

MONDAY – 7:00 P.M.

NOVEMBER 13, 2012

CITY COUNCIL

The City Council of the City of Elizabeth City held their 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. Council members in attendance were: Mayor Pro Tem J. B. Walton, Counselors: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence and J. A. Stimatz. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Finance Director S. E. Blanchard, Planning Director J. C. Brooks, Human Resource Director K. W. Felton, Public Utilities Director P. A. Fredette, Fire Chief L. M. Mackey, Electric Director K. F. Clow and Inspections Director S. E. Ward.

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

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for the pleasure of Council regarding the prepared agenda. He asked to ***remove Item 7-e – Authorization for payment for temporary construction easements in connection with the Roanoke Avenue Drainage Project, Phase III.***

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

2} PUBLIC COMMENTS:

City Clerk D. S. Pierce-Tamplen advised that there were two individuals that had signed up to address Council.

Ms. Margie Sawyer, 1006 Riverside Avenue, Elizabeth City spoke regarding two no parking signs located on Riverside Avenue. She asked Council to consider removing those two signs.

Mr. Tony Rice, Elizabeth City spoke regarding his property that is located within the area of the proposed Roanoke Avenue Drainage project and the adverse

affect this project might have on his business. He asked that the City give consideration to this issue.

3} APPROVAL OF MINUTES:

Mayor Peel called for approval of the Special Meeting of September 5, 2012 minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Special Meeting held on September 5, 2012 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 City Manager R. C. Olson to read the items listed on the consent agenda.

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

Consent Agenda:

- a} Approved Central Communications and Emergency Management Interlocal Agreements with Pasquotank County and Camden County.
- b} Approved Animal Control Interlocal Agreement with Pasquotank County.
- c} Adopted the following Budget Amendment to record Vision 2020 funds received from the community in the amount of \$5,000.

**BUDGET AMENDMENT
NUMBER 2012-11
NOVEMBER 13, 2012**

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 the fiscal year ending June 30, 2013:

SECTION I. That the Vision 202 donations (103220.00510 and the Vision 2020 Expenditure (104100.3310) be increased by \$5,000.

(To record donated Vision 2020 funds received from community.)

ADOPTED, this 13th day of November 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Authorized out of state travel in the amount of \$770.00 for Councilwoman L. M. Hill-Lawrence to attend the National League of Cities Annual Conference held in Boston, Massachusetts.

End of Consent Agenda

5} PUBLIC HEARINGS:

a} Resolution authorizing financing with BB&T for the second delivery point.

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised that during the preparation of the Fiscal Year 2012-2013 budget, it was determined that we would debt finance \$3.5 million to pay for the construction of the second delivery point. After opening the bids on all components associated with the facility, it was determined that only \$3.1 million would be needed. The reason for the decrease can be attributed to the City paying for the Lowry property out of last year's budget. Bids were opened on November 8th. We received only one bid from BB&T Bank at an interest rate of 2.05% and the bid is financed for a period of ten years.

Mayor Peel declared the meeting into public hearing for consideration of a resolution authorizing the second delivery point financing. Since there was no one present who wished to speak for or against the proposed financing, Mayor Peel declared the public hearing closed.

Mayor Peel advised that action would be taken at the time of consideration of bids for the construction of the second delivery point, Item 9-e under the Regular Agenda.

6} REGULAR AGENDA:

a} Documents related to CDBG Grant #11-C-2372 for the former Middle School renovation project and adopt the related project ordinance:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson said that we received notice of award for a CDBG Catalyst Grant, #11-C-2372 from the Department of Commerce. This particular project covers the renovation of the first floor of the middle school site. There are \$500,000 CDBG funds, \$75,000 City and County funds. The grant agreement is a standard grant agreement like the many we have had with the Department of Commerce. The money will be used as follows:

Basic Cosmetic Repairs	\$310,500
Mechanical/HVAC	<u>\$274,500</u>
Subtotal	\$585,000
Contingency (10%)	<u>\$ 65,000</u>
TOTAL	\$650,000

There are a number of key dates that we need to adhere too. This item was discussed at the joint city/county meeting. During the last County Commissioner meeting they did authorize the execution of the agreements. During our last meeting there were some issues that Council wanted us to address concerning what was the Boys and Girls Club going to bring to the project.

Mr. Phillip Hornthal, representative from the Boys and Girls Club, stated that they were going to continue the programs that they currently been running in the Hugh Cale Building. The focus of their program has really changed over the last 20-25 years. We don't offer athletics any more but what they offer are after school enrichment programs, homework assistance, character development and things of that nature. We are going to continue to run those programs. We are going to establish a foundation with the monies received from the sale of their property on Ehringhaus Street. We are going to update the classrooms in the space they will use with computers, whiteboards, tables, chairs, those types of property. When we sold our building we decided to get out of the bricks and mortal business. We are not looking to building any buildings or purchase any buildings or renovate any buildings. It is not part of their long term mission or

objective to put money into bricks and mortar. This particular building is owned by the County and we understand our participation would be as a sub-tenant of PAL but we will have no ownership right or interest in the building.

Mayor Pro Tem Walton stated he had some concerns that the stakeholders had not met as of yet. There are some things going on that has to happen to make sure this is put into place. We know the programs that you will be bringing to the table because those programs are already in place.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to authorize Mayor Peel to execute the Grant Agreement and Funding Approval Letter for CDBG 11-C-2372 and designate the following individuals by title to sign Requisition of Funds forms, the Mayor, the Manager, Finance Director and Chief Accountant; and further adopt the following Former Middle School Renovation Grant Project Ordinance. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

FORMER MIDDLE SCHOOL RENOVATION GRANT PROJECT ORDINANCE

BE IT ORDAINED, 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 I. The project authorized is the Former Middle School Renovation Grant Project Ordinance to be financed with grant funds.

SECTION II. 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 NC Catalyst Grant	\$ 500,000
Elizabeth City TDA Funds	75,000
Pasquotank County TDA Funds	<u>75,000</u>
TOTAL	\$ 650,000

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

ECMS First Floor Renovations

\$ 650,000

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

ADOPTED, this the 13th day of November 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} North Road Street Improvements and Elizabeth Street Capital Project Ordinance and Budget Amendment:

Mayor Peel called upon City Manager Olson for comments

Mr. Olson stated during the Council meeting on October 29th, members of City Council raised concerns about a budget amendment for the North Road Street reconstruction project. Two days after the meeting city staff provided a detailed memo to members of the City Council concerning the need for the budget amendment and where the funds were coming from, etc. The Contract III which deals with North Road Street and Pearl Street there is \$3.1 million of NCDOT dollars, CDBG has \$950,000 and the City's share of \$315,438 which comes from Water and Sewer and also Powell Bill. The total project is \$4,451,936. Included in the budget amendment is the resurfacing, small reconstruction, CDBG (under run), transfer from Powell Bill is \$76,000 and transfer from the Water and Sewer Fund is \$29,168 for a total of \$936,268.00.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to adopt the following ordinance for the North Road Street Improvement and Elizabeth Street Capital Project; and the Budget Amendment as presented by staff. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

**NORTH ROAD STREET IMPROVEMENT AND ELIZABETH STREET
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED, 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 capital project ordinances are hereby adopted:

SECTION I. The project authorized is the North Road Street Improvement Capital Project Ordinance to be financed with DOT Funds.

SECTION II. The officers of this unit are hereby directed to proceed with the project within the terms of the project documents and the budget contained herein.

SECTION III. The following amounts are appropriated for the North Road Street Improvement Project:

(443490.5600)	NC DOT Resurfacing	\$ 286,100
(443390.5601)	NC DOT Small Construction	250,000
(443390.5602)	CDBG-N Road Street	295,000
(443390.5700)	Transfer from Powell Bill	76,000
(443390.8250)	Transfer from Water & Sewer Fund	<u>29,168</u>
		\$ 936,268

SECTION IV. The following amount is un-appropriated for the North Road Street Project:

(413490.2000)	CDBG – Elizabeth Street Project	(\$295,000)
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SECTION V. The following amounts are appropriated for the CDBG Elizabeth Street Project:

(446012.0400)	Engineering Costs	\$ 40,000
(446012.7301)	Construction Costs	<u>\$896,268</u>
		\$936,268

SECTION VI. The following amount is un-appropriated for the CDBG Elizabeth Street Project:

(415610.7301)	Construction Costs	(\$295,000)
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SECTION VII. Copies of this capital project Ordinance shall be made available to the Budget Officer and Finance Director for direction in carrying out this project.

ADOPTED, this 13th day of November 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**BUDGET AMENDMENT
NUMBER 2012-12**

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, 2012:

SECTION I. That the Powell Bill Fund Balance Appropriated (103990.0010) and the Transfer to North Road Street Project (105700.9102) be increased by \$76,000; and

That the Water and Sewer Retained Earnings Appropriated (313990.0000) and Transfer to North Road Street Project (318280.9102) be increased by \$29,168.

(To record North Road Street Resurfacing Project.)

ADOPTED, this 13th day of November 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} No parking signs on Riverside Avenue:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this is an item that has been brought forward by several members of the City Council. There are two "no parking" signs on the north side of Riverside Avenue. Those signs say "no parking" from 7:00 a.m. to 6:00 p.m. Why they are there we have not been able to determine. We believe they are left over from when COA had classes out there. There have been requests from several of the residents to have those signs taken down.

Councilwoman Baker stated she has three more signs to add to this conversation. There are three additional "no parking" signs on the south side of Riverside Avenue. She thinks these should probably also be removed. There is one between Morgan and Hunter, and there are two between Hunter and Agawam.

Mr. Olson stated he believes the signs on Hunter Street that Ms. Baker is referring to are there because of site issues where you cannot look to the west. If you have a high profile vehicle parked at that location you cannot see east bound traffic on Riverside. He believes that is the same reason they were put up on Morgan Street.

Ms. Baker said the only one that says no parking from here to the corner is down between Flora and Raleigh. The ones up where she is referring to say "no parking" anytime. They are all on the side of the street where there should be parking. None of them are that close to the corner. They just seem like forgotten signs. They are on the two thirds side of the street.

Mr. Olson said he would recommend that staff be allow time to review these signs and come back with a more detailed map addressing those three signs.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to authorize the removal of the three "No Parking" signs located in front of 1006 Riverside Avenue and 916 Riverside Avenue; and further instructed City Staff to bring back a proposal on "No Parking" on the south side, what it should be or not be. Those voting in favor of the motion were: Stimatz, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.

d} Amendment to City Council Travel Policy:

Mayor Peel stated our travel policy currently has three statements in it and the last one says that if one of us fails to travel that we need to reimburse the City for any expenses that have been incurred. There is really no way in the policy to really enforce that. The proposed statement says basically, that city staff shall not register any member of City Council for any event utilizing the Council travel budget unless the Council member has reconciled all outstanding travel registrations and expenses. If one of us owed the City money we would not be able to register for any future conferences until that issue was cleared up. Currently we have a policy that says we shall reimburse the City but there is no mechanism in place to cause that to happen.

Councilman Brooks stated he finds this interesting that this keeps popping up because we talked about this extensively in June. If you are dealing with policy whether it is travel policy or any other policy you can't try to enforce one policy and leave the others unenforced. We eliminated the Personnel Committee because they were going through and doing just that. So if you keep diving and dabbling in policies let's be consistent with all the policies not just pick one that you think is beneficial to whatever your agenda is. His whole thing is that he has no problem with that. It is ok but let's go through all the policies because if you listen at the conversations that he has had throughout council you will find out that he often quote policies and statutes and sections that we as a council disregard. He is trying to figure out how this particular one keeps pinpointing because we also have council members before this came into play that over expended what we said council would have for travel. That is what we did and we talked about it in June and that is why it passed unanimously that Councilwoman Lena Lawrence get additional monies because that he is how we did it. It is good. What he is saying is we have got to have some consistency. For this we are going to stick to this but when it comes to that we have an exception to the rule. He is asking for consistency and make sure the consistency does not include discriminating against one council person or showing favor one way or the other. That is all he is saying and the reason why he said that because he would like for the City Clerk to also put this in the minutes, just like he said it, word for word if possible because it is needed. That is all he has got to say about that Mr. Mayor.

Councilwoman Hill-Lawrence asked Mr. Brooks what he said about her.

Mr. Brooks responded that he said that is why we discussed it in June with the Council as we had allocated each council member a certain amount of money and if someone wanted to travel more than another it can come before Council and that is what we did. It was unanimous that we said go ahead and give you additional funds because some of us don't travel.

Mayor Peel asked Mr. Brooks if he knew of any other policy that needs to be revamped he would be glad to know about them because we need to fix those. This is one that came to his attention that he thought that we needed to address.

Mr. Brooks said we talked about it in June and he thought it was a dead animal but it keeps popping back up.

Councilman Donnelly said he was looking at the travel report through October of 2012. He noticed under his name that he has \$150 expense and he can see that was related to the conference, NCLM conference down in Charlotte which he chose not to attend. But, somehow he got registered for that without even requesting participation in that. So he does not understand how he ended up, apparently they charge you \$150 for taking your name off the conference, but he doesn't know how he ended up being signed up for the conference. Technically, if Item #4 was approved in advance he would owe this City \$150. Thank God it happened before that. But, he is still a little confused as to why he was even registered for that conference without his request. If anybody knows why please let him know. He just wanted this on the record.

Councilwoman Hill-Lawrence said she would like to also say she got charged for a hotel that she had asked Vivian to cancel. It was the last time when we went down to Raleigh for Town Hall Day. She had made a reservation for a hotel for her but she asked her to cancel it because she drove down that morning instead to save some money but she was still charged for that.

Councilman Brooks said then we need to find a way to rectify that situation. We don't want to make the Council getting experience and bringing it back to this Council difficult. We want to make it as smooth as possible. When you are talking about policy we almost have to talk about our charter, ordinance and all that other stuff too. What he is saying is that we are in a slippery slope. Don't just pick one item. We did away with the Personnel Committee because that was what the Personnel Committee was doing. We agreed to do away with the Personnel Committee but if you are going to start talking about policy we also need to address some issues that are inside our ordinances and charter. We have got to have consistency and don't just pick on one and say this is a bad spot. If you go back to the policy since this election you will find that he has quoted a whole lot of ordinances/charter that wasn't done in accordance and what did we do with that. They have penalties and stuff for not doing that but yet you are going to penalize council for a travel policy but we don't want to do the same with our policies, ordinances and our charter. What he is saying is we have to be consistent in that. It is just not policy it is the Charter that gives us the authority by the North Carolina Legislature. We are talking about the whole

thing. We can't just pick one out, let's do the whole thing. We are going to revamp it through the whole thing.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to amend the Council's Travel Policy by adding the following as Item 4 under Travel Authorization Request: "City staff shall not register any member of the City Council for any event utilizing the Council Travel Budget unless the Council member has reconciled all outstanding travel registrations and expenses." Those voting in favor of the motion were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

e} Award of Bids for Construction of second delivery point and adoption of resolution authorizing financing of same:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated as council is well aware of, we have been working on a second delivery point now for four to five years. Council purchased the Lowry property for \$450,000 back in March 2012 to be the site location for the second delivery point. After the purchase we started the design of the second delivery point itself. What you need to realize is that a second delivery point is centered around the large step down transformers. Bids were opened on June 13th for furnishing the major equipment for the second delivery point. We had seven bids and the low bidder was Siemens Energy at \$1,097,000. That particular transformer bid was only good until September 11, 2012. Unfortunately we were not able to complete the design work associated with it so we had to ask them to extend that bid until December 21, 2012. Because of the way the commodity market is Siemens requested a \$52,800 increase. We had our engineer check it out and he believes that was a reasonable request. The second thing that we had to do was the substation switching facilities. The City received four bids on that and Substation Enterprises was the low bidder at \$331,205. Then we bid the 230 kV circuit switch gear and we received six bids. Southern States was the low bid at \$53,066. The low bid for the 38kV circuit breaker was submitted by Schneider Electric in the amount of \$30,000 per breaker. The City received four bids for the indoor switchboard and SEL was the low bidder at \$38,976. There were a number of items that we were forced to sole source on this bid. The first one was the SCADA system and the SCADA remote terminal unit was given to CG Automation for \$11,982, while the fiber optic multiplexers were given to GarrettCom for \$3,595.50. On October 23, 2012 the final set of bids were opened. For the construction of the 34 kV line, the low bidder was MasTec in the amount of \$1,216,791.93. For the materials used in the construction of the

34 kV line the low supplier was WESCO at \$164,655.77. Finally, the actual construction of the substation the City received five bids with the lowest one being from Sumter Utilities in the amount of \$541,758.42. The City sole sourced GET Solutions to do the soil borings which will cost \$6,000. Typically, electrical engineers include a 20% contingency and overhead which is estimated at \$497,873. Based on the actual cost to install the delivery point, the City will only be requesting \$3.1 million to be financed. The Finance Committee discussed this matter and recommends approval. At the public hearing that was held earlier tonight BB&T was the only bidder for the financing at 2.05%

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. M. Hill-Lawrence to award the following bids for the second electric delivery point. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

45/60/75 MVA Power Transformer	Siemens Energy	\$1,149,800.00
Substation & Switching Facilities	Substation Enterprises	\$ 331,205.00
230 kV Circuit Switcher	Southern States	\$ 53,066.00
38 kV Circuit Breakers	Schneider Electric	\$ 60,000.00
Indoor Switchboard	Schweitzer Engineering	\$ 38,976.00
SCADA Remote Terminal Unit	CG Automation	\$ 11,982.00
Fiber Optic Multiplexers	GarrettCom	\$ 3,595.50
230kV Wave Trap	Trench	\$ 6,200.00
Wave Trap Structure	Substation Enterprises	\$ 1,285.00
Security Fence	Seegar's Fence Co.	\$ 16,102.00
34 kV Line Construction	MasTec	\$ 216,791.93
34 kV Line Construction Materials	WESCO	\$ 164,655.77
Substation Construction	Sumter Utilities	\$ 541,758.42
Soil Borings	GET Solutions	\$ 6,000.00
Total Equipment and Installation Cost		\$2,601,417.62

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following resolution authorizing financing of the second delivery point to BB&T at an interest rate of 2.05%. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

**RESOLUTION # 2012-16
APPROVING FINANCING TERMS
SECOND DELIVERY POINT**

WHEREAS, the City of Elizabeth City, North Carolina (the “City”) has previously determined to undertake a project for the Electric Delivery Point (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1} The City hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated November 7, 2012. The amount financed shall not exceed \$3,100,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.05%, and the financing term shall not exceed ten (10) years from closing.

2} All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3} The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4} The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified Tax-exempt obligations” for the propose of Internal Revenue Code Section 265 (b) (3).

5} The City intends that the adoption of this resolution will be a declaration of the City’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City

intends that funds that have been advanced, or that may be advanced, from the City's General Fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6} All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

APPROVED, this 13th day of November 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated again he would tell the City Clerk to make sure that she writes the statements that he said about discrimination on policies, our ordinance and Charter. We have to have some consistency and we can't just discriminate. He wants her to write that word verbatim because if we keep diving and dabbing and if you are already in the hole you don't need to keep digging. Our City Council keeps digging when they are already in the hole so it is ok with him. Again, he is just requesting that the City Clerk writes those words verbatim. He wants to congratulate those who were promoted within the Police Department whether it is a captain, lieutenant or sergeant. He wants to give them a hearty congratulation on that. He wants to give thanks and applaud to all those who have served our country as veterans. He also wants to thank those places who served them food free and thanking them for their service.

Councilman Stimatz said he would like to echo Councilman Brooks' comments regarding our veterans and our active duty personnel who are serving to protect our country. We owe them a great debt of gratitude.

Councilwoman Hill-Lawrence wished everyone a happy Thanksgiving.

Mayor Pro Tem Walton stated he ditto the words about our veterans. They are keeping our country safe and we should really appreciate them and recognize them as much as possible.

Councilwoman Hummer stated that our new fire truck is a good looking ladder truck. She would also like to congratulate those in the Police Department who received promotions. Many of those promotions were long overdue. Also, the ceremony that was held at Westlawn on Veterans Day was a very impressive and beautiful ceremony.

Councilwoman Baker said she would like to echo the sentiments expressed regarding our veterans and the ceremony held to honor those who have served our country. Mayor Peel gave a very nice speech. She stated that there was very good feedback on the ***Today in America Series*** that is on You Tube and it is about Elizabeth City. It is a very well done program. You may remember that we helped to fund that. In funding that we bought all rights to that program. You can see it on You Tube or you can put it on your own web site, your own whatever. We own the rights to it and it will make you very proud to be in Elizabeth City. We are getting good feedback from the series. She would like to say congratulations for the Nell Cropsey Ghostwalk 2011 and HAS IT projects through our Main Street Program as well as to City Manager Olson for receiving the Main Street Champion Award. To have three major awards in one small town is huge.

Councilman Spence wished to thank all our veterans for what they give back to their country. He would also like to congratulate those in the Police Department on their promotions.

Councilman Donnelly stated he thinks it all has been said and he thanked the City Council for thanking all those they thanked.

Mayor Peel stated we had a month ago the National Inner Collegiate Flying Association come to town. They competed against one another for over a three day period. We received a nice plaque from them thanking the City for our support. There is a gentleman by the name of Dan Serik who organizes the Veteran Day/Memorial Day events. He really does a good job. He had an opportunity to recognize the Coast Guard personnel that were involved in the recent rescue. He, too, would like to congratulate the police personnel who were promoted. The last thing he would like to say is thank you to Scott Hinton and all the people who participated in the First Flight program.

8} CLOSED SESSION:

Mayor Peel called for a motion to retire into Closed Session for consideration of personnel matters and acquisition of property.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to retire into Closed Session for discussion of personnel matters as per NCGS 143-318.11 (a) (6) and acquisition of property located at 1348 George Street, Elizabeth City as per NCGS 143-318.11 (a) (5). Those voting in favor of the motion were: Baker, Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

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

Mayor Peel declared the meeting back into full session.

9} ITEM FROM CLOSED SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to authorize the City Manager to offer to purchase 1348 George Street from Ms. Ethel Bright in the amount of \$25,000. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

10} ADJOURNMENT:

There being no further business to come before the City Council at this time, Mayor Peel adjourned the meeting at 8:25 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor