

**City Council Regular Session
December 12, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, December 12, 2016 in Council Chambers, located on the 2nd 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 Rickey King
Councilman Darius Horton

MEMBERS ABSENT: Councilman Michael Brooks
Councilman Johnnie Walton

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Planning Director June Brooks
Police Chief Eddie Buffaloe
Electric Department Supervisor Jason Value
Assistant City Manager Angela Cole
Human Resources Director Katherine Felton
Public Utilities Assistant Director Larnetta Brother
Deputy Fire Chief Barry Overman
ECDI Director Debbie Malenfant
Inspections Director Stanley Ward
Parks and Recreation Superintendent Michael Barcliff
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 gave the invocation, after which he led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Peel requested Council's pleasure regarding approval of the prepared agenda.

Mayor Peel announced an addition to the Closed Session discussion as allowed by NCGS 143-318.11(a)(5) to discuss acquisition of property.

Councilman Horton requested to add "Visions of Hope Homeless Shelter" to the regular agenda.

Motion was made by Councilman Rickey King, seconded by Councilman Ray Donnelly, to approve the agenda with any necessary corrections. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. The motion carried.

2. Statement of Disclosure:

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

3. Presentations:

a. Recognition of Retiring Employees:

Mayor Peel introduced individually each of the three department directors retiring from the City of Elizabeth City effective December 31, 2016 by reading a brief synopsis of their career and personal accomplishments. He then presented a plaque honoring their years of service to the City of Elizabeth City and its citizens, as follows:

- a. Planning Director June Brooks – Eleven Years of Service;
- b. Human Resources Director Katherine Felton – Thirty-five Years of Service;
- c. Parks and Parks and Recreation Director Bobbi White – Thirty-three Years of Service.

Director Brooks, Director Felton and Director White thanked the City Council, staff and our citizens for the opportunity afforded them to serve the City over the years.

4. Comments from the Public:

Mr. Richard Good, 505 Continental Drive, Elizabeth City, NC expressed his concerns regarding a storm drain located at Fifth Street and East Ward Street that needed repair. He indicated that he had reported the issue three times to City departments with no action taken. Assistant City Manager Cole advised that Public Works crews had been repairing the storm drain that day; and weather permitting, the work should have been completed.

Ms. Alice Redding, 914 Riverside Avenue, Elizabeth City, NC spoke in support of a letter she had emailed to members of the City Council regarding her frustrations with City staff when trying to develop property she owns on Riverside Avenue and Southern Avenue. She alleged that every plan of action she had submitted over the last thirteen years had met with unreasonable resistance. She requested that Council members review the specifics contained in her letter and provide a response and guidance to her regarding how she could proceed.

5. Approval of Minutes:

Mayor Peel requested the Council's pleasure regarding approval of the prepared minutes.

- a. City Council Regular Session of March 28, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of March 28, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

- b. City Council Work Session of September 26, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Work Session minutes of September 26, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

- c. City Council Regular Session of September 26, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of September 26, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

- d. City Council Regular Session of October 31, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of October 31 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

e. City Council Regular Session of November 14, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of November 14, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

f. City Council Regular Session of November 28, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of November 28, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

6. Consent Agenda:

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

(Clerk Notation: Items “b” thru “e” were recommended for approval by the Finance Committee during their meeting of December 8, 2016.)

Beginning of Consent Agenda:

a. Consideration – Adoption of 2017 City Council Meetings Calendar, as follows:

**City Council Meetings Calendar for 2017
Meetings are held in Council Chambers of the
Municipal Administration Building, 306 E. Colonial Avenue**

Date	Time	Meeting
January 9, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
January 23, 2017	7:00 p.m.	Regular Meeting
February 13, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
February 27, 2017	7:00 p.m.	Regular Meeting
March 13, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
March 27, 2017	7:00 p.m.	Regular Meeting
April 10, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
April 24, 2017	7:00 p.m.	Regular Meeting
May 8, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
May 22, 2017	7:00 p.m.	Regular Meeting
June 12, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
June 26, 2017	7:00 p.m.	Regular Meeting
July 10, 2017	7:00 p.m.	Regular Meeting
August 14, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
August 28, 2017	7:00 p.m.	Regular Meeting
September 11, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
September 25, 2017	7:00 p.m.	Regular Meeting
October 9, 2017	7:00 p.m.	Regular Meeting

	5:30 p.m.	Work Session
October 23, 2017	7:00 p.m.	Regular Meeting
November 13, 2017	7:00 p.m.	Regular Meeting
	5:30 p.m.	Work Session
November 27, 2017	7:00 p.m.	Regular Meeting
December 11, 2017	7:00 p.m.	Regular Meeting

- b. Consideration – Authorization for acceptance by the Elizabeth City Police Department of the Governor’s Crime Commission’s Local Law Enforcement Block grant in the amount of \$6,050 and adoption of the budget amendment required for accounting purposes, as follows:

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, 2017:

SECTION I. That the Local Law Enforcement Block Grant Revenue (103490.5141) and Police Capital Outlay (105100.7400) be increased by \$6,050.

(To record grant to purchase audio/video recording equipment. No local match is required.)

ADOPTED, this 12th day of December 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- c. Consideration – Authorization to execute the Sub-recipient Agreement and Lease Agreement with Vision of Hope Emergency Shelter and Outreach Center as presented;
- d. Consideration – Award of Phase III Contract 2 of the Water and Sewer Main Replacement Project on South Road Street to RPC Contracting in the amount of \$815,676.60; and further authorize the City Manager to execute the construction contract with RPC Contracting, Inc.; and further adopt the required budget amendment for the Road Street Water and Sewer Project Capital Project Ordinance as follows:

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 and the Road Street Capital Project Ordinance for the fiscal year ending June 30, 2017:

SECTION I. That the Water and Sewer Fund Retained Earnings Appropriated (313990.0000) and Transfer to Road Street (318280.9102) be increased by \$390,307.50.

SECTION II. That the Transfer from Water and Sewer Fund (473970.1000) and Road Street Water & Sewer Capital Improvements (476616.7300) increased by \$390,307.50.

(To appropriate additional funds for Road Street Water & Sewer Capital Project.)

ADOPTED, this 12th day of December 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- e. Consideration – Authorization for the City Manager to submit an application for the 2016 System Betterment Project Reimbursement Grant from ElectriCities in an amount not to exceed \$5,000;
- f. Consideration – Call for a Public Hearing to be held on January 9, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue, to approve William Jeffrey Mitchell’s Downtown Improvement Grant Program request in the amount of \$20,000 for a total project cost of \$76,150.00.

End of Consent Agenda.

Mayor Peel requested the Council’s pleasure regarding approval of the Consent Agenda.

Motion was made by Councilman Donnelly, seconded by Councilman King to accept the Consent Agenda as presented. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

7. Public Hearing:

- a. Consideration – Hold a Public Hearing to adopt an Ordinance amending Section 72.04 of the City of Elizabeth City Code of Ordinances “Compliance With Signs” and the corresponding City of Elizabeth City Prohibited Parking Traffic Schedule.

Mayor Peel announced the subject matter of the Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one wished to speak, Mayor Peel declared the Public Hearing closed.

Mayor Peel recognized City Manager Olson for his comments. Mr. Olson stated that according to North Carolina General Statute §160A-301(a) On-Street Parking, a city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. He said that the discussion of this matter began during a request to install no parking signs on Persse Street. He noted that staff’s research indicated that the City did not have an ordinance designating no parking areas in the City. He stated that he felt adoption of the ordinance was a housekeeping procedure; and he noted that the City’s Geographic Information System already contained a layer depicting every no parking sign in the City. He stated that staff’s recommendation is to adopt the proposed ordinance amendment along with the Prohibited Parking Traffic Schedule.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Rickey King to adopt the ordinance amending Section 72.04 of the City of

Elizabeth City Code of Ordinances “Compliance With Signs” and the corresponding City of Elizabeth City Prohibited Parking Traffic Schedule.

Councilman Stimatz stated that he thought the record should indicate the “stretches of road” impacted by the signs rather than just the location of the signs. Mr. Olson pointed out that some signs contained specific direction, such as “no parking between signs.” He said that he thought the Uniform Traffic Code carried a distance for a sign of 200 feet. He advised that staff would be happy to make a determination of the exact area a sign is directly responsible for. He pointed out that some signs, such as “no parking here to corner,” dictate the regulation on the sign.

Councilman Stimatz stated that if the area covered is generally accepted as 200 feet, he felt the measurement should be included in the ordinance. He opined that the City “did not want to be tied to the sign, per se.” He suggested that the ordinance amendment could read “shall park a vehicle within 200 feet of such signs or as indicated by the sign.” He stated that he thought if the ordinance was worded that way, the City could enforce it. He suggested further work by staff was needed before adoption of the amendment.

Motion was made by Councilman Stimatz, seconded by Councilwoman Baker, to table action on this until staff comes back with some better language for Section 72.04. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

8. Regular Agenda:

- a. Discussion – Date for Presentation of City’s Certified Annual Financial Report.

Mayor Peel recognized City Manager Olson for his comments on this matter. Mr. Olson explained that a requirement of the recently prepared audit was presentation of the June 30, 2016 Certified Annual Financial Report to the City Council. He pointed out that although the review letter had not yet been received from the Local Government Commission, the Council needed to schedule time in order to receive the audit presentation. He suggested that the Council could call for a Special Meeting later in December or wait until the January 9, 2017 meeting to have the auditors present the report.

Mayor Peel requested the Council’s pleasure on this matter. By consensus, members of the Council chose to wait until January 9, 2017. Mayor Peel suggested that a Special Meeting be held at 6:15 p.m. on January 9, 2017 prior to the regular session. Members of the City Council agreed with Mayor Peel by consensus.

- b. Consideration - Call for a Public Hearing to be held on Monday, January 9, 2017 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding text amendment TA 01-16 filed by the City of Elizabeth City adding language to define and regulate microbreweries in the Central Business District.

Mayor Peel recognized City Manager Olson for the background on this matter. Mr. Olson reviewed staff’s request to call for a Public Hearing to receive citizen input regarding Text Amendment TA 01-16. He noted that the amendment involved a zoning text amendment for microbreweries. He stated that the matter had gone before the Planning Commission on two occasions, which had resulted in a number of changes. He stated that the amendment presented to the Council represented the Planning Commission’s recommendation. He turned the discussion over to Planning Director June Brooks for her comments.

Director Brooks stated that as staff worked through the text amendment, a number of changes were made to the original document presented to the Council during the Work Session held on September 26, 2016. She pointed out that the first document presented to the Council was simply informational in nature to introduce the concept to the Council. She stated that meetings held with individuals who were interested in

opening microbreweries in the Central Business District resulted in additional changes. She stated that staff had attempted to simplify the text amendment with a definition of microbrewery that would be all inclusive of brew pubs, nano-breweries and microbreweries. She pointed out that since the Council did not want to include food sales as a condition, that requirement had been removed from the proposed definition presented on September 26, 2016. She stated that the Planning Commission had also suggested removing cover charges and any type of entertainment having to cease at 10:30 p.m. from the proposed amendment. Mr. Olson reviewed the suggested definition of microbrewery for the Council.

Councilman Stimatz asked if the matter represented an initial adoption of a zoning ordinance or a subsequent amendment. City Manager Olson responded that the issue represented an amendment to the zoning ordinance. Councilman Stimatz pointed out that since the issue represented an amendment, he believed that the Council was not bound to send any changes back to the Planning Commission. He stated that he was concerned about the process that had been used in developing the text amendment. He noted that the term "brew pub" that had been previously approved by the Council had been taken out by staff before it was presented to the Planning Commission.

Council Stimatz stated that he wanted to make a motion "that we reinsert the language regarding brew pubs back into it, which was Council's desire at our earlier meeting."

He provided the definition of a brew pub according to Brewers Association's standards as follows: "a restaurant-brewery that produces less than 15,000 barrels of beer per year and sells 25 percent or more of its beer on site; the beer is brewed primarily for sale in the restaurant and bar the beer is often dispensed directly from the brewery's storage tanks; where allowed by law, brewpubs often sell beer "to go" and/or distribute to off-site accounts." He pointed out that the definition included the words "restaurant-brewery." He noted the differences in the brew pub definition as opposed to the microbrewery definition - such as sales of product on-site versus off-site sales and required accessory uses. He stated that by not defining a brew pub along with microbrewery in the ordinance, those wishing to establish such an enterprise could not be served without again amending the ordinance.

Councilman Stimatz said "my motion is to send this to Public Hearing with the inclusion of the previous language that was in the version that staff saw with one slight change and this is part of the whole – brew pubs are different."

Councilman Stimatz stated that brew pubs are restaurant-breweries. He said "the first thing is what you have before you – food must be available during all business hours. It only makes sense if you are a restaurant-brewery, then you should have food available." He continued "at the same time, they will not be allowed to sell fortified wines, spirituous liquors or mixed spirit liquor beverages. They are not to morph into something else. They are to stay what they are."

Mayor Peel stated "we have a motion, do we have a second?" Hearing none, he stated that the matter needed to be tabled until after the scheduled Public Hearing.

Motion was made by Councilman Stimatz, seconded by Councilman Horton, to table discussion until after the Public Hearing. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

At the conclusion of the Public Hearing, Mayor Peel requested a motion to remove this item from the table.

Motion was made by Councilman Stimatz, seconded by Councilman Horton, to remove from the table the item regarding the call for public hearing on brewpubs. Those voting in favor of the motion were: Baker,

Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

Councilman Donnelly stated that he was attempting to sort through the differences between a microbrewery and a brew pub, but did not find any.

Councilman Stimatz stated that the definitions provided by staff during the September 26, 2016 meeting included both a brew pub and a microbrewery. He noted that the two operations are different.

Mayor Peel stated that the main difference is that a brew pub can also be a restaurant. Councilman Stimatz noted that a brew pub “must be” a restaurant since the definition includes the words “restaurant-brewery.”

Councilman Donnelly stated that a brew pub only has to make food available. Councilman Stimatz stated that in the language provided initially by staff, which quoted the American Brewers Association definition, required a restaurant. He said that many definitions in many documents exist, but he preferred to use the definition of brew pubs that had been provided by staff.

Councilman Donnelly opined that he believed a microbrewery to be synonymous with a brew pub and felt that was the definition that should be used.

Mayor Peel stated that microbreweries may offer food such as chips and nuts but do not serve meals, while brew pubs must serve food. Councilman Donnelly stated “if that is the difference, I buy in to the brew pub definition.”

Councilman Stimatz stated that he would like to amend his earlier motion to delete the provision in the brew pub definition that 25 percent or more of the beer is sold on site because it was not consistent the language for a microbrewery.

Mayor Peel stated that as he looked at the matter, the definition of a microbrewery required one or more accessory uses such as a tasting room, tap room and restaurant. He pointed out that if someone wanted to open a brew pub, they would be able to do so under that definition.” Councilman Stimatz stated “it’s a lesser included category.” Mayor Peel noted that a brew pub is not “named” in the ordinance amendment but would be allowed. Councilman Stimatz stated that he was looking at it from the perspective of someone on the outside looking in. He said “if you don’t see your word, you may think you can’t do it.”

Councilman Donnelly stated that he leaned toward hearing from those persons wishing to open a micro/brew pub/brewery. He said the situation was not clear to him and he did not want to make it difficult for the establishments that want to move forward. He pointed out that the City needs to work with them, because it would enhance the downtown area and bring economic development to the area.

Councilman Stimatz stated that the brew pub definition was included in the information presented to the Council during the September 26, 2016 Work Session. He noted that Council had “sent that on” to the Planning Commission, but staff had removed it before presentation to the Commission. He stated that he had a problem with that and would address that issue separately at another time. He said that there would be no harm in adding the brew pub definition back.

Mr. Olson stated that during the September 26, 2016 meeting, the Council had indicated that they did not want food to be a requirement for microbreweries, which was the reason staff removed the requirement from the ordinance amendment. He pointed out that a brew pub is a form of microbrewery. Councilman Stimatz disagreed and pointed out that the definition presented for a brew pub required food service.

Mr. Olson stated that staff does not have an issue with the definition of a brew pub, but he wanted members of the Council to understand that the brew pub definition was more restrictive than the definition of microbrewery contained in the proposed amendment.

Mayor Peel restated Councilman Stimatz’ motion to reinstate the definition of brew pub and called for the vote by a show of hands.

Those voting in favor of the motion were: Baker, Hummer, Stimatz, King and Horton. Against: Donnelly. Motion carried.

- c. Discussion – Visions of Hope Homeless Shelter *(added to agenda by Councilman Horton)*.

Mayor Peel recognized Councilman Horton for his comments. Councilman Horton stated that he had been informed that the City had used funding from the Community Support Grant award for the Vision of Hope to eradicate the bed bug issue at the homeless shelter. He expressed his concern about that and asked the City Manager why that was done.

Mr. Olson responded that under the lease and sub-recipient agreement that Vision of Hope has with the City, it is the shelter's responsibility to take care of all expenses such as pest control, but the shelter did not have funds to do so. Mr. Olson stated that the shelter is "barely hanging on" and the City had spent money out of the General Fund to help subsidize and support their activities. He stated that staff realized that Vision of Hope served a real need within the community.

Councilman Horton stated that he did not believe staff should have used the Community Support Grants funds for that expense without authorization from the Council.

Mr. Olson responded that he had sent a memo to the Council in October prior to taking the action informing Councilmembers of the situation and the direction City staff was going to take. He stated that the matter was strictly up to the Council and if the desire was there to allocate additional funds to Vision of Hope to pay for the extermination, staff would not have an issue with that. He noted that the Community Support Grant funding for Vision of Hope is used to pay utility and fuel oil bills.

Mayor Peel stated that the Finance Committee had discussed this matter and is in agreement that the Vision of Hope provides a service that nobody else provides. He said the committee had agreed that the City would help to the extent possible as situations arise.

Motion was made by Councilman Horton, seconded by Councilman Donnelly, to send to the Finance Committee the option of researching possible ways to help them with the bed bug issue.

Mayor Peel stated that a motion was not needed and advised that the issue would be taken before the Finance Committee during the next meeting. Councilman Horton withdrew his motion.

Councilman Stimatz reminded the Council that it had been previously discussed that Vision of Hope was not financially viable and that the City did not want to get into the homeless shelter business since that is a County function.

9. Comments and Inquiries on Non-Agenda Items:

Councilman Donnelly had no further comments.

Councilwoman Baker thanked the Parks and Recreation Department for nominating her to serve as Christmas Parade Grand Marshal. She stated that she was very pleased to do so. She thanked the City's three retirees for their service.

Councilman King thanked the City's retirees for a great job and wished them an enjoyable retirement.

Mayor Pro Tem Hummer thanked the City's retirees for their service and wished them all the best in their retirement. She wished everyone a safe and happy holiday season.

Councilman Horton wished everyone a Merry Christmas and happy holiday and a prosperous New Year. He thanked the three retirees for their years of service.

Councilman Stimatz thanked the City's retirees for their service and wished everyone a Merry Christmas and a Happy New Year. He read a statement in which he detailed his grave concerns regarding situations when he believed staff had chosen not to carry out Council direction or had made changes to documents previously vetted by the Council or the Finance committee without authorization or explanation. He stated that whether these events were unintentional or not, he thought such actions undermined the flow and integrity of the deliberative process, created concern and confusion between the various bodies, unduly alarmed persons affected by the outcomes, required issues to be managed more than once, embarrassed the City and the Council, and distressed Council member. As an example of his concerns, he provided a timeline of the recent process to amend the UDO to allow microbreweries in the Central Business District and expressed his dismay regarding how that procedure was handled. He recommended that the Council fund a professionally conducted process to map an improvement project for the Planning and Inspections Departments.

10. Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney, NCGS 143-318.11(a)(6) discussion of personnel and NCGS 143-318.11(a)5 Acquisition of Property.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman Stimatz to go into closed session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney, NCGS 143-318.11(a)(6) discussion of personnel and NCGS 143-318.11(a)5 Acquisition of Property. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

Mayor Peel declared a five minute recess at 8:15 p.m. after which the Council retired into closed session.

Motion was made by Councilman Donnelly, seconded by Councilman Stimatz to come out of closed session. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, King and Horton. Against: None. Motion carried.

The Council returned to regular session at 9:00 p.m.

11. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:02 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk