

**City Council Regular Session
January 11, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, January 11, 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 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
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
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 Rev. Elizabeth Cluff to give 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.

Councilman Walton requested to move the following items from the Consent Agenda to the Regular Agenda for discussion

1. Consideration – Adoption of Budget Amendment Related to Downtown Improvement Grant Program;
2. Consideration – Approval of Downtown Improvement Grant Application for Locus in Quo, LLC in the amount of \$20,000;
3. Consideration – Approval of Downtown Improvement Grant Application for Christ Episcopal Church in the amount of \$9,152;
4. Consideration – Approval of Downtown Improvement Grant for “The Flour Girls” in the amount of \$20,000.

Councilman Stimatz requested to remove the Regular Agenda consideration regarding approval of the EC-PC Community Relations Commission bylaws. He stated that he had attended the Community Relations Commission meeting earlier in the evening; and the commission members were not yet prepared to provide feedback on the bylaws. He stated that they had asked that the matter be placed on the Council's agenda for the first meeting in February 2016.

Councilman Brooks stated that the Regular Agenda discussion regarding year to date budget amendments (Item “h”) was a matter that he only requested to receive the information provided. He said that no further discussion was necessary and requested that the item be pulled from the agenda.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the agenda 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. Presentations:

a. Mayoral Certificates of Recognition for Exemplary Police Service:

Mayor Peel stated that it was his honor to recognize some of Elizabeth City’s police officers who performed an outstanding job in service to our community.

Mayor Peel first presented a Mayoral Certificate of Recognition to the following Elizabeth City Police Officers for their exemplary service: Sergeant Ryan Boyce, Officer Jeremy Dowdy, Officer Cathy Hewitt, Sergeant Jamie Judge, Officer Aaron Lewellyn, Officer Mason Peters, Officer Allen Peterson, Officer Eddie Rodriguez, Officer Brendan Seay, Sergeant Anthony Spellman and Officer Jeffrey Way. These officers worked together successfully to avert a tragic death by suicide on December 17, 2015.

Mayor Peel recognized two family members of the individual, Ms. Ina Etheridge and Mr. Delmato Holman, who thanked the officers and the Elizabeth City Police Department for the service they performed to save their loved one’s life. Ms. Etheridge expressed her admiration for the officers’ help and professionalism during the incident.

In addition, Mayor Peel presented a Mayoral Certificate of Recognition to the following Elizabeth City Police Officers for their exemplary service: Officer Kevin Burgess, Detective Benjamin J. Martin and Officer Stacey Rodriguez. These officers performed sternum rubs that proved critical in the life-saving efforts of an individual suffering from a drug overdose on December 18, 2015.

Chief of Police Eddie Buffalo also participated in the presentation ceremony.

4. Comments from the Public:

Mr. Richard Good, 505 Continental Drive, Elizabeth City, NC expressed concerns regarding the litter problem in Elizabeth City, especially along Ward Street. He opined that it appeared there is a disregard for the laws on littering as well as a lack of civic pride. He suggested that the City should have a standardized ordinance for littering and requested that the City Council consider a public awareness campaign for citizens.

5. Approval of Minutes:

Mayor Peel called for the Council’s pleasure regarding approval of the minutes.

a. City Council Regular Session of December 14, 2015 (Incumbent Council):

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Ray Donnelly, to approve the Regular Session minutes of December 14, 2015 (Incumbent Meeting). Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. The motion carried.

- b. City Council Regular Session of December 14, 2015 (Organizational Meeting):

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Rickey King, to approve the Regular Session minutes of December 14, 2015 (the Organizational Meeting). Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. The 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 "a" through "g" recommended for approval by the Finance Committee during their meeting of January 7, 2016.)

Beginning of Consent Agenda:

- a. Consideration – Adoption of various budget amendments required for accounting purposes and adoption of Public Safety Building Capital Project Ordinance, as follows;

BUDGET AMENDMENTS

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for fiscal year ending June 30, 2016 and the Middle School Renovation Special Revenue Fund:

SECTION I.

| Department | Account Description | Appropriation | Adjustment | Revised Appropriation | Total Budget | % Reduction |
|--|----------------------------------|------------------|-------------------|-----------------------|------------------|--------------|
| Legislative | | | | | | |
| 104100.3300 | Departmental Supplies | \$9,000 | \$2,000 | \$7,000 | | |
| 104100.5300 | Dues & Subscriptions | 4,700 | 1000 | \$3,700 | | |
| | Total | 13,700 | (\$3,000) | \$10,700 | \$130,026 | 2.31% |
| Administration | | | | | | |
| 104200.0220 | Overtime | \$2,500 | \$1,000 | \$1,500 | | |
| 104200.2600 | Advertising | \$2,500 | \$1,500 | \$1,000 | | |
| 104200.3200 | Office Supplies | \$1,500 | \$500 | \$1,000 | | |
| | Total | \$6,500 | (\$3,000) | \$3,500 | \$376,608 | 0.80% |
| Finance Administration and Accounting | | | | | | |
| 104400.0200 | Salaries & Wages - Regular | \$240,544 | \$5,852 | \$234,692 | | |
| 104400.1200 | Printing | \$1,750 | \$1,500 | \$250 | | |
| 104400.3200 | Office Supplies | \$4,500 | \$1,250 | \$3,250 | | |
| 104400.3300 | Departmental Supplies | \$2,000 | \$1,500 | \$500 | | |
| 104400.7400 | Capital Outlay | \$7,000 | \$5,178 | \$1,822 | | |
| | Total | \$255,794 | (\$15,280) | \$240,514 | \$387,631 | 3.94% |
| Planning | | | | | | |
| 104900.1101 | Postage | \$1,500 | \$500 | \$1,000 | | |
| 104900.1200 | Printing | \$500 | \$500 | \$0 | | |
| 104900.1400 | Travel & Education | \$3,500 | \$500 | \$3,000 | | |
| 104900.1410 | Travel - Commissions | \$3,500 | \$500 | \$3,000 | | |
| 104900.1600 | Maintenance & Repair - Equipment | \$2,500 | \$1,500 | \$1,000 | | |
| 104900.1700 | Maintenance of Vehicles | \$1,250 | \$600 | \$650 | | |
| 104900.1701 | Personal Computer Expense | \$500 | \$200 | \$300 | | |
| 104901.2600 | Advertising | \$3,500 | \$1,250 | \$2,250 | | |
| 104900.3100 | Auto Supplies | \$1,200 | \$600 | \$600 | | |
| 104900.3200 | Office Supplies | \$2,000 | \$500 | \$1,500 | | |
| 104900.3300 | Departmental Supplies | \$3,500 | \$500 | \$3,000 | | |
| 104900.4500 | Contracted Services | \$1,000 | \$500 | \$500 | | |
| 104900.5800 | Land Use Plan | \$500 | \$500 | \$0 | | |
| | Total | \$24,950 | (\$8,150) | \$16,800 | \$377,714 | 2.16% |
| City Hall and Annex | | | | | | |

| | | | | | | |
|------------------------------------|--------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------|
| | Total | | | \$0 | \$1,037,008 | 0.00% |
| Police | | | | | | |
| 105100.0200 | Salaries & Wages - Regular | \$3,088,649 | \$89,600 | \$2,999,049 | | |
| 105100.1060 | Fees for Investigation | \$10,000 | \$4,000 | \$6,000 | | |
| 105100.1100 | Communications | \$70,000 | \$5,000 | \$65,000 | | |
| 105100.1200 | Printing | \$3,500 | \$1,500 | \$2,000 | | |
| 105100.1400 | Travel & Education | \$57,000 | \$20,000 | \$37,000 | | |
| 105100.1500 | Maintenance & Repairs-Bldgs & Realty | \$7,500 | \$5,500 | \$2,000 | | |
| 105100.1600 | Maintenance & Repairs-Equipment | \$55,000 | \$5,000 | \$50,000 | | |
| 105100.1701 | Personal Computer Expense | \$7,500 | \$3,000 | \$4,500 | | |
| 105100.2100 | Equipment Rental | \$5,000 | \$5,000 | \$0 | | |
| 105100.2600 | Legal Advertising | \$1,500 | \$1,500 | \$0 | | |
| 105100.3100 | Auto Supplies | \$180,000 | \$23,000 | \$157,000 | | |
| 105100.3303 | PAL Expense | \$55,000 | \$5,000 | \$50,000 | | |
| 105100.3320 | Dog Expense | \$6,500 | \$1,500 | \$5,000 | | |
| 105100.7300 | Construction of Firing Range | \$25,000 | \$20,000 | \$5,000 | | |
| | Total | \$3,572,149 | (\$189,600) | \$3,382,549 | \$6,280,806 | 3.02% |
| Fire | | | | | | |
| 105300.0200 | Salaries & Wages- Regular | \$1,724,064 | \$54,820 | \$1,669,244 | | |
| 105300.1100 | Communications | \$26,000 | \$10,000 | \$16,000 | | |
| 105300.1400 | Travel & Education | \$48,000 | \$10,000 | \$38,000 | | |
| 105300.3300 | Departmental Supplies & Exp | \$40,000 | \$10,000 | \$30,000 | | |
| | Total | \$1,838,064 | (\$84,820) | \$1,753,244 | \$3,535,913 | 2.40% |
| Fire Inspections | | | | | | |
| | Total | | | | \$297,641 | 0.00% |
| Inspections | | | | | | |
| 105400.0200 | Salaries & Wages- Regular | \$249,876 | \$17,222 | \$232,654 | | |
| 105400.4600 | Housing & Demolitions | \$30,000 | \$5,346 | \$24,654 | | |
| | Total | \$279,876 | (\$22,568) | \$257,308 | \$451,362 | 5.00% |
| Public Works Administration | | | | | | |
| 105450.1400 | Travel & Education | \$5,000 | \$1,300 | \$3,700 | | |
| 105450.2600 | Legal Advertising | \$500 | \$200 | \$300 | | |
| 105450.3100 | Auto Supplies | \$2,000 | \$400 | \$1,600 | | |
| 105450.3200 | Office Supplies | \$2,000 | \$400 | \$1,600 | | |
| 105450.5300 | Dues & Subscriptions | \$1,750 | \$750 | \$1,000 | | |
| | Total | \$11,250 | (\$3,050) | \$8,200 | \$60,663 | 5.03% |
| GIS | | | | | | |
| 105500.1400 | Travel & Education | \$2,500 | \$1,400 | \$1,100 | | |
| 105500.1600 | Maintenance & Repair Equipment | \$2,500 | \$1,200 | \$1,300 | | |
| 105500.3200 | Office Supplies | \$3,000 | \$2,000 | \$1,000 | | |
| 105500.4500 | Contracted Services | \$15,250 | \$2,900 | \$12,350 | | |
| | Total | \$23,250 | (\$7,500) | \$15,750 | \$185,354 | 4.05% |
| Garage | | | | | | |
| 105550.3100 | Automotive Supplies | \$5,000 | \$3,000 | \$2,000 | | |
| 105550.3500 | Laundry | \$3,800 | \$1,300 | \$2,500 | | |
| 105550.4850 | Purchase for Resale | \$38,000 | \$1,336 | \$36,664 | | |
| 105550.5870 | SAF Shoe/Eye/Phy/Glasses | \$500 | \$300 | \$200 | | |
| | Total | \$47,300 | (\$5,936) | \$41,364 | \$0 | |
| Street | | | | | | |
| 105600.0200 | Salaries & Wages- Regular | \$440,013 | \$15,500 | \$424,513 | | |
| 105600.1200 | Printing | \$500 | \$400 | \$100 | | |
| 105600.1300 | Utilities | \$178,500 | \$16,500 | \$162,000 | | |
| 105600.1400 | Travel & Education | \$3,000 | \$2,000 | \$1,000 | | |
| 105600.1500 | Maint & Repair-Bldgs & Realty | \$3,000 | \$1,000 | \$2,000 | | |
| 105600.2600 | Legal Advertising | \$1,000 | \$750 | \$250 | | |
| 105600.3100 | Auto Supplies | \$34,000 | \$8,550 | \$25,450 | | |
| 105600.3300 | Departmental Supplies & Exp | \$16,000 | \$2,000 | \$14,000 | | |
| 105600.3310 | Street Signs | \$10,000 | \$1,000 | \$9,000 | | |
| 105600.4850 | Purchase for Resale | \$1,000 | \$500 | \$500 | | |
| 105600.5300 | Dues & Subscriptions | \$500 | \$300 | \$200 | | |

| | | | | | | |
|-------------------------------|------------------------------------|--------------------|--------------------|--------------------|--------------------|--------|
| 105600.7400 | Capital Outlay- Equipment | \$2,930 | \$1,000 | \$1,930 | | |
| | Total | <u>\$690,443</u> | <u>(\$49,500)</u> | <u>\$640,943</u> | <u>\$1,020,833</u> | 4.85% |
| Parks & Recreation | | | | | | |
| 106200.0200 | Salaries & Wages- Regular | \$592,767 | \$4,423 | \$588,344 | | |
| 106200.7300 | Capital Outlay Improvements | \$504,440 | \$68,750 | \$435,690 | | |
| | Total | <u>\$1,097,207</u> | <u>(\$73,173)</u> | <u>\$1,024,034</u> | <u>\$2,479,164</u> | 2.95% |
| Cemetery | | | | | | |
| 106400.1510 | Maintenance & Repairs Grounds | \$12,400 | \$2,720 | \$9,680 | | |
| | Total | <u>\$12,400</u> | <u>(\$2,720)</u> | <u>\$9,680</u> | <u>\$54,400</u> | 5.00% |
| Human Resources | | | | | | |
| 106800.1200 | Printing | \$2,000 | \$1,000 | \$1,000 | | |
| 106800.3200 | Office Supplies | \$2,500 | \$200 | \$2,300 | | |
| 106800.4500 | Contracted Services | \$26,500 | \$26,500 | \$0 | | |
| 106800.5870 | SAF Shoe/Eye Exams/Phys/Glasses | \$1,400 | \$800 | \$600 | | |
| | Total | <u>\$32,400</u> | <u>(\$28,500)</u> | <u>\$3,900</u> | <u>\$264,515</u> | 10.77% |
| Information Technology | | | | | | |
| 106900.4500 | Contracted Services | \$9,300 | \$1,088 | \$8,212 | | |
| 106900.7400 | Capital Outlay - Equipment | \$12,100 | \$5,028 | \$7,072 | | |
| | Total | <u>\$21,400</u> | <u>(\$6,116)</u> | <u>\$15,284</u> | <u>\$122,332</u> | 5.00% |
| 103990.0000 | Total Reduction | | <u>(\$502,913)</u> | | | |

(To record budget cuts by departments.)

SECTION II. That the General Fund Balance Other Financing Source (103980.0000) be decreased by \$700,000, Public Buildings Public Safety Building (105000.7100) be decreased by \$700,000; Debt Service Public Safety Building (105000.8100) be decreased by \$20,000, and the General Fund Transfer to Public Safety Building Capital Project Ordinance (106600.6615) be increased by \$20,000.

(To remove funding for Public Safety Building from General Fund and create attached Capital Project Fund.)

SECTION III. That the Water & Sewer Treatment Capital Outlay (318100.7400) be increased by \$26,791 and the Water & Sewer Maintenance Capital Outlay (318280.7400) be decreased by \$26,791.

(A Water & Sewer Maintenance van was approved in the budget for the City electrician and the department is now requesting the funds be reappropriated to purchase a Water Treatment Plant truck instead.)

SECTION IV. That General Fund Community Support Grant (106620.6000) be decreased by \$400 and Library Grant (106620.4540) be increased by \$400.

(To record additional funds for library's tutoring program.)

SECTION V. That the General Fund Balance Appropriated (103990.000) and Transfer to Middle School Fund (106600.9164) be increased by \$323.

That the Transfer from General Fund (643970.1000) and Elizabeth City Middle School Renovations (649012.7300) be increased by \$323.

(To close out Middle School Renovation Fund.)

ADOPTED, this 11th day of January 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

**PUBLIC SAFETY BUILDING
CAPITAL PROJECT ORDINANCE**

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

SECTION I. The project authorized is the Public Safety Building Capital Project to be financed with installment purchase funds.

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

SECTION III. The following amounts are appropriated for the Public Safety Building Capital Project:

| | | |
|---------------|----------------------------|-------------------|
| (513970.1000) | Transfer from General Fund | \$ 20,000 |
| (513980.0000) | Other Financing Source | 800,000 |
| | | <u>\$ 820,000</u> |

SECTION IV. The following amounts are appropriated for the Public Safety Building Capital Project:

| | | |
|---------------|----------------------|-------------------|
| (516615.7100) | Purchase of Building | \$ 550,000 |
| (516615.7300) | Capital Improvements | 270,000 |
| | | <u>\$ 820,000</u> |

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

ADOPTED, this 11th day of January, 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

- b. Consideration – Authorization for the Fire Department to Submit Various Grant Applications;
- c. Consideration – Authorization to Submit Application for Governor’s Crime Commission Statewide Infrastructure and Technology Improvement Grant;
- d. Consideration – Authorization to Submit Application for FY 16-17 Governor’s Crime Commission Local Law Enforcement Block Grant;
- e. Consideration – Authorization to Submit Application for Governor’s Highway Safety Program Grant;
- f. Consideration – Acceptance of Bid by Laura W. Simons for Surplus Property located at 809 Shannon Street in the amount of \$4,796.22;
- g. Consideration – Approval of Budget Amendment Related to Thompson Thrift Project, 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 Powell Bill Fund Balance Appropriated (103990.0010) and Powell Bill Contracted Services (105700.4500) be increased by \$150,000.

(City costs for Thompson Thrift Project roadway improvements.)

ADOPTED, this 11th day of January 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

- h. Consideration – Call for a Public Hearing to be held in Council Chambers on January 25, 2016 at 7:30 p.m. (or as soon thereafter as the agenda allows) to gather public comment regarding TA 02-15 to amend the UDO Article X and Article VIII;
- i. Consideration – Adoption of Resolution Calling for a Public Hearing to be held in Council Chambers on January 25, 2016 at 7:30 p.m. (or as soon thereafter as the agenda allows) to gather public comment regarding the requested annexation of 16.022 acres on the southwest side of Halstead Boulevard at Body Road, as follows;

**RESOLUTION #2016-01-01
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31**

For property contiguous to the corporate limits of Elizabeth City identified as Tax Blocks P90-29C (14.193 acres of the 28.435 acre parcel) and P90-29-1 (1.829 acres) owned by Jacque S. Pagels, Trustee of the Ralph O. Davis Testamentary Trust and Elizabeth L. Stallings, Trustee of the Ralph O. Davis Testamentary Trust, et al.

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City, North Carolina:

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 p.m. on the 25th day of January 2016.

SECTION 2. The area proposed for annexation is described as follows:

BEGINNING at a point marked by an iron rod set situated on the Northwestern margin of Millbrook Circle (60' R/W), which iron rod set is further situated South 36° 25' 44" West a distance of 9,015.93 feet and South 77° 47' 53" West a distance of 741.88 feet from NCGS Monument

“Bible” (NC Grid – NAD’83 N940922.46’, E2819828.15’); running thence from said point of beginning South 57° 27’ 08” East a distance of 723.71 feet to a calculated point, cornering; running thence South 27° 03’ 49” West a distance of 542.06 feet to a point marked by an iron rod set, cornering; running thence South 60° 38’ 24” East a distance of 305.90 feet to a calculated point situated on the Western margin of Body Road (SR 1139; 60’ R/W), cornering; running thence along a curve in the Western margin of Body Road having a Length of 269.12 feet, a Radius of 2,910.45 feet, a Delta of 5° 17’ 53”, a Tangent of 134.66 feet, a Chord of 269.03 feet and a Direction of South 32° 41’ 01” West to a point marked by an iron rod set, cornering; running thence North 63° 05’ 24” West a distance of 999.74 feet to point marked by an iron rod set, cornering; running thence North 27° 06’ 15” East a distance of 345.30 feet to a calculated point, cornering; running thence North 27° 02’ 18” East a distance of 301.04 feet to a calculated point, cornering; running thence North 27° 11’ 01” East a distance of 190.77 feet to a calculated point situated within the 60 foot right of way of Millbrook Circle, cornering; running thence North 26° 34’ 17” East a distance of 56.79 feet to a point marked by an iron rod set situated on the Northwestern margin of Millbrook Circle, being the POINT AND PLACE OF BEGINNING, containing 16.022 acres.

Being the same lots or parcels of land shown and delineated as “618,240 SF. TO BE REZONED 14.193 ACRES TO BE REZONED” and “79,690 SF. TO BE REZONED 1.829 ACRES TO BE REZONED” on that certain plat prepared by Paul J. Toti, P.L.S., under date of October 20, 2015, entitled in part “Voluntary Annexation to Elizabeth City and Rezoning Plat Petitioned by Masuki Inc.”

SECTION 3. Notice of said public hearing shall be published in The Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this 11th day of January, 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

- j. Consideration – Call for a Public Hearing to be held in Council Chambers on January 25, 2016 at 7:30 p.m. (or as soon thereafter as the agenda allows) to gather public comment regarding a request for rezoning (RZ 02-15) approximately 21.265 acres from Residential R-15 to Apartment District AD, said property located on the southwest side of Halstead Boulevard at Body Road.

End of Consent Agenda.

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

7. Regular Agenda:

(Clerk Notation: Items 7(1), 7(2), 7(3) and 7(4) were removed from the Consent Agenda pursuant to a request by Councilman Walton and added to the Regular Agenda for discussion. Each of these items was recommended for approval by the Finance Committee during their meeting of January 7, 2016.)

7(1) Consideration – Adoption of Budget Amendment Related to Downtown Improvement Grant Program:

Mayor Peel recognized Councilman Walton for his comments on this matter.

Councilman Walton stated that he had attended the Finance Committee meeting during which this matter was discussed. He advised that two members of the City Council were not present at that meeting. He stated that he thought the Council should discuss the issue of placing additional funding into the Downtown Improvement Grant Program (DIG).

Mr. Olson explained staff's recommendation in detail and stated that the request being considered is to place \$38,808 into the DIG expenditure line item from the Aviation Park Account in order to fund the three pending applications. Mr. Olson stated that the City receives an annual lease payment from the United States Coast Guard, which is credited to Aviation Park line item of roughly \$265,000 annually. He said that the Aviation Park Account actually owes the City funds and the Council had made the decision to make transfers from that source for the DIG program, since that funding is for economic development related purposes.

Councilman Walton expressed concern regarding administration of the DIG program and said "something doesn't add up." Mr. Olson referred the Councilors to the information provided by staff in the agenda write-up and explained that of the total \$240,000 budgeted by the Council for the DIG program since the 2013-2014 fiscal year, only \$160,000 had actually been transferred from the Aviation Park line item. He advised that staff made that decision in order not to inflate the General Fund balance when DIG expenses had not been incurred during a particular fiscal year.

Councilman Brooks commented that the Downtown Improvement Grant Program is good, but businesses exist outside the downtown area that also need help. He requested that staff look at designing a program that would benefit all struggling businesses, particularly small neighborhood businesses.

Mr. Olson remarked that during the last fiscal year, the Council modified the DIG award program to allow applications from businesses City-wide after March 31 since the applications funded for downtown properties did not consume the amount of funds available for grants.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to adopt the following budget amendment in the amount of \$38,808. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, and Horton. Against: Walton. Motion carried.

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 General Fund Transfer from Aviation Park (103930.6300) and Downtown Improvement Grant Expenditures (106600.4300) be increased by \$38,808.

That Aviation Park Fund Balance Appropriated (633990.0001) and Transfer to General Fund (639008.9103) be increased by \$38,808.

(To record transfer from Aviation Park to fund Downtown Improvement Grants.)

ADOPTED, this 11th day of January 2016.

Vivian D. White, CMC/NCCMC
City Clerk

Mayor Peel announced that the next items on the agenda were Downtown Improvement Grant Applications, which had been removed from the Consent Agenda for discussion. Mayor Peel recognized Councilman Stimatz for comments.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Rickey King to approve the three DIG applications under 7(2), 7(3) and 7(4).

Councilman Walton requested that the City Manager provide a description of the three grant applications for the benefit of the public. Mr. Olson gave a brief synopsis of the three applications, and stated that all three were reviewed and recommended for approval by the Finance Committee, as follows:

7(2) Consideration – Approval of Downtown Improvement Grant Application for Locus in Quo, LLC in the amount of \$20,000:

7(3) Consideration – Approval of Downtown Improvement Grant Application for Christ Episcopal Church in the amount of \$9,152:

7(4) Consideration – Approval of Downtown Improvement Grant for “The Flour Girls” in the amount of \$20,000.

Councilman Brooks reiterated his desire to “spread the love” and provide funding to businesses located outside the downtown area. Mayor Peel commented that this subject would be an appropriate conversation for the Council to have during the upcoming retreat. Mayor Peel stated that it was important to understand that the businesses in the downtown area pay an additional tax that no one else in the City pays.

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.

a. Consideration – Appointment of City Councilors to various Boards, Committees and Commissions for the 2015-2017 Term.

Mayor Peel opened the floor for discussion of this item.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to suspend the rules and accept the slate of appointments recommended by the Mayor.

Councilman Donnelly stated that he had been assigned to four committees and he did not believe he could effectively serve on four committees. He stated that the committees were all rather time consuming and he was concerned about his ability to serve during the upcoming year. He said that he was willing to surrender one appointment to someone else.

Councilman Stimatz stated that if Councilman Donnelly wished to surrender an appointment, he would offer the Storm Water Advisory Board in order to create some turnover on the board to assist with continuity. Councilman King volunteered to take the Storm Water Advisory Board appointment.

Councilman Stimatz suggested that he would prefer to have an explanation of duties prior to appointing an alternate for the Finance Committee. He asked the motion maker

to withdraw that appointment until the duties of the position were established or to approve the appointment subject to the creation of rules concerning how that position works.

Councilwoman Baker amended her motion to accept the position subject to the creation of rules for the Finance Committee alternate. Councilman Horton agreed to the amendment.

Mayor Peel called for a vote on the amended motion including Councilman King replacing Councilman Donnelly on the Storm Water Advisory Board.

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

| City Council Committee Membership 2016 - 2017 | | | | | | | | | |
|---|-----------------------------------|--------------|------------|-------------|---------------|--------------|--------------|----------------|----------------|
| Entity | Joe Peel | Anita Hummer | Jean Baker | Rickey King | Darius Horton | Tony Stimatz | Ray Donnelly | Johnnie Walton | Michael Brooks |
| EC-PC Economic Development Commission | Ex-Officio | X | X | X | | | | | |
| Central Communications Advisory Board | | | | | | | | | X |
| Fireman's Relief Fund Board | | | | | | | | | X |
| EC-PC Airport Authority <i>(No appointment required at this time- Expires 6-30-16)</i> | | | | | | X | | | |
| Joint Redevelopment Commission | | | | | | X | | | |
| NC Eastern Municipal Power Agency | Olson – Primary; Peel – Alternate | | | | | | | | |
| Tourism Development Authority <i>(No appointment required at this time. Expires 6-30-17)</i> | | | X | | | | | | |
| Elizabeth City Downtown Inc. | | | | | | | X | | |
| EC Chamber Board | Ex-Officio | | | | | | | | |
| Finance Committee | X | X | | X Alternate | X | | X | | |
| Parks & Rec Advisory Board | | | | | | | | X | |
| Storm Water Advisory Board | | | | X | | X | | | X |
| Community Relations Commission | | | | | | Ex-Officio | | | |
| Albemarle RPO Transportation Advisory Committee | | | | | | | X | | |

(Clerk Notation: The Councilmember appointments are shown on the above chart.)

b. Consideration – Call for a Special City Council Meeting in Order to Hold a Council Planning Retreat.

Mayor Peel requested a motion to call for a Special Meeting to hold a Council Planning Retreat.

Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to call for a Special City Council meeting in order to hold a Council Planning Retreat to be held at Montero's Restaurant, 414 N. McArthur Drive, beginning on Thursday, January 21, 2016 at 6 p.m. and Friday, January 22, 2016 at 9 a.m. and further, authorize City staff to secure the services of Madeleine Henley of Walking Stick Associates to serve as facilitator. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

c. Consideration – Amendment to Council Rules of Procedure.

Mayor Peel recognized Mr. Olson to provide the background for this consideration. Mr. Olson stated that Item 23B of the current Council Rules of Procedure concerns zoning protest petitions. He advised that the rule is no longer relevant because a recent state statute change took away Council authority to do what is called for in that section of the Rules of Procedure document. Mr. Olson stated that staff recommends that the Council delete that item from the rules.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Tony Stimatz to delete Rule 23B in its entirety from the Council Rules of Procedure and instruct the City Clerk to publish the document to include this amendment.

Mayor Peel announced that a two-thirds vote was required to change the Rules of Procedure. He requested that the City Councilors raise their hands to record their vote.

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

d. Consideration – Approval of EC-PC Community Relations Commission Bylaws.

This consideration was removed from the agenda during approval of the agenda and referred to the February 8, 2016 City Council meeting.

e. Consideration – Authorization to Submit Application to Governor’s Crime Commission for a Body Worn Camera Grant (Referred by Finance Committee for discussion).

Mayor Peel called on Mr. Olson to begin the discussion of this matter. Mr. Olson stated that this item had been discussed in detail during the Finance Committee meeting. He noted that staff had proposed that the City purchase additional body cameras. He reported that the City had received \$14,550 from the Governor’s Crime Commission to go along with the \$4,850 in the City’s Capital Improvement Program to purchase body cameras. He said that staff originally estimated that the cameras would cost \$485 each, but had determined that the camera selected was considerably more than that. He said that staff had determined that the City would need a dedicated server and additional storage capacity.

Mr. Olson stated that the Council’s first option was to approve the purchase of 20 cameras at a total cost of \$31,970, which would require an additional \$12,750. He said that staff had identified a grant through the Governor’s Crime Commission that, if funded, would leave a shortfall of \$8,380.

Mr. Olson noted that the Finance Committee had indicated they would like to see all frontline officers have a body camera, which would require total funding of \$49,580. He noted the shortfall related with that purchase would be \$30,180. He advised that staff would request a grant in the amount of \$10,060, thus leaving a shortfall of \$20,120. Mr. Olson stated that staff had identified two areas to cover that shortfall: a savings of \$17,000 in elections expenses because the City was not required to have a run-off election in October 2015; and \$5,000 in the Police Firing Range line item that could be deferred until a later time.

Councilman Stimatz stated that it appeared staff had identified the funds to pay for the cameras as discussed by the Finance Committee. Mr. Olson advised that was correct as long as the City Council approved a budget amendment to reduce election expenses and take \$5,000 out of the Firing Range line item.

Councilman Stimatz asked that the City Manager provide an update on the status of the firing range. Mr. Olson stated that staff would provide that information to the City Council.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Rickey King that the City pursue a grant with the goal of providing 40 body cameras for the 40 active patrol officers and that the Council do a budget amendment to move \$17,000 from the election line item and \$5,000 from the police firing range line item to cover the shortfall.

Councilman Brooks expressed his concern regarding taking the funding from election expenses. He asked what the Council would do if it was needed. Mr. Olson responded that the Council had no election scheduled through the end of the fiscal year. He stated that the only circumstance requiring election funding would be a special election should a Councilmember die in office or resign.

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.

f. Discussion/Information – Elizabeth City Population Estimates and Changes (Requested by Councilman Stimatz).

Councilman Stimatz stated that he had read the information provided by staff and had no other questions. He said that he understood that there was more to the issue of counting “heads” than meets the eye.

g. Discussion/Information – Property Tax and Sales Tax Information for the Thompson Thrift Project (Requested by Councilman Walton).

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that he had requested that this discussion be brought back and he asked Mr. Olson to go over the requested information. Mr. Olson stated that staff had included in the agenda packet a breakdown of the information requested by Councilman Walton. He briefly reviewed the information for members of the Council. Mr. Olson noted that the estimates provided initially to the Council prior to development of the Thompson Thrift Project were very close to the actual numbers.

Councilman Walton thanked the City Manager for the information.

h. Discussion/Information – Year to Date Budget Amendments (Requested by Councilman Brooks).

This discussion was removed from the agenda during approval of the agenda.

7. Comments and Inquiries on Non-Agenda Items:

Councilman Brooks reminded everyone interested in the proposed rezoning to accommodate an apartment complex on Halstead Boulevard to come to the upcoming Public Hearing on January 25, 2016. He commended members of the Police Department for their efforts in saving a life. He noted that in 2016, an ID card would be required in order to vote. He reminded everyone that a free card could be obtained from the Department of Motor Vehicles. He stated that every adult should have a valid ID.

Councilman Stimatz noted that the Community Relations Commission had planned a Community Resource Day at Knobbs Creek Recreation Center for January 28, 2016 from 10 a.m. to 2 p.m. After providing details regarding the event, he encouraged everyone in the community to attend to find out about services available. He asked staff to put together a letter for Mayor Peel’s signature asking ElectriCities to remove their annual calendar and “slick and glossy” paper from their budget.

Councilman Horton expressed a Happy New Year to the community. He also expressed his gratitude to the Police Department for their life-saving efforts.

Mayor Pro Tem Hummer said that she had heard a number of complaints regarding leaf pickup. Mr. Olson responded that the automated equipment was currently out of service, but Public Works personnel were picking the debris up by hand, which was taking longer.

Councilman King thanked the Police Department for the outstanding job they did to save a community member's life.

Councilwoman Baker announced that the Center Players were going to Atlanta again to participate in the Junior Theatre Festival. She noted that there was a huge amount of talent in Elizabeth City by its young people. She thanked the Police Department for everything they do for the community.

Councilman Walton thanked everyone for voting for him. He said that he thought there would be a change in the City with this City Council. He stated that the Council needs to not only promise hope to the City's youth, but should work toward giving hope. He noted that ECSU is enjoying a three game winning streak and the moral at the University had changed tremendously.

Councilman Donnelly stated that he had noticed several cars turning in the wrong direction out of the Courthouse parking lot on Elliott Street. He requested that staff look into erecting a one-way sign at that location. He requested that Council consider adopting a resolution preventing commercial trucks from using River Road, Parkview Drive and Southern Avenue. He asked that the City Council discuss that matter during the upcoming retreat.

Mayor Peel commended the Police Department for a job well done. He also thanked City staff for all they do for the citizens of the City.

8. Closed Session as allowed by NCGS 143-318.11(a)(5) Acquisition of Property and by NCGS 143-318.10(e) Approval of Closed Session Minutes.

Mayor Peel requested a motion to go into Closed Session.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to go into Closed Session as allowed by NCGS 143-318.11(a)(5) Acquisition of Property and by NCGS 143-318.10(e) Approval of Closed Session Minutes. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Mayor Peel declared a five minute recess at 8:30 p.m., after which the Council retired into Closed Session.

Motion was made by Councilman Stimatz, seconded by Councilman King 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.

The Council returned to Regular Session at 8:50 p.m.

Motion was made by Councilman Stimatz, seconded by Mayor Pro Tem Hummer to adopt the Closed Session Minutes of October 26, 2015. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Motion was made by Councilman Stimatz, seconded by Mayor Pro Tem Hummer to adopt the Closed Session Minutes of November 23, 2015.

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

Motion was made by Councilman Stimatz, seconded by Councilman Donnelly to direct staff to apply for a Clean Water Trust Fund Grant by February and to negotiate a contract for the purchase of property that we are seeking to obtain. 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 8:53 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk