regarding the October 8, 2012 Regular Meeting minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the October 8, 2012 Regular Meeting minutes as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

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

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

Consent Agenda:

a} Adoption of the following resolution authorizing the filing of an application for approval of a financing agreement for the second delivery point and call for a public hearing to be held on November 13, 2012 at 7:30 p.m.

**RESOLUTION #2012-13
AUTHORIZING THE FILING OF AN APPLICATION FOR
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the City of Elizabeth City, North Carolina desires to construct a second electric delivery point 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 the 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 Council of the City of Elizabeth City, North Carolina, meeting in regular session on the 29th 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 engineering 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Finance Director 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 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Adoption of the following Ordinances declaring the various structures condemned and authorizing demotion of same.

**ORDINANCE #2012-21
COMDEMNATION AND DEMOLISHTION
502 WEST FEARING STREET**

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 of 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 has 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 13, 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 directed to post on the building at **502 West Fearing 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 13, 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 its adoption.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-22
COMDEMNATION AND DEMOLISHTION
203 OAK GROVE AVENUE**

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 of 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 has 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 **July 6, 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 directed to post on the building at **203 Oak Grove Avenue** 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 **July 6, 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 its adoption.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-23
COMDEMNATION AND DEMOLISHTION
618 PARSONAGE STREET**

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 of 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 has 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 1, 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 directed to post on the building at **618 Parsonage 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 **August 1, 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 its adoption.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-24
COMDEMATION AND DEMOLISHTION
106 BEECHWOOD AVENUE**

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 of 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 has 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 **January 5, 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 directed to post on the building at **5106 Beechwood Avenue** 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 **January 5, 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 its adoption.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-25
COMDEMATION AND DEMOLISHTION
212 BELL STREET**

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 of 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 has 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 **July 24, 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 directed to post on the building at **212 Bell 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 **July 24, 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 its adoption.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda

5} PUBLIC HEARINGS:

- a} Text Amendment TA-02-12 to amend the UDO with regard to the use of shipping freight and other temporary portable storage containers.

Mayor Peel declared the meeting into public hearing for consideration of TA-02-12. Since there was no one present that wished to speak for or against the proposed Text Amendment, Mayor Peel declared the public hearing closed.

Councilman Stimatz stated he was not sure this was ready for prime time yet. He was reading through it and he saw it only applied to residential areas. He read further down and he sees the Planning Commission is recommending we do

the same thing for commercial. He proceeded to go over a number of various questions and concerns that he had. He made several suggestions as to what he would like to see in this amendment.

Planning Director J. C. Brooks addressed several of his concerns.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. M. Hill-Lawrence to table action on this text amendment until staff creates a cleaner version. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

b} Text Amendment TA-02-09 to amend the UDO with regard to the definition and regulation of Conditional Zoning Districts:

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

Councilman Stimatz stated it would have been nice as a member of the Land Use Planning Commission to have seen this before the weekend. He wasn't clear what the relationship of this is to the BZA authorization. He wanted to know if we could supersede their authority in this process.

Planning Director Brooks stated when somebody submits a site plan under this basically it is a master plan because everything is predetermined. If there is a slight modification to something that BZA may look at you can supersede it but if it is a major thing it will need to go to BZA. That would happen before it would come to City Council for final approval.

Councilman Stimatz made several suggested changes as to what he thinks the document should state.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to table action on this text amendment until staff creates a cleaner version. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

6} REGULAR AGENDA:

a} Continued Discussion of Records Retention and Disposition Schedule:

Mayor Peel stated we have a motion on the floor to amend Paragraph 3 of the Records Retention and Disposal Schedule and insert the words after the word "however" , "when required by other appropriate authorities or" before the word for.

Councilwoman Baker asked if every department head had a copy of this book.

Ms. Pierce-Tamplen replied no. Once Council adopts it she will go to each department and she will make copies of the sections that pertain to their individual departments and make sure that each department head has a copy of the records that pertain to their department.

Councilwoman Baker stated these 155 are the ones that concern her as you can tell. If somebody doesn't go through the whole thing and they think this is an abbreviated section then what is to stop them from throwing out all building permits after a year because it doesn't say duplicate copies or anything else. It just says building permits.

Ms. Pierce-Tamplen said it does say it in the Records Retention Book.

Ms. Baker said well they don't have that book. They don't show you what they are going to throw out.

Ms. Pierce-Tamplen stated they will have a copy of what pertains to their department. They don't really care what is in the police department if their department is the building inspections department. What pertains to their individual department they will get a copy from this book.

Ms. Baker said except and that is the Bible, except for these 155 items which we have local approval to throw away at the period that we adopt.

Ms. Pierce-Tamplen replied that those 155 items are in this book. They are in this book in the department that they belong in. Any item that is in 155 items are in this book and each department head will get a copy of those that pertains to their department.

Councilman Stimatz said that is why the clarification will take care of that because that book is the higher authority that we are referring too. So this is the list unless that says different. That reminds them that they have to refer to this as well. That is why that language is important. If you are not going to go one by one then that language is important. That is all.

Mayor Peel asked Ms. Tamplen if it was safe to say that this is not anything new.

Ms. Tamplen replied no sir and we have been following this schedule for 30-years and there has never been a problem before.

Councilman Brooks said we need to get this out of the way. For thirty years we haven't had any problem with this and now we are trying to invent a problem. We haven't had a problem for thirty years. This is what we have been going by for 30 years and there hasn't been a problem to come up about this. In 30-years we haven't had this situation come up before. Let's call for the question.

Those voting in favor of the motion were: Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: Baker. Motion carried.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to adopt the following resolution as amended. Those voting in favor of the motion were: Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: Baker. Motion carried.

**RESOLUTION # 2012-14
ADOPTING THE NC DIVISION OF ARCHIVES
MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE**

BE IT RESOLVED, by the City Council of the City of Elizabeth City that the Council adopts the North Carolina Municipal Records Retention and Disposition Schedule, as attached hereto, except to the extent that the approval record be amended to read "after the word "however" in the third paragraph, as "when required by other appropriate authorities" before the word "for"; and as updated by the North Carolina Department of Cultural Resources in accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina, dated September 10, 2012, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, this schedule is to remain in effect from the date of approval until it is reviewed and updated.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Budget Amendments:

Mayor Peel called upon Mayor Pro Tem Walton for comments.

Mr. Walton stated he didn't know about the rest but he received some emails today that if we as a Council went ahead and approved what is in these budget amendments we might be doing something wrong. We might be taking for granted that things are in a way that it is not. He thinks we should let the attorney review those emails and look at these contracts to see if they are in order.

City Manager Olson stated that City Council has already approved these action items. This is just the document that is associated with the actions that you have already taken. The first one is the community support grants which you have already allocated and we have already spent the money by sending it to the appropriate organizations. The second one, the North Road Street project we have already executed the change order with Barnhill Construction Company for this dollar amount and the emails you received have nothing to do with that at all.

Mayor Pro Tem Walton asked why it doesn't.

Mr. Olson replied because it deals with a personnel issue and he will be happy to discuss this with Council in Closed Session. It has nothing to do with these budget amendments.

Mr. Walton said the same \$76,000 is in these emails and budget amendments.

Mr. Olson said the \$76,000 is Powell Bill funds which is your local money which you have complete control over as you do with the transfer from Water and Sewer.

Mr. Walton said we must not have control over it because during the budget session he said don't do anything with the Power Bill funds until you get approval through Council. That is what he asked of you. He is not satisfied with what these numbers imply.

Mr. Olson said you approved it at your last city council meeting. This action you have already approved. This is just a document for bookkeeping purposes.

A motion was made by Councilman R. T. Donnelly to approve the following budget amendments. Councilman J. A. Stimatz seconded the motion.

Councilman Brooks asked for explanation of the \$76,000. Did we approve that amount?

Mr. Olson replied that yes you did at the last city council meeting.

Mr. Brooks asked if he could get a copy of those minutes.

Mayor Pro Tem Walton asked what was it approved for.

Mr. Olson replied this was for the reconstruction of North Road Street. The issue you have in that email that was sent to you has to do with utility relocation associated with this project and not with the actual street work.

Mr. Walton asked if the \$29,000 is the same amount that was in the email. What was that involved with? That was the transfer from the Water and Sewer Fund.

Mr. Olson said that \$29,000 was the amount that we needed to balance the budget for this project. You have already approved and based on that approval last week he executed a change order.

Mr. Walton said that is why in our first meeting, he said when we go through the Consent Agenda we need to tell what the reasons are for the amendments. We didn't do that we just rushed right through it and that is why we are at this point. He wants more clarification and he would like for the attorney to investigate these numbers. He needs to also investigate the emails. If the email is correct then these numbers are incorrect.

Mr. Olson said he will be happy to discuss that issue in Closed Session. You are confusing two separate and different issues completely. He doesn't think the same numbers do show up on both issues. The only thing you will be doing is you are authorizing the budget to be amended to reflect the decision you made at the last city council meeting.

Councilwoman Baker said she is curious about disturbing emails as she hasn't gotten any. She doesn't know what emails you are referring to.

Mayor Pro Tem Walton replied it was copies of emails from Mr. Mani.

A motion was made by Mayor Pro Tem J. B. Walton, seconded by Councilman M. E. Brooks to not take action on the Budget Amendment until the City Attorney can have time to investigate it.

A motion was made by Councilman J. A. Stimatz to table discussion on this item pending the research and to bring it back later in our session tonight. Councilman M. E. Brooks seconded the motion. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Mayor Peel called for a five minute break.

Mayor Peel declared the meeting back into full session.

Mayor Pro Tem Walton stated Mr. Olson did bring something forward and he thinks he received something that was more applicable but he hasn't seen that information yet.

Mr. Olson stated what he has is the staff write up to that resolution. It does not spell out how Powell Funds will be used but it does show that you authorized the project to go forward.

Mr. Walton stated this did not tell him anything specific. It is just a resolution requesting funds from the Division of Small Construction, NC Department of Transportation for improvements to US 17 Business-North Road in Elizabeth City. The only thing in the resolution that has something to do with numbers is the request for \$250,000 in Division Small Construction funds to help pay for the estimated \$850,000 to build a section of North Road Street. This document says it will be \$850,000 but on the document on our iPad it says \$936,000. That is still \$90,000 different from each document. The numbers just don't match up for him.

Mr. Olson said the additional expense was that engineering was added in for \$40,000 which is not a covered cost under that resolution. City staff was able to go ahead and allocate \$76,000 of Powell Bill eligible funding for the project which paid for the work on some of the side streets and also the sidewalks and other associated expenses that went with this project. The remaining balance would be charged to the Water and Sewer fund account of \$29,168.00.

Mr. Walton asked who gave you the approval to do that.

Mr. Olson replied that is what this is for. This is the budget amendment. In his opinion you approved the scope of work at the September 24th meeting. Queen Street has nothing to do this with. He wants to emphasis over and over again that Queen Street has nothing to do with this project. This is strictly road work, no utility work, strictly road work associated with North Road Street.

Mr. Walton stated a \$100,000 more was not approve by Council. To him that is what \$76,000 and \$29,000 adds up to.

Mr. Olson replied that under the grant agreement you executed a year and half ago your responsibility is for all costs over a given dollar amount. He will be happy to provide you a copy of that grant agreement for \$950,000 which basically says anything over \$950,000 you are responsible for 100% of the costs.

Mr. Walton said that is why he would like to have the attorney investigate this. He knows his memory is bad but he thinks his memory is better than a lot on this council. He needs to see it in writing.

Mr. Brooks said this is amazing. If he is not mistaken he was the one that asked for the information. He hasn't seen anything yet. He would like to see the numbers so he can make a decision. All this is moot because he is sure all the information will come to him. We are going to table it until then. The numbers have a gap in there somewhere. That is why he was asking for the information to begin with.

Mayor Peel said there are actually two budget amendments combined into this one budget amendment. Would it be helpful to you to separate the two amendments and approve the first section?

A motion was made by Councilman M. E. Brooks to approve the following Budget Amendment; and further, to remove Section II and table action on the section involving North Road Street until staff can bring back further information. Councilman R. T. Donnelly seconded the motion. Those voting in favor of the motion were: Brooks, Donnelly, Baker, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

**BUDGET AMENDMENT
NUMBER 2012-10
OCTOBER 29, 2012**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments are made to the annual budget ordinance for the fiscal year ending June 30, 2012:

SECTION I. That the Non-departmental Contingency (106620.6000) be decreased by \$44,500 and the following be increased:

(106200.4540)	Pasquotank/Camden Library	\$1,500
(106200.4610)	Food Bank of the Albemarle	\$7,500
(106200-5820)	Albemarle Family YMCA	\$1,500
(106200.5825)	Education Foundation of EC/PC	\$2,500
(106200.5830)	Kids First, Inc.	\$6,000
(106200.5840)	River City Community Development	\$2,500
(106200.5864)	Girls, Inc.	\$1,000
(106200.5865)	National Council of Negro Women	\$1,500
(106200.5866)	Port Discover	\$6,000
(106200.5875)	American Legion Post 84	\$1,000
(106200.5876)	New Beginning on Solid Foundation	\$3,000
(106200.5878)	Healthy Carolinians of the Albemarle	\$1,000
(106200.5879)	Northeast Coalition-End Homelessness	\$9,500

(To record contributions for FY 2012-2013.)

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Authorization to execute documents related to CDBG Infrastructure Grant 11-C-2352:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this is the grant agreement for the South Road Street project. The City received \$750,000 CDBG Grant from the State to go ahead and lay

approximately 3,200 liner feet of eight inch water line and 2,500 feet of eight inch sewer line plus eight manholes. The Environmental Assessment has been done by City staff and forwarded to State Clearinghouse. We should have that information back within 30-days. Then we can go ahead and release funds and start the project. The City must satisfy all funding conditional by February 25th, 2013. All of our funds must be obligated by December 25th, 2014. All funds have to be spent by March 25th, 2015. There is also a companion funding approval letter which includes that we have to do the Environment Review; Citizen Participation and Compliance Conditions; Use of Experience Contract Conditions, Performance-based Contract Conditions and Administration Contracts/Interlocal Agreement Conditions. Staff recommends that you authorize the Mayor to execute the Grant Agreement, the funding approval letter and also you approve the attached Grant Project Ordinance.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to authorize Mayor Peel to execute the Grant Agreement and Funding Approval Letter for CDBG-IF 11-C-2352 and designate the following individuals by title to sign Requisition for Funds forms: Mayor, City Manager, Finance Director and Chief Accountant; and adopt the following Grant Project Ordinance. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

SOUTH ROAD STREET WATER AND SEWER GRANT PROJECT ORDINANCE

BE IT ORDIANED, by the City Council of the City of Elizabeth City, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the South Road Street Water and Sewer Grant Project Ordinance to be financed with grant funds;

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents and the budget contained herein;

Section III. The following revenues are anticipated to be available to complete this project:

CDBG Community Investments 11-C-2352	\$750,000
--------------------------------------	-----------

Section IV. The following amounts are appropriated for the project:

Engineering	\$115,377
Construction	<u>\$634,623</u>
Total	\$750,000

Section V. Copies of this grant project ordinance shall be made available to the Budget Officer and Finance Director for direction in carrying out this project.

ADOPTED, this 29th day of 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Adoption of Resolution for 2007 Local Water Supply Plan:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised back in 2007 we submitted to DENR a Water Supply Plan. It has taken them five years to get around to reviewing it. The last time they adopted a Plan or readopted a plan was in 2002. On September 5th, 2012 we received notice that the 2007 Plan has been approved by DENR. Part of the approval process requires that we adopt the attached resolution.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to adopt the following resolution adopting the 2007 Local Water Supply Plan; and further to direct staff to forward a copy of said Resolution to NC DENR, Division of Water Resources, as required. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

**RESOLUTION #2012-15
2007 LOCAL WATER SUPPLY PLAN
OCTOBER 29, 2012**

WHEREAS, North Carolina General Statute 143-355(a) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government prepare; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for City of Elizabeth City, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(1) and that it will provide appropriate guidance for the future management of water supplies for the City of Elizabeth City, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that the Local Water Supply Plan entitled, 2007 Local Water Supply Plan dated September 5, 2012, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

ADOPTED, this 29th day of October 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Confirmation – Eddie Buffaloe, Jr.:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised three candidates for the Chief of Police position attended an assessment center. Based on the recommendation of the assessment center members, his interview and a review of Chief Manley's recommendations he has selected Eddie Buffaloe, Jr. to fill the position of Chief of Police. Mr. Buffaloe has over 20 years of law enforcement experience. He has a B.S. Degree in Criminal Justice Administration and is working on his Master's Degree in Criminal Justice

Administration. In addition, he is a Certified Law Enforcement Instructor and a Certified Drug Recognition Expert. He will be paid \$85,000 annually.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to confirm the appointment of Eddie Buffaloe, Jr. as the Chief of Police for Elizabeth City. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

f} Discussion – Hayes Iron and Metal:

Mayor Peel called upon Councilman Stimatz for comments.

Mr. Stimatz stated once more into the breach we go. He sent a photo he took on Saturday of the current operation. Across the street from the approved location which appeared to him to be in serious violation of a lot of Zoning and Code. Knowing how focused Ms. Hummer and he have been on this issue he is surprise that Code Enforcement has not kept an eye on this operation. It also a good time to talk about it because we just talked about pods. The Planning Commission directed that we look at the use of semi trailers and large containers on commercial and industrial sites. The picture he sent you will see that there is an unscreened dumpster, two large semis, one with the door torn off the back and stuff stored in it and a large pile of metal blocks which have obviously been put together and are stored on the ground in the open and not behind a fence. So, he is here to report on that condition and once again three years later, complaining on behalf of the residents that we enforce our code. He would like to know as soon as possible, when we are going to take action.

City Manager Olson stated action has already been taken. Basically the same terms and conditions on the west side of the road will have to take place on the east side of the road. This means fencing and everything else associated with it.

Mr. Stimatz said if this is coming back again and the Zoning Administrator plans to let them put another salvage operation over there, he has a real problem with staff.

Mr. Olson stated he will look into this situation and report back to you his findings.

g} Committee Reports:

- 1} **Albemarle Economic Development Commission:** Councilwoman Hummer, Councilwoman Baker and Councilwoman Hill-Lawrence and Mayor Peel

Councilwoman Hummer stated we had our meeting last week but unfortunately we didn't have a quorum so we couldn't take up any business. There was a consensus to move the meeting date back to a more convenient time.

- 2} **Central Communications Advisory Board:** Councilman Walton.

Councilman Walton stated we met but we did not have a quorum.

- 3} **Fireman's Relief Fund Board:** Councilman Spence.

Councilman Spence stated we have not met.

- 4} **Joint Land Use Plan Committee:** Councilman Stimatz.

Councilman Stimatz said we did not meet to review the conditional zoning change.

- 5} **NC Eastern Municipal Power Agency:** City Manager Olson and Mayor Peel.

Mr. Olson stated we did not have a meeting in October but our next meeting is November 15th. We will have the election of officers at that meeting.

- 6} **Solid Waste Committee:** Councilman Spence.

Councilman Spence stated he had nothing to report.

- 7} **Elizabeth City Downtown, Inc.:** Councilman Donnelly.

Councilman Donnelly reported Friday, November 23rd, the first Friday after Thanksgiving the holiday celebration will take place. It will begin at the courthouse at 6:00 p.m. with music with the Center Players and the lighting of the holiday lights. Santa Claus may be appearing at Port Discover. He is bringing along Mrs. Claus who will show up at Page After Page. Refreshments and caroling will be taking place at PNC Bank and there is a hayride/sleigh ride all around downtown. Get ready the day after Thanksgiving as there is a lot going on.

- 8} **Elizabeth City Chamber of Commerce Board:** Mayor Peel.

Mayor Peel stated there have been a couple of ribbon cuttings. One for BedLiners which is a company north of town. That was extremely well attended. We also have Lazy Days Landscaping from Edenton that is located with them. The second was at the Hampton Inn. The lobby of the Inn was completely redone. It is really pretty.

9} Finance Committee: Councilwoman Hummer, Councilman Donnelly, Councilwoman Hill-Lawrence and Mayor Peel.

Councilwoman Hummer stated all the items that were discussed and recommended by the Finance Committee to the full Council were presented to Council for action.

10} Parks and Recreation Advisory Commission: Mayor Pro Tem Walton.

Mayor Pro Tem Walton said that Ms. White is in the process of putting together a book that will show the proposed budget of what we want to do to bring each park up to standard. We should be able to get it to you by the next meeting.

11} Alleyway Committee: Councilwoman Hummer, Councilwoman Baker, Councilman Brooks and Councilwoman Hill-Lawrence.

Councilwoman Hummer stated there has not been a meeting.

12} Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz.

Councilman Stimatz stated he was unable to attend the last meeting.

Mr. Olson stated he attended but they did not have quorum. They did discuss the financials and fuel reports.

13} Storm Water Drainage Task Force: Councilman Stimatz, Councilman Donnelly and Councilman Brooks

Councilman Stimatz stated we have not had a meeting for a while.

14) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker stated we met last Thursday and had a presentation from Cohoon and Cross and Our State Magazine on the new initiative for towns and businesses to get on line. It is a new app for iPhones and Droids as well. It is powered by Our State Magazine. It has the quality of Our State Magazine. We

immediately voted to recommend to adopt that and put it out there for people to buy into. We talked about how successful Homecoming and Ghostwalk was this year.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated he had no further comments.

Councilman Stimatz stated the Encore production of the ***Sound of Music*** continues this Thursday, Friday and Saturday at 7:30 at AoA. Main Street trick or treat this Wednesday. Please come and enjoy. He would like to thank everyone for their expressions of sympathy regarding the passing of his Father this past Friday.

Councilwoman Hill-Lawrence said she would like to thank everyone, the City, County and Airport Authority for their donations for making the conference very successful.

Mayor Pro Tem Walton stated he had no further comments.

Councilwoman Hummer stated she had no further comments.

Councilwoman Baker said she would like to say that Mr. Olson has been named the Main Street Champion by the State Main Street Association. She received a request to look at changing the street cleaning services. There are different sides of the street where they hardly ever get swept or get vacuumed or whatever. There should be a different way to schedule the cleaning.

Councilman Spence said he would like to thank Chief Manley for the changes that he has made. The citizens have recognized the changes.

Councilman Donnelly stated on October 17th he attended a ribbon cutting ceremony at the Coast Guard Base on the Rescue Training Facility and the underwater modular egress training. Several members of Council attended along with the City Manager. It was an impressive overview of what they do out there. Doing that get together he had been approached by some community leaders that are very interested in reapplying to make Elizabeth City a Coast Guard City. These leaders are interested in putting together the application. They are looking for some endorsements and vocal support from various organizations. He told them he would bring a motion forward to City Council that we support our community leaders in pursuing a Coast Guard City designation for Elizabeth City. He asked that this item be placed on the next Council agenda.

Mayor Peel stated he has two things. One is a number of us attended the NCLM Conference last week in Charlotte. He was approached by at least five people about how much they enjoyed the BEMO conference we held in Elizabeth City. He also got a call from the governor this afternoon asking if we were all ok up here in Elizabeth City.

8} CLOSED SESSION:

A motion was made by Councilman M. E. Brooks, seconded by Mayor Pro Tem J. B. Walton to suspend the rules and add a Closed Session Item of discussion of personnel as per NCGS 143-318.11(a) (6). Those voting in favor of the motion were: Brooks, Walton, Baker, Hill-Lawrence, Hummer, Spence and Stimatz. Against: Donnelly. Motion carried.

A motion was made by Councilwoman L. A. Hummer, seconded by Mayor Pro Tem Walton to retire into Closed Session for the following: a} Consultation with City Attorney as per NCGS 143-318.11 (a) (3); b} Approval of Closed Session Minutes as per NCGS 143-318.10 (e); and, c} Discussion of Personnel matters as per NCGS 143-318.11 (a) (6). Those voting in favor of the motion were: Hummer, Walton, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Stimatz. Against: None. Motion carried.

9} RETURN FROM CLOSED SESSION:

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

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

10} ITEM FROM CLOSED SESSION:

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

11} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 9:31 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor