

The City Council of the City of Elizabeth City met in regular session on Monday, April 24, 2017 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel  
Councilwoman Jean Baker  
Councilman Ray Donnelly  
Mayor Pro Tem Anita Hummer  
Councilman Tony Stimatz  
Councilman Michael Brooks  
Councilman Rickey King  
Councilman Darius Horton  
Councilman Johnnie Walton

MEMBERS ABSENT: NONE

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Interim Finance Director Evelyn Benton  
Chief of Police Eddie Buffaloe  
Electric Department Superintendent Karl Clow  
Assistant City Manager Angela Cole  
Interim Human Resources Director Monica Cole  
Public Utilities Director Paul Fredette  
Public Utilities Director Joe Pearce  
Parks and Recreation Director Dexter Harris  
Fire Chief Larry Mackey  
ECDI Director Debbie Malenfant  
Community Development Director Matt Schelly  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
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 the Council's pleasure regarding approval of the prepared agenda.

**Motion was made by Mayor Pro Tem Hummer, seconded by Councilwoman Baker, to approve the agenda with any necessary adjustments.**

Councilman Brooks requested to add "Council Nixes Special Meeting – the Daily Advance article."

Mayor Peel requested a vote to approve the amended agenda.

**Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. 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. Proclamation/Presentations:**

- a. Proclamation: Teacher Appreciation Week

Mayor Peel read and presented a proclamation in honor and sincere gratitude of all Elizabeth City-Pasquotank Public School teachers who serve their students, schools and our community with earnest dedication and commitment. He declared the week of May 1-5, 2017 as Teacher Appreciation Week in Elizabeth City and encouraged students, parents, and community members to express their appreciation for our educators during this special week of recognition.

The proclamation was accepted by Tammy W. Sawyer ECPPS Community Schools Director. Ms. Sawyer thanked the City Council for their support of the public school district and for recognizing their hard-working staff.

b. Proclamation: GFWC-NC Elizabeth City Woman's Club Federation Day

Mayor Peel read and presented a proclamation declaring April 24, 2017 as General Federation of Women's Clubs Day in Elizabeth City and encouraged all citizens to recognize and honor the countless contributions made to our City by the volunteer members of the GFWC-NC Elizabeth City Woman's Club.

The proclamation was accepted by Bobbi White on behalf of the Elizabeth City Woman's Club. She thanked the City Council for the recognition.

b. Presentation: Retiring Employee Recognition

Mayor Peel stated that it was his pleasure to honor someone who he hated to see go. He invited Michael "Hipp" Barclift, Recreation Superintendent of the Parks and Recreation Department to join him at the podium. Mayor Peel announced that Mr. Barclift would be retiring from the City of Elizabeth City on May 1, 2017; and he personally thanked him for all he had done for the City of Elizabeth City. Mayor Peel quipped that that Mr. Barclift had probably made more hot dogs for him than anyone he knew.

After receiving his retirement award from Mayor Peel, Mr. Barclift thanked the City Council for the opportunity to have served the City for 29 years.

**4. Comments from the Public:**

Ron Lowe, 625 S. Hughes Blvd., #103, Elizabeth City, NC stated that he had lived in the new Morgan Pointe apartment complex since January and still had not received a utility bill. He stated that after a very favorable visit with Assistant City Manager Cole, he had taken the time to review the City's website. He stated that he sent an email regarding some concerns he had through the website; and had received a quick, thorough response from the City Clerk. He said that one of his concerns was the City's lack of a standard complaint process and he recommended that a complaint procedure be established that would be received by the affected department head and all members of the Council, the City Manager and the City Attorney. He suggested that would provide a real feel for what was going on. He expressed his appreciation to the Customer Service clerks for everything they were doing.

Bridget Colbert, 1002 Asbury Lane, Elizabeth City, NC thanked the Council for allowing her to speak and for listening to their concerns during a previous Council meeting. She stated that the social media group, Enough is Enough, is a group of people that have come together to feel their way through the utility billing problems. She stated that the newspaper had portrayed the group in a negative light and she did not want members of Council to think that they had any ill will against them personally. She said that she formed the group because she realized that many people were experiencing the same problems with their utility bills that she was. She alleged that the issues were "crazy" and "borderline illegal." She stated that the group allowed for voices to be heard and to encourage large crowds to attend Council meetings to have change occur. She stated that she was honored when Mayor Peel chose to join the Facebook group and only agreed to unfriend him after he made a comment on the site. She said that she was a mother to four young children and could not be a mother to the almost 1,300 members of the group. She said that she could preach "catching more flies with honey" to the group, but could not control those that preferred vinegar. She said that the group had

been there to answer questions for the members when they could not get answers from the City.

Rodney Cushing, 128 Chancey Drive, Elizabeth City, NC thanked the Council for the opportunity to speak. He thanked the City, the customer service representatives and City Manager Olson regarding providing information on his personal utility account. He said that having attended the Council meeting two weeks ago, and hearing the concerns expressed by members of the Enough is Enough group, he believed three main issues of concern remain: electric rates paid by and charged by the City for which he requested that the information be made readily available for the past 24 months; he requested that the City continue to provide updates through whatever means available regarding software rectification; regarding account consumption and usage, he asked that the City provide, if requested, copies of "detailed meter reading reports by account ID" for any and all accounts for which customers are responsible up to and including 24 months of historic data. He noted that information should help customers understand the seasonal, cyclical nature in consumption of electric usage. He also requested that the City instruct citizens regarding how to read their electric meters.

Chrissy Riggs, 114 Whitehurst Street, Elizabeth City, NC chastised Councilwoman Baker for her responses during the last Council meeting. She alleged that Ms. Baker had degraded citizens and blamed them for living in a home that was not up to her standards. She opined that she felt Councilwoman Baker owed the citizens an apology. She stated to Ms. Baker "you do not have to wait until the next few months and retire; you can go ahead and step down now so we can replace you with someone who wants to work for this community." She stated that the citizens have every right to be angry about how the utility bills are being handled and said that she was frustrated and hurt for the elderly and citizens who are on a fixed income. She suggested that the City's ten-day grace period should be changed to allow citizens more time to pay.

Sarah Ownley, P. O. Box 1213, Elizabeth City, NC stated that she represented Enough is Enough. She apologized for lashing out during the last meeting and agreed that she should have been removed. She stated that the reason the group was organized was so the City would have accountability. She asked that the Councilors not group them together with other citizens who attend Council meetings; and noted that the group had been called a mob and terrible other things by people in the community. She stated that the bottom line is that it is frustrating to see these things continue; she was not interested in a political agenda, just the truth and the facts. She stated that the group stands for affordable electricity for the community. She said that she hoped that the Council is overseeing the City Manager as the software system is converted back to Logics. She stated that for the past two months she had not been billed for usage; and that in speaking with an attorney about that, she learned that it was not legal. She requested that the Council oversee a payment policy being put in place for the January, February and March bills. She asked what the City was going to do about recouping the cost of the Edmunds software. She said that people were working a lot of overtime and that the City was wasting a lot of money. She requested a full, outside audit of all of the utility bills to make sure they are correct.

Faith Long, 205 E. Burgess Street, Elizabeth City, NC stated that she had heard many people say that the City Manager should be fired; and she alleged that he had cost the City thousands of dollars. She opined that the Finance Director had been fired and walked away with benefits, even though she was not the "whole" problem. She accused the City Manager of lying when he said that he was not aware of the depth of the utility billing issues. She accused the City Manager of having unrealistic expectations. She spoke about the City being in debt; and stated that all the citizens got were high electric bills. She suggested that the City invest in solar and wind power. She complained that the City should be bringing in businesses that the people need, such as an occupational therapist. She suggested that the City hire someone to look into the City's finances to find options to help citizens with more affordable electric.

John Snowden, 112 Maple Road, Maple, NC stated that he owned property at 104 W. Cypress Street in Elizabeth City. He stated that during the last Council meeting, he told the Council about his work experience in information technology. He said his employer was having a problem with an employee and had said that no employee is

irreplaceable; it is just a matter of how much it will cost to replace them. He stated that as a former newspaper publisher, he knew all about making public information requests. He said that Ms. Ownley had touched on the subject of accountability. He said that the only way that can be achieved in government is by transparency, which means that public records are public. He stated that the City Clerk had been very forthcoming with information. He stated that he had been told that Elizabeth City paid a consultant \$7,200 to assess the customer service software. He stated that there had been three checks issued between November 15 and December 6 of 2016, as he had learned through a public records request, for troubleshooting of the utility billing software. He stated that he also found out something troublesome: that there was no contract, it was all done orally over the phone by the Finance Director. He pointed out that without a paper trail, there was no accountability of how this arrangement with Mr. David Boling, the former IT Manager for Rowan County, took place. He said that there was no indication of what he was looking for or any conversations between them. He opined that if the City of Elizabeth City paid \$7,200 for something, there should be a work product. He stated that he had been told that the work product was protected under attorney-client privilege. He stated that he had successfully sued Currituck County and the Commissioners in 2006 for violation of the North Carolina Public Records Law. He said "you don't hide stuff from the voters." He suggested that Mr. Boling's report should be provided to every member of the Council by the City Attorney. He promised that he would file a civil request with Judge Tillett for a review of the matter. He stated that the attorneys he had spoken with indicated that he had a case because he believed it to be troubleshooting utility billing software, not personnel.

## **5. Consent Agenda:**

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

### **Beginning of Consent Agenda:**

- a. Consideration – Adoption of the following Ordinance Authorizing Street Closing Requests in Connection with the NC Potato Festival, May 19-21, 2017;

### **ORDINANCE #2017-04-01 AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL NORTH CAROLINA POTATO FESTIVAL**

**WHEREAS**, the City Council of Elizabeth City acknowledges a long tradition of providing an annual springtime festival for the pleasure of its citizens; and

**WHEREAS**, the City Council of Elizabeth City acknowledges its citizens realize a financial benefit from holding the annual North Carolina Potato Festival event; and

**WHEREAS**, the City Council of Elizabeth City acknowledges the festival event requires approximately six days to install signing and traffic control, amusement and entertainment structures and equipment, food and other retail vendors, and other attractions, and also requires approximately ten (10) hours for removing same, and litter;

**NOW THEREFORE BE IT ORDAINED**, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

**Date(s) and Times:** 10:00 a.m. Tuesday, May 16, 2017 until 3:00 a.m. Sunday, May 22, 2017

**Route Description(s):** S Water/Southern Avenue Street (SR 34/1164) between E Ehringhaus Street (US Business Highway 17) and Shepard Street; E Ehringhaus Street, westbound lanes from S McMorrine Street to S Water Street (SR 34/1164)

**Date(s) and Times:** 6:00 p.m. Thursday, May 18, 2017 until 3:00 a.m. Monday, May 22, 2017

**Route Description(s):** E Ehringhaus Street (US Business Highway 17), eastbound lanes from McMorrine Street to S Water Street; S Water Street (SR 34/1164) from E Ehringhaus Street (US Business Highway 17) to E Church Street

**Date(s) and Times:** 10:00 a.m. Friday, May 19, 2017 until 3:00 a.m. Monday, May 22, 2017

**Route Description(s):** S Water Street (SR 34/1164) from E Church Street to E Fearing Street

**Date(s) and Times:** 1:00 p.m. Friday, May 19, 2017 until 3:00 a.m. Monday, May 22, 2017

**Route Description(s):** South and North Water Street (SR 34/1164) from E Fearing Street to E Elizabeth Street

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

**SECTION I. EFFECTIVE DATE:** This Ordinance, as revised herein shall take effect immediately upon adoption.

**SECTION II. SEVERABILITY CLAUSE.** If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**READ, CONSIDERED, AND ADOPTED** at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 24<sup>th</sup> day of April, 2017.

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Joseph W. Peel  
Mayor

Attest:

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Vivian D. White, CMC/NCCMC  
City Clerk

- b. Consideration – Renewal of Food Bank of the Albemarle Hugh Cale Resource Center Sub-recipient Agreement;
- c. Consideration – Renewal of River City CDC Hugh Cale Resource Center Sub-recipient Agreement;
- d. Consideration – Renewal of Albemarle Hospital Foundation Hugh Cale Resource Center Sub-recipient Agreement;
- e. Consideration – Renewal of Northeast Coalition to End Homelessness Hugh Cale Resource Center Sub-recipient Agreement;
- f. Consideration – Authorization to modify the \$25,000 Vehicle Appropriation in Fiscal Year 2016-2017 from the Inspections Department Cost Center to the Fire Inspections Cost Center.

**End of Consent Agenda.**

**Motion was made by Councilman King, seconded by Mayor Pro Tem Hummer to approve the Consent Agenda. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

**6. Regular Agenda:**

- a. Consideration – Call for a Public Hearing to be held on Monday, May 8, 2017 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding CUP 01-17 filed by the Northeast Academy for Aerospace and Advanced Technologies.

Mayor Peel disclosed that he serves as the Chairman of the Board of Directors of Northeast Academy for Aerospace and Advanced Technologies, but does not gain personally in any way from serving in that role.

Councilman Walton asked “does that mean you’re recusing yourself?” Mayor Peel responded that he did not need to be recused because he had no personal gain.

Councilman Walton said “you own it.” Mayor Peel said “I am on the Board, yes.” Councilman Walton stated “no, you own it.” Mayor Peel stated “the public owns it.”

Mayor Peel recognized Mr. Olson to provide the background for this matter. Mr. Olson stated that the matter is nothing more than the call for a public hearing to be held on May 8, 2017. He pointed out that normally this item would have been on the Consent Agenda, but he requested that it be placed on the regular agenda to allow Mayor Peel to disclose his interest in the application.

**Motion was made by Councilwoman Baker, seconded by Mayor Pro Tem Hummer to call for a public hearing to be held on Monday, May 8 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding CUP 01-17 filed by the Northeast Academy for Aerospace and Advanced Technologies.**

Mayor Peel invited discussion on the motion.

Councilman Walton stated that everyone already knew how much he disliked charter schools because the schools take away from public education.

He asked Mayor Peel if he had stated to the newspaper that Walton, Horton and Brooks were up to no good. Mayor Peel said “yes, I stated that I thought you may be up to no good.”

Councilman Walton stated “if we are up to no good, how can you be up to good if you put your name on the application as Mayor to start a charter school. He continued “I’m going to vote for it because I don’t want it on ECSU’s campus.” He stated “but you say you have nothing and get nothing out of it.”

Councilman Walton asked a number of questions about the charter school; and Mayor Peel advised that he did not have the numbers he was requested off the top of his head. Councilman Walton stated “please get that for me for the next meeting.”

Mayor Peel called for a vote on the motion.

**Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

- b. Discussion/Consideration – Utility Billing Update/Customer Payment Options:

Mayor Peel recognized Mr. Olson for his comments. Mr. Olson stated that he thought it appropriate to provide and update to the Council and to the citizens regarding where the City stands with the utility software conversion.

He advised that, as previously stated, the City was converting back from Edmunds to Logics. He reported that City staff had worked through the weekend and is close to completing the data transfers.

He advised that customers' March bills will be mailed by May 3 as one large batch rather than in four cycles. He said those bills will reflect correct usage and balances through the end of March. He stated that the due date for those bills would be May 21. Mr. Olson reported that April bills would be mailed on May 20 with a due date of June 5. He stated that there would be no disconnections, late fees or penalties assessed associated with those bills.

Mr. Olson said that during the last Council meeting, a number of citizens complained that they had been charged penalties as well as having a short time period to pay the bills. He said that staff had gone back to September 2016 and credited back any penalties associated with those bills. He said that the records indicated that roughly 7,700 customers were charged penalties that were refunded.

Mr. Olson stated that staff is requesting that customers keep their current bills current and establish an agreement for any amounts over the current bill. He noted that staff does not like to do an agreement that requires a payment over \$100 per month, because a higher amount usually does not work.

Mr. Olson reported that the Southgate Mall service center would remain closed until May 1 and those employees will be at City Hall helping to complete the data transfer. He stated that the City Hall service center will reopen on April 25 as a full service center with additional tellers on duty. He said that he did anticipate a high volume of customers visiting the office.

Mr. Olson stated that issues remain with bank drafting as well as budget billing, but staff is working through those problems. He noted that a number of apartments in the Morgan's Pointe development and Coast Guard housing had come online and the accounts had been established in the Edmunds software. He said when the meters were read, the readings had no place to "go home to." He said that the roughly 1,060 new account applications were being re-entered into Logics along with the accompanying work orders.

Mr. Olson stated that staff's goal is to be back on normal billing cycles in June; and reminded the Council that customers would receive two bills in a short period of time.

Councilman Brooks asked when the customers would be charged late fees. Mr. Olson stated that staff would evaluate that again in June. He advised that he could not yet say penalties would be reinstated July 1. He noted that the past due balances on agreements will not incur a penalty.

Councilman Brooks asked the projection for getting back to the Logics system. Mr. Olson responded that the City will be predominantly on the Logics system with the March bills; however, there were a number of service applications that will need to be manually put into the system. He said that the City should be back to its four billing cycles in June. Mr. Olson stated that he had reviewed the bills for April and found them to be extremely low. He noted that the May bills would also be low, as the month was also considered a "shoulder month" when there is the lowest demand because of the climate.

Councilman Brooks requested that staff provide a report on the homes weatherized by the City to determine how the \$360,000 budgeted had been spent.

Councilors Brooks and Walton requested that those persons in the audience who were leaving the meeting should stay.

Councilman Walton stated that “we tried to get a meeting together to talk about these things; then, you all could hear the finished product. But since you’re not hearing the finished product you need to hear all of it.” He continued “sometimes all of us can be hurtful to people that’s on the Council because, you know, Mr. Olson can talk about each situation as long as he wants to.” He stated “there’s always somebody out there, ya’ll’ that’s got a different circumstance.” Councilman Walton said “are we going to take care of all the people?” He pointed out that a speaker had stated that one customer got a 12-month payment plan, but another person could not get a similar arrangement. He said “that’s not the way you do business.” He opined that the City Manager did not have the right to make decisions about such things as waiving utility account penalties without the Council’s approval.

Councilman Walton stated that he had motioned previously to put a freeze on spending any money with regard to the utility billing issues that had not been passed by the City Council. He reiterated that he thought that still needed to be done, because the “impact from this thing will last forever, ya’ll.” He said that “a company ten years from now that maybe wants to go to Elizabeth City going to read an old newspaper – as Tony Stimatz said one bill was sent out for \$5 million – what company gonna want to come here if they send the residents bills for \$5 million?” He continued: “They’ll say ‘wow, we’ll never make a dime.’ The impact of this is huge, ya’ll. It’s not just something you just talk about until it goes away.” He stated “if I was not living here, I would look at it a second time before I came here because this is a mess.”

**Motion was made by Councilman Walton, seconded by Councilman Horton, to put a freeze on spending until we clean up this mess.**

Councilman Stimatz stated “freeze on spending money on what?” He asked Councilman Walton “what are we not going to spend money on?”

Councilman Walton stated “anything that’s going to spend more money on this electrical billing process until it’s cleaned up.”

Councilman Stimatz asked “what if you need to spend money to clean it up?”

Councilman Walton responded “you’re going to have to spend money to clean it up.”

Councilman Stimatz countered “but you just said you didn’t want that spend money.”

Councilman Walton stated “unless it’s cleaned up. Okay, unless it’s cleared through Council - because you’re already spending money when you get part time workers. You’re doing all these other things that was not cleared.”

Councilman Stimatz stated “that’s what we pay the manager to do. I’m not here to micro-manage the manager.”

Councilman Walton stated: “you’re the one that made this whole process possible, Tony. You’re the one that went to the employees and asked them questions – and then you came to the Mayor and the City Manager – those two that’s in your loop – to tell them the problems that were going on. That’s when the lady was fired – couple days later. Not micro-managing? Come on now. You can do it all, remember?”

Councilman Stimatz responded: “thank you - I appreciate your confidence in my abilities. I think the reality is that I talked to people in my Ward who talked to me about the problems. I was asking questions of people about their billing. Then I ran into some customer service people and I said ‘what about this and this’ and they said ‘well, you know, this is what’s not right. So I started asking questions, which I am allowed to do. As a City Councilperson I’m allowed to ask any employee any question. I can’t give them task direction, I can’t tell them what to do, I can’t tell them how to do their job – but I can ask questions. And in asking those questions, I found out some information that goes beyond ‘it’s a problem with reading the meters.’ There is some basic fundamental functionalities of Logics, which do not exist in Edmunds. Things which caused, as I pointed out - and it was in the paper - if you want to take 50 people off the delinquent penalty list you can do it in 53 steps in Logics; it takes over 600 in Edmunds, because

you have to open each separate water, sewer, electric and trash bill, make the change and then close it for every single person. That's what I found out."

Councilman Stimatz continued: "Those are details about functionality that doesn't exist in Edmunds and was causing the backlog, because the CSR's couldn't get information out of Edmunds – were told they couldn't take it out of Logics – and they were getting more and more behind on the billing. And that's what was causing the problems, and that's why people are calling, and that's why I was asking questions. And, yes, I took that information to the Mayor and we went to Rich, because I wanted to find out what he was aware of. And based on that, he did his job."

Councilman Walton interrupted by saying "If that hadn't happened it probably wouldn't be here now."

Councilman Stimatz stated "I'm glad to say it did happen - if that's what caused us to come to this point to fix this, I will take all the credit. Thank you." He continued: "the reality is that we have a problem that we have to fix and Edmunds can't do what Logics can do and was creating problems. We're fixing that. So to point back to your motion, my question is 'what don't you expect to spend money on.' Can you be specific?"

Councilman Walton stated "I don't know what the problems are, but I'm just discussing it at this time. We wanted to discuss it another way, but everybody was busy. Everybody was busy, Tony."

Councilman Stimatz stated: "I would just like for you to clarify your motion."

Councilman Walton stated: "you don't know what might come up, but it needs to be cleared with Council before you go and spend it. Before he got those part time workers should have been cleared with Council. How much you spending on that, Mr. Olson?"

City Manager Olson stated: "Mr. Walton, I don't care what I'm spending on it, I need to correct the problem. I imagine when it's all said and done, our personnel bill will probably be near \$30,000."

Councilman Walton replied: "You don't care? That's not a good statement."

City Manager Olson stated: "Mr. Walton, you have to fix the problem. I don't have the luxury standing up here and complaining. My job is to try to fix the problem."

Councilman Walton stated: "I'm not causing a problem."

Councilman Stimatz stated: "That's a different discussion for a different time. Can you clarify your motion? That's all I'm asking."

Councilman Walton stated "I want to make it a motion that we not allow the City Manager to spend any more money on this billing unless he clears it with a majority of Council – cause sometimes all the Council not going to show up."

Mayor Peel invited any additional discussion.

Councilman Brooks stated that he wanted to make sure the motion was clear to him. He said in the process of the City Manager cleaning up the problem, you don't want him to spend any money? We know he can spend \$5,000 – probably more than that, we know he can do that without anybody. He asked: "in the process of even fixing the problem, he can't spend any money to fix the problem until he come through us?"

Councilman Walton responded "that's exactly what I'm saying."

Councilman Donnelly said: "we have to spend money to fix the problem. I can't vote in favor of the motion."

Councilman Walton stated: "then, who are we going to pay to mediate the whole process? Because we are going to have some people that's got a problem that

nobody's talked about yet. There's somebody out there that's got a problem, ya'll. Do we need a mediator or we going to use Mr. Olson?"

Councilman Donnelly called the question.

Councilman King stated: "we got a memo that he was going to hire more personnel part time."

Councilman Walton stated: "we didn't approve it, but we got it."

Councilman King stated: "so you don't want them to do that to get the problem fixed?"

Councilman Walton stated: "that's not what I said."

Councilman Brooks stated: "the motion is pretty clear. I didn't understand it at first, but I understand what he's saying. He just wants to put a freeze – we're not talking everything that we have to spend that's already in the budget. What he said was anything it takes for the City Manager to fix the problem – and Tony called it micro-managing – that he have to come to us anything over \$5,000 that the Charter says he can do." He continued: "we keep talking about cash flow, so I think that's in line with this particular problem, I don't think we should do the spending out of control. Council should know something."

Councilman Stimatz said: "the motion as stated is that if the City Manager wants to spend one dollar to fix the billing thing, he has to come to Council. That is the motion that was stated."

Councilman Brooks stated: he can spend up to \$5,000 and if he needs \$30,000 to \$50,000 to fix the problem, how are we going to tell the citizens that we are trying to fix the problem and we're going to tell him he can't do it? What we're saying was we need a paper trail if they keep saying we have a cash flow problem. Let's go ahead and vote on this thing and stop holding this thing up."

**The City Clerk asked for clarification regarding the original motion including Councilman Brooks' friendly amendment to allow the City Manager to spend up to \$5,000 without Council approval. Councilors Walton and Horton accepted Councilman Brooks' friendly amendment.**

Councilman Stimatz inquired if the motion would violate the City's Charter and its provision authorizing the City Manager to spend funds, regardless of what the Council wants to do. He stated that he had a problem setting any limit except "to say he has the authority to spend what he's allowed to under the law." He stated that if the Councilors wanted a report of expenditures, that would be a different request.

Councilman Brooks stated "let's vote it up or vote it down, because the people are getting bored. They have stuff to do."

City Attorney Morgan stated that he was concerned about the wording of the motion. He said that technically the motion would prevent the City Manager from allocating money to pay the Customer Service employees under certain circumstances.

Mr. Olson stated that he felt staff owed it to the Council and the citizens to provide a full cost accounting of this issue when everything is complete. He continued: "what you're forcing me to do – the reality of what you're telling me to do is, if I spend more than \$5,000 I have to stop everything and wait two weeks and come to you to get additional money to fix the problem. He said: "the reality of what you are doing is not practical. I'm here to fix the problem and I will be more than happy to provide a cost accounting."

Councilman Walton stated "we just don't want you to overspend while you're doing it. Every time you over-spend, somebody else takes up the blunt of it – and usually it's the customers. That's what we don't want to happen."

Councilman Brooks stated: "Mr. Mayor, I'm ready for the question."

Mayor Peel called for a vote on the motion by show of hands.

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

c. Discussion - "Council Nixes Special Meeting" – the Daily Advance article  
(added to agenda by Councilman Brooks):

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that he wanted to give the people who came to speak during the meeting "high props" because he knew it was difficult to come before the podium.

Councilman Brooks stated that the first time citizens appeared before the Council to complain about the utility billing, he knew something had to be done – "quick but with perfection" using the expertise of staff and Councilors and what they could offer.

He said he often listened to Councilmembers when they talk about being in the citizens' corner. He stated most people don't want to go to the root of the problem, they want to talk about the symptoms.

Knowing that something needed to be done, Councilman Brooks stated that he and Councilman Walton called a Special Meeting. He said the meeting was proper and noted that they had tried to do something quick as they had promised the citizens. He said "it's easier to work as a team than to work divided." He continued: "that's why the meeting was called." He stated that he read the newspaper article entitled "Meeting Nixed After Five Councilors a No Show." He advised that he was aggravated when the Mayor, the Mayor Pro Tem and the other Councilors did not show up. He read from the newspaper article that Mayor Peel had stated he thought that Brooks, Horton and Walton were up to no good. He reiterated that he was aggravated by that.

He stated that Mayor Peel's first action as Mayor was to try and censure him. He alleged that Mayor Peel called Councilpersons individually to convince them to vote to censure him. He stated that he called that a "plot, scheme or plan." He said: "that's the same meaning as conspiracy." He said he knew why that was done. He continued: "when we ran last time for election, three persons on Council were telling everyone not to vote for Horton, Walton and Brooks." He stated: "it's been divided like that forever. That's why the citizens got into this mess. We are fighting a civil war amongst ourselves and the casualties are the citizens."

Continuing to read from the newspaper article, Councilman Brooks stated that Councilman Stimatz was quoted that "Horton, Brooks and Johnnie were seeking to hold a vote on firing Rich Olson." He said "let me tell you something, everything that Johnnie, Horton and myself vote for – major issues, not minor issues – they vote against it." He said "there is no way – and out of everybody I didn't expect Tony Stimatz to say that – because I know he can count to eight." Councilman Brooks continued: "and we only have three votes. It takes the majority to do anything. How ridiculous would it have been to try to fire Rich Olson – we don't have no City Manager, we don't have a Finance Director – and we're going to fire Rich Olson? That's the craziest thing in the world. That's a copout."

Continuing to read from the newspaper article, Councilman Brooks quoted comments attributed to Councilwoman Baker. He stated: "Baker offered strong support for Rich Olson – so we know that's a Rich Olson vote." Quoting from the newspaper, Councilman Brooks read: "Donnelly said Olson shouldn't be fired and that responsibility goes all around." Councilman Brooks stated that no one had said they were going to try to fire Rich Olson because they didn't have the votes. He said: "we were trying to help the citizens."

Councilman Brooks reiterated: "no matter what Johnnie say, no matter what I say, no matter what Horton say, they always vote against it."

Councilman Brooks stated: "I asked last time, I asked this, I said 'Rich, have you paid the IT consultant – cause I was asking about ElectriCities – I said have you paid the consultant any money. His response was 'no.'" He continued: "And then we find out that \$7,200 was paid to the IT consultant. Now, let's not say we're going to get rid of this person for lying, but they can lie all they want to." He said "we've got to have some stability here."

Councilman Brooks stated that many people say that the City Manager is smart. He pointed out that he was not talking about smart, he was talking about management. He said "when we have consistent inconsistencies, then something is wrong with the system."

Mayor Peel reminded Mr. Brooks that he was supposed to be addressing the special called meeting.

Councilman Brooks stated: "if I knew we had the votes, I would call for an investigation on the whole Council – an outside investigation – there's more to it than what you see on the top. Believe me, there's more to it."

Councilman Brooks stated that he had done a lot of research. He stated that he was bothered by Mayor Peel's statement quoted in the newspaper that he, Walton and Horton were up to no good. He stated: "I got a lot of stuff you did, Mr. Mayor, and it shows explicitly that you are up to no good. If it comes to me, now, I will address it in the comment section."

He encouraged the citizens to fill up the Council Chambers during every meeting until "this mess is cleaned up." He said: "and don't come up here passive, like you scared of the microphone and scared of the podium. Say what need to be said."

Councilman Stimatz stated that he would like to make a couple comments regarding the newspaper article. He reported that he left Elizabeth City on Tuesday morning to go to Florida for a trip that had been planned for some time. He said he did not hear about the special meeting until he was on the road. He said that the reality is that the meeting was to be held in order to conduct a Closed Session for the discussion of personnel matters. He pointed out that if you want to discuss personnel matters in closed session, that would be all you could discuss during the Special Meeting. He said the only reason to have a Special Meeting on personnel would be to fire the manager – there was really no other reason, because he manages all the other people. He pointed out that he did not believe his comment to the newspaper was off base. He noted that Councilman Brooks had long been an advocate for the separation of the manager from the City and had run on that as a campaign platform. He said that the point was that three people were not going to be in town for the Special Meeting. He stated that if the Councilors wanted to call a special meeting to further discuss what was going to be done with the utility billing issue, it would be an appropriate open session conversation that could not be held in closed session.

Councilman Brooks stated: "Tony is incorrect. He think he know everything about anything. What I always do behind Tony now when he quotes stuff, I go home and look at the Robert's Rules." He continued: "when Roger McLean was Mayor - and I'm in this – and a City employee lied on me, Roger called for a Special Meeting. That Special Meeting, the same people that didn't show up now, except for Anita Hummer, didn't show up then." He said: "Listen, we been going through this stuff – that's why you run into this stuff – because you got somebody who know it all. He know everything. If he don't know, don't nobody know it." He said "you sit there and tell me....I have never, and I would never campaign against Rich. I've told Rich consistently, 'Rich, I have no problem with you, but the people in my Ward say, if there's a vote to get rid of you, my vote is for you to go."

Mayor Pro Tem Hummer advised that when the Council calls for a Special Meeting, you have to talk about what you call the meeting for. She stated that after the meeting is advertised, it cannot be changed. She said that she read in the newspaper that one of the Councilors said the meeting was for personnel and the other Councilor said that it was so Council could discuss the utility bill problem freely. She stated that the Council

cannot do that because it would be a violation of the Open Meetings Law. She said that she would not sit in her chair in violation of state law.

Councilman Horton stated that he wanted to go on record as saying that as Councilmembers, their integrity should never be questioned. He stated that since citizens came forward in record numbers with their concerns and when Councilors Walton and Brooks called for the Special Meeting, they did not call him to talk about what they wanted to talk about. He stated that he came to the meeting, but was running late, to learn what the meeting was about. He said: “that as members of the Council if ya’ll know so much about procedure and what we can’t talk about and personnel and this and that – first of all no one even knew what they wanted to talk about because you never came to the meeting.” He stated it was a problem that members of Council were doing so much assuming.” He continued: “even if it was to fire the manager, I feel we all have an obligation to come and talk one with another. And if you could not make it, it seems like you would have had enough common courtesy to call them – especially the Mayor, he’s supposed to work to bring us all together – but we can’t even come together to have a meeting. And then after the fact, everybody wants to downgrade and talk about why they didn’t come.” He said that if the other Councilors knew that policy and procedure was not being followed, they should have said so. He pointed out that the City Attorney was present for the Special Meeting and could have advised the Council.

Councilman Brooks stated “everybody knew, but nobody talked to us.” He continued: “they can try to cover up all they want. They talked to each other and decided not to come.”

Councilman Walton stated that the Daily Advance publishes a lot of alternate news and suggested that the citizens should not believe what they read.

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

Councilman Brooks thanked the citizens for coming to the meeting and suggested that they “continue to apply the pressure.”

Councilman Stimatz stated: “we are going to fix this.”

Councilman Horton thanked the residents for attending the meeting.

Mayor Pro Tem Hummer had no further comments.

Councilman King had no further comments.

Councilwoman Baker stated that if she had offended anyone during the last Council meeting she was sorry.

Councilman Walton stated that one of Council’s goals was to insure sound fiscal responsibility. He asked that the Finance Committee figure out where the unrestricted fund balance is and find out anything dealing with finances that should be given to the Council. He asked again if the City was going to hire a mediator to handle all the customer complaints he was expecting, to “at least make people think that they are going to have a ‘win’ situation.” He asked that the City Manager provide his thoughts on that matter the next time the Council met.

Councilman Donnelly stated that one individual had spoken about the ten-day grace period. He said that most companies and credit cards allow a 15-day grace period. He suggested that the Council should discuss that during a coming meeting.

Mayor Peel thanked everyone for attending the meeting. He stated that he checks with the City Manager daily, as well as weekends, and knew that the employees are working as hard as they can to get the utility problems straight. He apologized again for the issues and wished everyone a good evening.

**8. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:17 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk