

**City Council Regular Session  
February 22, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, February 22, 2016 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  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Police Chief Eddie Buffalo  
Electric Superintendent Karl Clow  
Assistant to the Manager Angela Cole  
Human Resources Director Katherine Felton  
Assistant Public Utilities Director Larnetta Brothers  
Deputy Fire Chief Barry Overman  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
Parks and Recreation Director Bobbi White  
City Clerk Vivian White

The City Council regular session was called to order by Mayor Joe Peel at 7:00 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Michael Brooks to give the invocation, after which he led the Pledge of Allegiance.

Mayor Peel announced that forms were available with the City Clerk for anyone wishing to register to receive the City Manager's Weekly FYI.

**1. Agenda Adjustments and Approval:**

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

Mayor Pro Tem Hummer requested that a Closed Session be added as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney to preserve the attorney-client privilege.

Councilman Walton requested to remove the following items from the Consent Agenda and place them on the Regular Agenda for discussion:

Item C: Consideration – Call for a Public Hearing to be held in Monday, March 14, 2016 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers to gather citizen input on the proposed application to the CDBG Downtown Redevelopment Fund Grant Program for the Southern Hotel LLC Project;

Item D: Consideration – Authorization to Submit CAMA Access Grant Pre-Application for the Shipyard Property located at 722 Riverside Avenue.

Councilman Brooks requested to add to the Regular Agenda "South Road Street" and "the lighting at Enfield Park Basketball Court."

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Tony Stimatz, to approve the agenda as presented with any necessary adjustments. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton, and Walton. 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. Presentation/Proclamation:**

- a. Presentation: Dr. Kandi Deitemeyer, President of College of the Albemarle

Mayor Peel noted that citizens will consider an important vote on March 15, 2016 either for or against the Connect NC Public Improvement Bond. He stated that ECSU Chancellor Thomas Conway had appeared before the Council during the February 8, 2016 meeting to speak to the bond's benefits to the UNC system and ECSU, if approved.

He introduced COA President Kandi Deitemeyer and Chairman of the Board of Trustees Marion Harris; and welcomed Dr. Deitemeyer to the podium to discuss the value to the community college system and COA should the Connect NC bond referendum be passed by the voters.

Dr. Deitemeyer presented and explained a series of PowerPoint slides, which provided information about the proposed bond issue and its benefits to higher education in North Carolina. She highlighted some of the construction repair and renovation projects being considered by the COA Board of Trustees should funding become available. She encouraged citizens to give serious consideration to this issue during the upcoming election primary.

- b. Proclamation – Honoring the Rich and Diverse Black History of Elizabeth City, NC

In honor of Black History Month, Mayor Peel read and presented a proclamation to Peggy Davenport, secretary of the Pasquotank County Branch NAACP, which recognized and paid homage to the important role that African-American citizens have played throughout the history of Elizabeth City both past and present. Ms. Davenport thanked Mayor Peel and the City Councilmembers for their tribute to Black History Month.

## **4. Comments from the Public:**

Hezekiah Brown, 106 Terrilynn Way, Elizabeth City, NC stated that he had moved to Elizabeth City from the State of New York because it was "growing like wildfire" yet still had a slower pace. He noted that the economy had slowed since that time and growth had diminished, but he thought things were now turning around again. He stated that growth has to be fostered by a City Council working together with a vision to make sure that as the economy makes its turn, help is provided to help that turn take place. He encouraged the City Council to consider distributing grant funding to the businesses in the "Center City" area such as Southgate Mall - in addition to the current Downtown Improvement Grant Program. He stated that he also thought the City Council should revisit its decision on the apartment complex proposed to be located near the Millbrooke Subdivision.

Zack Robertson, 115 S. Griffin Street, Elizabeth City, NC stated that this was his first appearance before the Council since serving as a member of the Council 14 years ago. He thanked the Councilors for doing their homework, studying and taking time away from their personal lives to conduct the business of Elizabeth City. He stated that it was a big job, as he knew very well from his service on the Council over 12 years. He stated that he felt the City had missed an opportunity on a \$20 million project by

denying the proposed apartment complex. He said that it takes a lot of labor to do such a project; and it would offer jobs to local residents and companies. He said that the developer would build all the streets, sidewalks, curbs, fire hydrants, and water and sewer lines; and when the project was completed, inspected and accepted, the developer would deed the improvements to the City free of charge. He said the City would also receive a \$1.3 million impact fee, which would go to the water and sewer fund. He said that the number of jobs created would help defray an increase in taxes. He asked that the Council bring the matter back up and reconsider the decision made.

Doug Gardner, 10 Bateman Drive, Elizabeth City, NC stated that he was present to represent the Elizabeth City Area Chamber of Commerce, and served as its Vice President and Chairman of its Legislative Committee. He stated that the Chamber Board of Directors had asked him to prepare a written statement, which they had approved for presentation to the City Council.

*(Clerk Notation: Mr. Gardner provided a copy of his written statement to the City Clerk and the following represents a synopsis of that statement. The full statement is available for public inspection in the permanent meeting file.)*

Mr. Gardner stated that the Chamber had grave concerns about the message sent by City Council's February rejection of developer Mark Gregory's request for the City to annex property along Halstead Boulevard where he planned to erect a 216-unit apartment complex. He stated that the message seemed to be "don't bother trying to bring large projects to our town – build them somewhere else or not at all." He said that long term, this will prevent the City's tax base from growing and would stymie needed infrastructure upgrades, limit population growth, assure continued aging of the City's housing stock and would not encourage the creation of new jobs. He said that North Carolina General Statutes govern zoning and annexation and conjecture and speculation are not valid grounds for objection. He stated that the Council's decision to deny annexation and rezoning could open the City to lawsuits by the developer and the property owner; that the City would forgo an estimated \$105,000 in annual property taxes and utility impact fees aggregating \$1.3 million would not be collected. He stated that the proposed project would have joined only two other market based apartment complexes in the City limits, with the remaining apartment stock being subsidized housing. He stated that the Chamber of Commerce Board of Directors requested that the City Council revisit its decision to deny the project.

Phyllis Bosomworth, 301 Breezewood Drive, Elizabeth City, NC 27909 thanked the members of the Council for their service to Elizabeth City. She stated that her request of the Council was to reconsider the vote taken concerning the Halstead/Body Road apartment complex. She said that she was very concerned about the message the vote sends to the business community. She pointed out that the Planning Commission and City departments had approved the development and Council's action could cause other investors to look elsewhere. She said that the community has a dwindling population and the apartment project presented an opportunity to bring new people to the area and help grow the economy.

Alex Rich, 1614 Forrest Drive, Elizabeth City, NC 27909 stated that he was a commercial real estate broker and the owner of The Rich Company. He stated that his reason for appearing before the Council was to request that the Council reconsider its vote on the annexation needed for the proposed apartment complex. He said that he often hears from citizens what the City needs, such as an "Olive Garden, a nice steakhouse and a big movie theater." He pointed out that what a lot of people don't see or understand is that what the City really needs is "rooftops," because that is what brings in the amenities and services people want. He stated that a wise man once told him to "stick to what you're good at," which made him think that if the Planning Department staff, who are paid to make these decisions, recommended approval of the project, the decision to go against that recommendation should be given long and hard consideration. He pointed out that a decision like that would have impacts on the City in the future; and asked the Councilmembers who voted against project to reconsider it.

Pastor Timothy Stallings, Jr., 99 Seagull Drive, Elizabeth City, NC 27909 representing the Master's Touch Church (*Provided in modified verbatim format*)

*First of all I want to thank the Council...good evening Mr. Mayor and all the Council. I want to thank our Elizabeth City Police Department for being gracious to the church. I don't want to badger our department and I really think they are doing a wonderful job protecting and serving. The key word tonight that I want to leave with the Council as far as the church is protecting the church and I know that we have an ordinance in place and I know – I'm not for sure how long the ordinance has been up far as this noise – the noise ordinance, but it is my desire and my prayer tonight that we may revisit this noise ordinance that the church may be protected. Several projects we've done in the community far as kids and just trying to make sure that our future is protected. But my heart and my main issue I have no selfish agenda - but I'm here that the church would be protected. So I'm asking the Council that you may put this on the docket that we may revisit this noise ordinance so we can resolve this that we can worship in peace that no rights may be violated that we may go farther – that this town - we may go farther and better through prayer and praise. So I just want to thank everyone tonight. Thank you for the time.*

Pastor Rahtina Stallings, 99 Seagull Drive, Elizabeth City, NC 27909 representing the Master's Touch Church (*Provided in modified verbatim format*)

*I would like to say good evening to everyone on this evening. I am here on the behalf of the noise ordinance. Basically, on the behalf of the church so we can have free worship and be able to make our community more safe. I hear about the crimes and the violence in our area and I would think that we would want to protect our church, especially for the youth to have somewhere to go that is safe and they can stay out of trouble, learn and better themselves in our community. Numbers of times we have received calls – it's basically for a particular address and any time that we have service outside of Sunday and Wednesday – our normal worship times, then we don't receive calls. But it appears that whenever we are in worship our services are being interrupted because of the noise ordinance that is in place. And my position on tonight is that I ask that it be revisited and changed and the church is considered in your changing the ordinance. Thank you.*

Rev. Daniel Spence, 211 Linwood Drive, Elizabeth City, NC 27909 (*Provided in modified verbatim format*)

*I pastor a church right here in Elizabeth City, which is 718 Greenleaf Street. First of all I'd like to say thank you to the City. Since I have been there as pastor we asked that you help with our drainage and our streets. You guys took care of that. We asked that you guys help us with our lighting in our community. You guys helped us with that. We asked that you fix our street signs. You guys helped us with that. My concern tonight though is with my coworker in the ministry. He has had some challenges with his noise ordinance. In our ministries we like to praise God in our own way and sometimes that gets exciting, as with you are in your own churches. Sometimes our music gets exciting, sometimes our praise gets exciting and we don't want that to be hindered by the motives of some people in our communities who may not have similar worship ideas. So we ask that you revisit that noise ordinance that would not hinder our places of worship. Amen. Thank you.*

## **5. Consent Agenda:**

*(Clerk Notation: All items on the Consent Agenda were recommended for approval by the Finance Committee during their meeting of February 18, 2016.)*

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

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

- a. Consideration – Acceptance of Governor's Crime Commission Grant for the purchase of 40 body worn cameras and adoption of Budget Amendment to appropriate \$17,000 from the Election line item and \$5,000 from the Police Firing Range line item to cover the 2:1 match requirement, 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, 2016:

SECTION I. That the Governor's Crime Commission Body Camera Grant (103490.5122) be increased by \$12,734, the Camera Expenditure (105100.7400) be increased by \$34,734, the Election Expense (106600.5880) be decreased by \$17,000, and the Police Firing Range (105100.7300) be decreased by \$5,000.

(To record second grant received for body cameras in the amount of \$12,734. The City has a match of 66 percent or \$24,720 for a total of \$37,454. A portion of the City's match will come from what was appropriated in the original budget; therefore, the budget amendment is for less than the total that will be expended.)

ADOPTED, this the 22<sup>nd</sup> day of February 2016.

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Joseph W. Peel  
Mayor

**Attest:**

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Vivian D. White, CMC/NCCMC  
City Clerk

- b. Consideration – Authorization to Accept Donation of Office Furniture and Equipment from College of the Albemarle to be used in the new Public Safety Administration Building;
- c. Consideration – Authorization to Submit CAMA Local Planning and Management Grant Application to develop an Elizabeth City Waterfront Master Plan.

### **End of Consent Agenda.**

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Rickey King to approve the Consent Agenda as amended. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried unanimously.**

### **6. Public Hearing:**

- a. Consideration – Hold a Public Hearing regarding an application to the Small Cities Community Development Block Grant Downtown Redevelopment Fund Program.

Mayor Peel declared the meeting in Public Hearing at 7:30 p.m. He inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one requested to speak, he declared the public hearing closed.

Mayor Peel recognized City Manager Olson to address the issue. Mr. Olson stated that the NC Department of Commerce, through the CDBG program, has available a Downtown Redevelopment Block Grant, which requires that two public hearings be held. He stated that this hearing is the first public hearing, while the second public hearing must contain project-specific information and plans. He said that City staff was not requesting any action on this matter at this time.

Mayor Peel asked if members of the Council had comments or questions on this matter.

Councilman Walton asked the City Manager for further explanation of the grant process. Mr. Olson responded that the Public Hearing, which had been advertised to be held

during this meeting, was to announce to the public that the Department of Commerce had funding available through the State's consolidated plan. He said that \$3 million was available and was specifically earmarked for non-entitlement cities for grant applications amounting to \$300,000 to \$500,000. He stated that the applications must be for infrastructure and building upgrades within the downtown area. He advised that the City had two entities that came forward to express an interest in this funding, but one of the entities had dropped out leaving the owners of the Southern Hotel as the only applicant at this time. He pointed out that a request to call for the second, project-specific public hearing was included on the agenda for the Council's consideration.

Councilman Walton stated that he had read about the Southern Hotel project in the newspaper and felt that the Council should have been advised when City staff began working with the developer on the project.

## **7. Regular Agenda:**

- a. Consideration – Approval of EC-PC Community Relations Commission By-laws.

Mayor Peel called on City Manager Olson for the background in this matter. Mr. Olson stated that during the November 9, 2015 Council meeting, Councilman Stimatz reported that the EC-PC Community Relations Commission (CRC) had voted to request a number of changes in their bylaws. Mr. Olson reported that the major changes being requested by the CRC were as follows:

1. To hold officer elections in April in the concluding year of a term. Terms to begin in May;
2. To nullify the three term limit for membership;
3. To add the words "sexual orientation or identification" after the word "sex," in the mission statement; and
4. To redefine a quorum as "at least eight members present regardless of residency.

Mr. Olson said that the matter had been discussed with the CRC on two different occasions; and those discussions and review resulted in the revised document, which was being presented to the Council for consideration and approval.

**Motion was made by Councilman Rickey King, seconded by Councilwoman Jean Baker, to approve the by-laws of the EC-PC Community Relations Commission as presented and forward the document to the Pasquotank County Board of Commissioners for their consideration and action. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion passed unanimously.**

- b. Consideration – Request to Schedule a Special Meeting to conduct a Pre-budget Work Session.

Mayor Peel recognized Mr. Olson to provide the details of this request. Mr. Olson stated that one of the items that the Council did not have time to discuss during the recent retreat was the Council's goals and objectives as they pertain to the fiscal year 2016-2017 budget. He said that staff is requesting that the Council schedule a Special Meeting on March 14, 2016 at 5:30 p.m. prior to the regular City Council meeting in order to provide time to go over a number of budget issues and give direction to staff on preparation of the budget.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Rickey King, to call for a Special Meeting of the City Council to be held on March 14, 2016 at 5:30 p.m. in Council Chambers of the Municipal Administration Building in order to conduct a Pre-budget Work Session.**

**Councilman Stimatz asked that the meeting be televised in order to provide transparency to the public on the Council's budget process. Councilman Donnelly accepted Councilman Stimatz' request for a friendly amendment to his motion.**

**Mayor Peel called for a vote on the amended motion.**

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

- c. Consideration – Reappointment of Ms. Suzanne Stallings to an additional four-year term on the Elizabeth City Planning Commission to expire February 28, 2020.

Mayor Peel requested the Council's pleasure regarding the reappointment of Suzanne Stallings to the Elizabeth City Planning Commission.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to reappoint Ms. Suzanne Stallings to an additional four-year term on the Elizabeth City Planning Commission to expire February 28, 2020.**

**Mayor Peel called for a vote on the motion by roll call, which is recorded as follows:**

**Brooks – yes  
Stimatz – yes  
Horton – yes  
Hummer – yes  
King – yes  
Baker – yes  
Walton – yes  
Donnelly – yes**

- d. Consideration – Call for a Public Hearing to be held in Monday, March 14, 2016 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers to gather citizen input on the proposed application to the CDBG Downtown Redevelopment Fund Grant Program for the Southern Hotel LLC Project. (*Clerk Notation:* Recommended for Approval by the Finance Committee during their meeting of February 18, 2016. Removed from Consent Agenda by Councilman Walton for discussion.)

Mayor Peel recognized City Manager Olson to provide background for this consideration. Mr. Olson stated that for the past couple of months, City staff has been working with an individual who has an option to purchase the Southern Hotel and the Medical Building, as well as several other buildings in that general block. He said that the project is very involved and has an estimated cost of approximately \$10 million to \$12 million. He advised that the developer hopes to finance the project using Historic Tax Credits, New Market Tax Credits, a \$500,000 CDBG Downtown Redevelopment Grant and a \$500,000 Building Reuse Grant. He stated that City staff is still working on the grant application and is assisting in putting the project together. He reported that staff will have a package of information completed for the Council by the time the public hearing is held during the March 14, 2016 meeting. Mr. Olson reported that this process is very competitive, because the state only has \$3 million in funding. He noted that only a certain number of cities are eligible to apply because they must be CDBG Small Cities that are not entitlement cities.

Councilman Walton reiterated his concerns that he did not feel the Council had been informed in a timely manner regarding this proposed application; and he requested that the Council be given information on matters much further in advance of the vote.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Rickey King, to call for a Public Hearing to be held on Monday, March 14, 2016 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 gather citizen input regarding the Southern Hotel Pre-application CDBG Downtown Redevelopment Fund Grant. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried unanimously.**

- e. Consideration – Authorization to Submit CAMA Access Grant Pre-Application for the Shipyard Property located at 722 Riverside Avenue. (*Clerk Notation: Recommended for Approval by the Finance Committee during their meeting of February 18, 2016. Removed from Consent Agenda by Councilman Walton for discussion.*)

Mayor Peel recognized City Manager Olson to review this matter for the City Council. Mr. Olson stated that City staff's request is for authorization to submit a \$200,000 CAMA Access Grant application to help defray the City's cost to purchase the shipyard property located at 722 Riverside Avenue. He said that this item had previously been discussed during several Closed Session meetings with members of the City Council. He also said that staff had provided several memos to the Councilmembers regarding this proposed purchase in advance of the item appearing on the Council meeting agenda.

Mayor Peel called on Councilman Walton to provide his comments on this matter. Councilman Walton stated that he remembered that the Council had talked about this matter. He asked the City Manager if another grant application to the Parks and Recreation Trust Fund (PARTF) was also being completed. Mr. Olson stated that was correct, but staff had not yet submitted that application. He stated that authorization to submit would be forthcoming during a later Council meeting. He said that the proposed PARTF grant application would be for approximately \$250,000; and in addition, the City would submit an application to the Clean Water Management Trust Fund for \$800,000. He noted that the funding from all three sources, if awarded, would be used for this project.

Councilman Walton thanked the City Manager for the additional information and commented that the matter was now clearer to him.

Mayor Peel called for the Council's pleasure on this request.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly, to authorize staff to submit a CAMA Access Grant pre-application for the Griffin Shipyard Property as described. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. The motion carried unanimously.**

- f. South Road Street – (*added by Councilman Brooks*)

Mayor Peel recognized Councilman Brooks for his comments.

Councilman Brooks stated that he had placed this item on the agenda because, after the previous Council meeting during which the annexation and rezoning associated with the apartment complex were discussed, several citizens questioned him if the project to repave South Road Street would be impacted. He said that the newspaper article that had been published left the impression that the South Road Street repaving project had been stopped. He said that he wanted to advise everyone to "be at ease." He continued "South Road Street is going to be completed from the bridge that was done off Herrington all the way to Ehringhaus Street." He cautioned the public to "be careful what you read in the paper." Councilman Brooks also advised that he had visited the Department of Transportation office and had been told that the repaving project on South Road Street between Ehringhaus Street and the new bridge would be completed sometime between May 1 and October 1, 2016. He noted that was the residential area.



He pointed out that the area of South Road Street that is not being addressed is the section from Ehringhaus Street north to Elizabeth Street.

Councilman Stimatz stated that Councilman Brooks' statement was a true statement. He continued by saying "however, Road Street between Ehringhaus and Elizabeth Street will not get done because we don't have the money to fix the infrastructure underneath it - and that's what the \$1.3 million would have paid for."

Councilman Brooks responded by asking City Manager Olson "they keep talking about an impact fee. Do that impact fee come immediately or over a timeframe?"

Mr. Olson stated that the impact fee will be paid to the City at the time the building permits are issued on each of the respective buildings. He said that the question is whether the developer would choose to pay the fee as a lump sum or if he would pay as the individual buildings were permitted. He advised that staff would anticipate that the impact fee would have been received within a six-month period from the start of the project.

Councilman Brooks said that he had had bad experiences with "promissory notes" and cited the funds transferred by NCDOT from Roanoke Avenue to Southern Avenue as an example. He said that he would not want to later explain to the citizens if the funds were diverted to another project.

Councilman Walton inquired as to the impact fee that will be received by the City from the Morgan Pointe complex being constructed near Farm Fresh. Mr. Olson responded that it would be "roughly \$716,000." Councilman Walton inquired what the City's intention was for that money. Mr. Olson stated that the money was in an account and would be used for future water and sewer projects. Councilman Walton pointed out that those funds represented about half of the funds needed for the Road Street infrastructure project.

g. Lighting at Enfield Park Basketball Court – *(added by Councilman Brooks)*

Mayor Peel called on Councilman Brooks for his comments.

Councilman Brooks stated that it was "unacceptable for young adults to be trying to play basketball in the dark." He said he wanted to know the purpose behind the lights not working at Enfield Park because the tennis court on Elizabeth Street seemed to be lighted at all times. He asked if the lights at Enfield were out or if there was something that he should know about it. He said that young adults should "not have to suffer trying to play basketball in the dark;" and pointed out that some adjustments needed to be made because it was not fair.

City Manager Olson stated that he did not know what occurred at the time Councilman Brooks witnessed the lights not on, but he knew the lights were on a timer. He said that he thought they were scheduled to go off at 11 p.m. He stated that if he knew the specific date that the lights were not on, staff could investigate to find the cause. He offered to provide the time schedule for lights programmed for all Parks and Recreation facilities, but Councilman Brooks stated that he was only concerned about Enfield Park at the present time.

Councilman Stimatz pointed out that the City's Code of Ordinances states that all parks in the City close at 10 p.m. He suggested that the ordinance should reflect reality whatever the case may be.

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

Councilman Donnelly stated that he had received a call from a resident on Preyer Avenue with a complaint that cars are coming down Rivershore Road and making a quick left on Preyer at a fairly high rate of speed. He said that the resident had made a special request to lower the speed limit to 25 mph on Preyer because of all the children living in that vicinity. He asked that staff study the issue, if needed. Councilman

Donnelly also called attention to the trash that had collected in the new reservoir at Elizabeth and Water Streets. Mr. Olson stated that that particular retention pond was a collection area so the pumps can be activated. He advised that all the debris ends up in that particular pond, which is still the responsibility of NCDOT's contractor until the project is accepted by NCDOT. Mr. Olson advised that he would contact NCDOT and request that the contractor clean the pond. Mr. Olson noted that because of the nature of the pond, it would continue to be a maintenance problem.

Councilman Walton stated that he did not understand why people who move to Elizabeth City from other areas and become Council members "want to change everything that's going on." He also stated that he could not understand why people who live outside the City and cannot vote in the City feel they should criticize everything going on inside the City. He said that one of the persons who spoke during the public comment portion of the agenda did not live in the City, but felt they could tell the Council to put an apartment complex in the City "where we have voted already that we don't feel like it's safe and it's not safe." He said that people have said that the City will get sued, but he felt that was a "scare tactic." He stated that the Council only received the information "at the last minute" and he did not think that was fair. He pointed out that Councilman Donnelly had made a motion to delay consideration of the annexation, but no one seconded the motion. He advised that he believed the busy Halstead Boulevard location and the proposed apartment complex's close proximity to a convenience store across the boulevard posed a safety hazard; and pledged that he would vote the same way again. He cited a recent accident involving a pedestrian who was crossing Halstead Boulevard and was struck and killed as an example of the danger.

Councilwoman Baker stated that she had attended E. V. Wilkins Endowed Chair kickoff series at ECSU and complimented Ms. Bunny Sanders, daughter of E. V. Wilkins, on her presentation on Black History Month. She said that Ms. Sanders had been very involved in tourism in the past and they planned to get together in the near future to discuss what Elizabeth City has to offer.

Councilman King stated that he was very concerned about the noise ordinance. He stated that he would like to see the matter brought back to the Council during the next meeting for discussion. He asked if it would be possible to exempt churches from the ordinance. City Attorney Morgan responded that it would be highly questionable from a legal standpoint to discriminate any groups.

Mayor Pro Tem Hummer had no comments.

Councilman Horton stated that the Black History Month proclamation that was presented represented a good reminder that the City has a lot of rich history as it relates to African Americans in Elizabeth City and Pasquotank County. He said that, as a pastor, he understood the sentiments of Pastor Stallings and the Master's Touch Church. He asked that in addition to putting the matter on the next agenda, he would like to have information containing options, such as increasing the decibel level for all, to consider.

Councilman Stimatz asked to clarify a couple of comments that had been made. He stated that the person who was killed on Halstead Boulevard was not crossing Halstead. Rather, he was a 54 year old gentleman, dressed in dark clothes after sunset who was walking on the inner lane of the highway when they were struck by a car. He stated that on the question of a delay in annexation matter, he had made a motion to delay action for two weeks in January in order to allow the Millbrooke residents time to meet with the developer. He stated that during that two week delay, everyone would have had time to go back and review their notes and get their questions together and no one did that.

Councilman Brooks stated that councilmembers need to make certain that everything is clear to them. He said that "the people at Millbrooke" weren't opposed to growth; they were opposed to what was being put next to them. He stated that they had said they would be fine with single family houses or businesses next to them. He stated that he was always amazed in situations like this when people come and speak on matters

going on in areas where they never go themselves. He said that it was sad when “we think more about building buildings than building our children to become young men and women.” He continued, “they haven’t mentioned the crime rate, they talking money - they not talking about our greatest assets – it’s not dollar bills – in this town, our children and we’ve got to factor them in.” He stated “when we get to the point that we don’t listen at the concerns of the citizens because of a few, we have a problem.” He stated that the City Attorney was correct that it would be highly questionable to exempt churches from the noise ordinance; and said it was also highly questionable to him that there are 120 churches in Elizabeth City and “only one church has been targeted for worshipping too loud.”

**9. Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney to preserve the attorney-client privilege.**

**Motion was made by Mayor Pro Tem Hummer, seconded by Councilman Horton to go into Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney to preserve the attorney-client privilege. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

After a five minute recess, the Council retired into Closed Session at 8:27 p.m.

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

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:10 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk