

**City Council Regular Session  
June 12, 2017**

The City Council of the City of Elizabeth City met in regular session on Monday, June 12, 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  
Councilman Ray Donnelly  
Mayor Pro Tem Anita Hummer  
Councilman Tony Stimatz  
Councilman Michael Brooks  
Councilman Darius Horton  
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Jean Baker (*Excused – Illness*)  
Councilman Rickey King (*Excused – Illness*)

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Police Chief Eddie Buffaloe  
Electric Department Superintendent Karl Clow  
Assistant City Manager Angela Cole  
Interim Human Resources Director Monica Cole  
Energy Officer Dennis Gordon  
Parks and Recreation Director Dexter Harris  
Fire Chief Larry Mackey  
ECDI Director Debbie Malenfant  
Deputy City Clerk April Onley  
Public Utilities Director Joe Pearce  
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 recognized Councilman Michael Brooks to give the invocation, after which Mayor Peel led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

Mayor Peel announced that Item "o" on the Consent Agenda (approval of the May 22, 2017 minutes) should be removed.

Councilman Walton requested to remove Items "a" through "j" from the Consent Agenda and place them on the Regular Agenda for discussion.

Councilman Walton requested to add a "utility billing update" to the Regular Agenda.

**Mayor Peel called for a vote to approve the agenda as amended. Those voting in favor of the motion were: Donnelly, Hummer, Brooks, Horton and Walton. Against: Stimatz. 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. Announcement: Parks and Recreation Director Dexter Harris**

Mr. Harris invited members of the City Council, City staff and the public to attend the Ribbon Cutting Ceremony for the City's new splash pad at Enfield Park on Thursday, June 15, 2017 at 4:30 p.m.

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

Mayor Peel reminded everyone that the Council would have to break from the Public Comment portion of the agenda at 7:30 p.m. in order to hold the scheduled Public Hearings. He stated that anyone who had not spoken by that time would be allowed to speak at the close of the Public Hearings.

**Chrissy Riggs, 114 Whitehurst Street, Elizabeth City, NC** served as the representative for Bridget Colbert by reading a prepared statement. She chastised the Council and City Manager for disconnecting Sarah Ownley's utilities. She suggested that no notifications or phone calls were received by Ms. Ownley regarding her pending disconnection. She suggested that Ms. Ownley's disconnection was "bullying" by the Council and City Manager. She asked that the City Council "step outside of your buddy-buddy relationships" with the City Manager.

**Paul Riggs, 114 Whitehurst Street, Elizabeth City, NC** suggested there is no hope of change in the City of Elizabeth City. He criticized the Town Hall meeting as a "joke." He stated that the citizens need to get more involved in meetings. He also stated that he was not addressing the Mayor or the City Council any longer, but instead the citizens of Elizabeth City. He asked the citizens to join the new group he intends to start called "Tier One EC" in order to "learn together" and "remove those in power."

**Tammy Harmon, 702 Parsonage Street, Elizabeth City, NC** stated she was speaking on behalf of her husband, who could not attend. She stated that her husband would be at the next meeting in order to discuss Council politics and would be ready to "stomp on some toes."

**John Bannow, 106 Tiara Court, Elizabeth City, NC** thanked the Council for allowing him to speak. He went on to thank Councilman Stimatz for replying to an email he had previously sent. He supplied the definition of "stalking" and the penalties for committing this act. He read the chapter "City's Responsibilities" from the Customer Service Policies and Procedures handbook and opined that the City violated these in Sarah Ownley's disconnection. He remarked that the Customer Service Manager was very helpful in responding to his questions, but he felt that the City Manager was not.

**Rachel Cathcart, 211 Harney Street, Elizabeth City, NC** stated that her main concern was that there were citizens without electric power. She asked that anyone without electricity have their power restored, and requested that the City determine why there were difficulties with payments made online.

**Elizabeth Shakin, 708 Raleigh Street, Elizabeth City, NC** indicated that she and her husband had moved to the City about a year ago, and that they are both college students. Mrs. Shakin stated that she believes the City owes her \$66.41 and that her bills do not add up. She provided that she lives in the same neighborhood as Mr. Olson, and that although she is aware he works long hours, she also believes that he is lying to the public. Mrs. Shakin continued that she believes the City Council has grown complacent and needs to take action.

**John Shakin, 708 Raleigh Street, Elizabeth City, NC** stated that he was not present to condemn anyone, but that "your sins condemn you." He expressed that he was not attending to cast judgement, but that he was aware what "the fruits of your labors have been; and that they harmed the City."

**Kelsey Finley, 3840 Waterside Drive, Apt. 107, Elizabeth City, NC 27909** explained that she had lived in the City for 24 years, and has always heard about the "awfulness of City utilities." She stated that people on her Facebook page "have heard and expressed how they choose to live outside of City limits, and almost want to leave and not re-sign their leases." She opined that the "fix" is taking way too long. She asked the Council to "get the job done by fixing this disaster, or soon you won't have any citizens left to worry about fixing this for."

**Sarah Ownley, 307 Adams Creek Road, Elizabeth City, NC 27909** stated that she was "disgusted again." She refused to give her address, replying that, "Ya'll know

where I live; ya'll disconnected me. Ask Rich." Ms. Ownley stated the City disconnected her for "something that was not my fault." She continued that due to her disconnection, she was unable to wear her CPAP machine. She stated that she felt Customer Service Representatives were giving people differing information regarding late fees. She explained that "we have done a petition for an audit of all bills; we are up to about a thousand signatures." Ms. Ownley stated that she felt the bills are still incorrect. She offered that, "if some of these good citizens will run, I will back them to get some of you out of here." She furthered that she helps people understand their bills, and that she is "not on your payroll; I'm doing a lot of your work for you." She stated that she felt this has been stressful for every citizen involved. Ms. Ownley continued, "People who are going to get up here shortly and sing Olson's praises, that's... Whatever. I don't know if they were paid or what, but anyway." She opined that something was wrong with anyone who would "sing praises" and that "birds of a feather, flock together." She asked the Council for accountability, and questioned what the City's plans were to insure that this did not happen again. Ms. Ownley expressed that she felt City Manager Olson's response to John Bannow was "a lie." She addressed the City Clerk regarding emails that she had previously requested, stating, "I think it's been 12 or 13 business days now, and I really need those emails. I feel like the City's withholding from me, and I don't want to have to go further with any legal action." She reiterated that she wanted to make it clear that she was "cut off for a bill that I did pay." She requested that "Rich Olson, please resign from the City."

**Joseph Persico, 406 W. Church Street, Elizabeth City, NC 27909** thanked the Council for allowing him to speak. He stated his purpose was to urge City officials to agree to the goals of the Paris Climate Agreement. He asked that Mayor Peel consider joining the Climate Mayors, which he explained was a mayor-to-mayor network of United States mayors collaborating on climate issues. He assured the Mayor that there is no "binding commitment." Mr. Persico asked that the City adopt a resolution to follow the Paris Agreement.

**Christina Persico, 406 W. Church Street, Elizabeth City, 27909** greeted the Council and identified herself as the Co-President of NENC Progressives. She thanked Councilman Donnelly for both attending and speaking at the Pride and Equality rally at Mariners' Wharf Park, and praised his dedicated work in the City and on the Council. Mrs. Persico also thanked Councilman Walton for attending the event. She expressed gratitude to the ECPD for helping with the event. She voiced concern regarding the recent spike in anti-LGBTQ bills introduced in the past months. She opined that "the time to sit idly by is gone, and it's never been more important to stand for the LGBT community." She asked of the Council to "put forth a plan to becoming an inclusive community that celebrates the diversity of all of its citizens."

**Don Porter, 163 Sand Hills Road, Camden, NC 27921** stated that his purpose was to discuss the City's retiree health insurance benefits. Mr. Porter indicated that in 1996, previous City Manager Steven Harrell allowed that employees hired prior to 1996 would have their health insurance covered at no cost, while employees hired after July 1, 1996 would have to sign a waiver indicating that they understood health insurance could change. He expressed concern regarding the changes, and stated that he felt the City could not legally change the fringe benefit policy. He pointed out a similar case that occurred in North Carolina, and asked that the City honor what he believed he had been promised when he was hired.

**Phyllis Bosomworth, 301 Breezewood Drive, Elizabeth City, NC 27909** thanked the Council for the services it provides for the community. She also thanked the City Manager and his staff for their efforts. She indicated that she found many of the public's comments difficult to hear. Mrs. Bosomworth reminded attendees that City Manager Olson had brought many productive changes to the City, and that the progress he has helped achieve must not be forgotten. She closed by thanking the Council and City Manager Olson for all they do for the City of Elizabeth City.

**Jane M. Elfring, 102 Chancey Drive, Elizabeth City, NC 27909** identified herself as the President of Elizabeth City's Habitat for Humanity. She discussed the City's Weatherization Program and the previous partnership between the City and her organization. She requested that the City work with Habitat for Humanity again on new

projects to assure that the homes are as energy-efficient as possible. She asked that Habitat for Humanity be considered for the Weatherization Program in the coming fiscal year.

**Holly Audette, 609 W. Main Street, Elizabeth City, NC** greeted the Council and thanked members for their commitment to public service. She complimented City personnel for assisting her with several issues, including staff from the Public Works Department and the Inspections Department. She also praised both the staff and the supervisor of the Customer Service Department for their ability to effectively deal with difficult circumstances. She indicated the importance of recognizing the professional demeanor of City staff during these trying times.

**Bill Hiemer, 107 Osprey Cove, Elizabeth City, NC 27909** reminded the City Council that he felt many residents still strongly supported the City Manager. He stated that he respected people like City Manager Olson, who had a strong work ethic and positive effects on the community. Mr. Hiemer praised Mr. Olson's quick, helpful responses to emails and phone calls. He identified Mr. Olson as a "man of integrity, discipline, vision and courage."

**5. 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:

**BEGINNING OF CONSENT AGENDA:**

- a. **Consideration – Adoption of the following Ordinance authorizing street closures in connection with the Independence Day Celebration;**

**ORDINANCE #2017-06-01**

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL INDEPENDENCE DAY CELEBRATION**

**WHEREAS**, the City Council of Elizabeth City acknowledges a long tradition of providing an annual Independence Day Celebration 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 Independence Day Celebration event; and

**WHEREAS**, the City Council of Elizabeth City acknowledges the festival event requires approximately two hours to install signing and traffic control, amusement and entertainment structures and equipment, food and other retail vendors, and other attractions, and also requires approximately two (2) 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:	Tuesday, July 4, 2017
Time Duration:	3:00 p.m. until 11:00 p.m.
Route Description:	E Ehringhaus Street from the S McMorrine Street intersection, eastward to the S Water Street (SR 34/1164) right-of-way S Water Street/Southern Avenue (SR 34/1164) intersection at Riverside Avenue intersection, including access from the Charles Creek Bridge

N Water and S Water Street (SR 34/1164) from the E Main Street intersection, south to Riverside Avenue/Shephard Street intersection  
700 block of E Main Street from the Water Street (SR 34/1164) intersection, eastbound to Moth Boat Park/Pasquotank River  
West intersection of E Church Street and S Water Street (by The Daily Advance building)  
West intersection of E Fearing Street and S Water Street (by The Daily Advance building)

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 12<sup>th</sup> day of June, 2017.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

- b. Consideration – Adoption of Revised APPA Safety Manual (16<sup>th</sup> Edition) for the Electric Department;**
- c. Consideration – Call for a Public Hearing to Repeal Chapter 151 “Rental Housing Code” of the City’s Code of Ordinances;**
- d. Consideration – Authorization for ECFD to conduct live fire training at 1232 N. Road Street**

**END OF CONSENT AGENDA.**

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

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to approve the Consent Agenda as presented. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, Walton, and Donnelly. Against: None. Motion carried unanimously.**

**6. Public Hearings:**

At 7:30 p.m., Mayor Peel announced that the Council would direct its attention to the scheduled Public Hearings.

**a. Hold a Public Hearing to receive comment regarding RZ 01-17 filed by Casey Cameron.**

Mayor Peel announced the subject of the first Public Hearing and called on City Manager Olson to provide the background for the matter. Mr. Olson explained that Planning Director Matt Schelly would handle the matter for City staff.

Mr. Schelly explained that during the City Council meeting on May 22, 2017, the call for a Public Hearing was made to consider Casey Cameron's rezoning request. The request was to rezone "Funked Up Junk" from General Industrial (I-2) to General Business (GB). Mr. Schelly provided that the requested zoning would be consistent with the general land use in that area. He advised that the Planning Commission reviewed the case during its May 2017 meeting, whereupon the Commission recommended approval of the case as presented

Mayor Peel declared the meeting into Public Hearing and inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one wished to speak, Mayor Peel declared the Public Hearing closed.

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer to adopt the Consistency Statement and the following Ordinance to rezone approximately 0.634 acres from General Industrial (I-2) to General Business (GB). Those voting in favor of the motion were: Stimatz, Hummer, Brooks, Horton, Walton, and Donnelly. Against: None. Motion carried unanimously.**

**Ordinance #2017-06-02  
Rezoning Request RZ-01-17  
(PIN 891418412058)**

**WHEREAS**, on May 2, 2017, the Planning Commission reviewed Petition RZ-01-17 filed by Casey Cameron (Funked Up Junk) to rezone approximately 0.634 acres from General Industrial (I-2) to General Business (GB) and further identified as PIN 891418412058; and

**WHEREAS**, the Planning Commission considered public comment given during that meeting; and

**WHEREAS**, the allowed uses in the General Business (GB) zoning district will be compatible with the area's mixed land use; and

**WHEREAS**, the proposed zoning will be consistent with the area's mixed zoning patterns; and

**WHEREAS**, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and

**WHEREAS**, after consideration of the technical merits of the request, the Planning Commission recommends approval.

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show that a portion of the above referenced parcel as General Business (GB).

**ADOPTED**, this the 12<sup>th</sup> day of June 2017.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

**b. Hold a Public Hearing to receive comment regarding CZ 01-17 filed by Tooley Harbor.**

Mayor Peel announced the subject of this Public Hearing and called on Planning Director Matt Schelly to provide the background. Mr. Schelly explained that during the May 22, 2017 City Council meeting, a Public Hearing was called to be held regarding this request. He advised that Tooley Harbor LLC and 3NI filed a request to rezone approximately 14.2 acres from Residential (R-15) to Conditional Residential Zoning District (CZ R-8).

Mr. Schelly provided that conditional zoning has the highest level of flexibility for the design of the development, and that the owner would have the freedom to develop his or her own unique list of permitted uses and design standards. He continued that Conditional Zoning Districts are not subjected to all of the traditional ordinance standards for the General Zoning Districts, but are site-specific instead.

Mr. Schelly advised that the request would allow the construction of 28 duplexes on the lots, which would appear as a large, single-family dwelling. He noted that the applicants held a community meeting on February 3, 2017 with notification given to all property owners located within 500 feet.

Mr Schelly noted that the case was reviewed by the Technical Review Committee, and subsequently, the Planning Commission. The item was tabled until information on the covenants on the adjacent subdivisions was supplied, and a consensus on landscaping reached. Mr. Schelly advised that these items were addressed and agreed upon during the May 2017 meeting, and that staff's recommendation was to approve the Consistency Statement and Conditional Zoning Ordinance by motion.

Mayor Peel declared the Public Hearing open and inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one wished to speak, Mayor Peel declared the Public Hearing closed.

**Motion was made by Councilman Donnelly, seconded by Mayor Pro Tem Hummer to approve the following Conditional Zoning Request as presented.**

Mayor Peel opened the floor for discussion. Councilman Stimatz inquired as to why the decision was made to increase the front setbacks of the properties, given the fact that this was not the side facing the affected properties. City Manager Olson responded that he believed this served to allow two vehicles to be parked in each of the driveways.

Councilman Stimatz asked how to insure that a Community Association was created and functional. City Attorney Bill Morgan replied that in past instances, staff required that the Homeowner's Association be created, and the by-laws adopted before the final plat is approved.

Councilman Stimatz further expressed concern over the wording of the agreement regarding the placement of the trees along Asbury Road. He advised that staff should clarify the wording of the resolution to require a minimum of two trees per lot. He called for an amendment to the resolution in order to achieve clarity, which was found acceptable by both Councilman Donnelly and Mayor Pro Tem Hummer.

Mayor Peel asked for further questions and comments, of which there were none. He then called for the vote.

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

**Ordinance # 2017-06-03**

**Conditional Zoning Request CZ 01-17**

(PINs 892304621225, 892304622247, 892304622480, 892304623427, 892304624358, 892304624209, 892304623137, 892304647204, 892304625121, 892304625189, 892304626236, 892304729201, 892304272207, 892304721142, 892304227108, 892304720203, 892304629239, 892304628354, 892304627389, 892304627415, 892304626531, 892304625566, 892304624691, 892304624619, 892304622754, 892304621644, 892304620593, 892304620455)

**WHEREAS**, on January 24, 2017 , the Technical Review Committee reviewed Petition CZ 01-17 filed by Tooley Harbor LLC and 3NI, Inc. to rezone approximately 14.2 acres from Residential (R-15) to Conditional Residential Zoning District (CZ R-8) and further identified as lots 1 through 28 of the Tooley Harbor subdivision; and

**WHEREAS**, the Planning Commission reviewed CZ 01-17 on April 4, 2017 and requested additional information be provided regarding landscaping and the restrictive covenants; and

**WHEREAS**, the requested information was provided to the Planning Commission during their meeting on May 2, 2017; and

**WHEREAS**, the Planning Commission considered public comment given during the meetings; and

**WHEREAS**, the Applicants and the City have mutually agreed to specific conditions to be attached to the rezoning; and

**WHEREAS**, the proposed conditional zoning will be consistent with the adjacent land uses; and

**WHEREAS**, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and

**WHEREAS**, after consideration of the technical merits of the request, the Planning Commission recommends approval.

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show that the above referenced parcels as Conditional Residential Zoning District (CZ R-8).

**ADOPTED**, this the 12<sup>th</sup> day of June 2017.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

**c. Hold a Public Hearing to receive comment regarding the proposed Fiscal Year 2017-2018 Budget:**

Mayor Peel announced the subject of this Public Hearing and called on City Manager Olson to provide the background. Mr. Olson presented the budget timeline, which he indicated began with a pre-budget work session on March 13, 2017 and should culminate in adoption of the budget on June 26, 2017. Mr. Olson noted that a number of changes had been made by the Council to the Manager's Recommended Budget over the course of their five budget work sessions. He briefly reviewed the major items in his recommended budget and then spent time reviewing the following information, which documents the changes made by the City Council.

	Revenue	Expenditures
Property Taxes	53,742	
Fire Truck Debt		47,600
Fire Truck		225,000
Fire Truck Escrow	225,000	
COPS Grant	28,577	
Dog Park		(15,000)
Food Bank		5,000
Community Support Grant		(5,000)
Security Cameras		7,830
Deputy City Clerk		56,500
Finance - High Capacity Printer		(1,000)
Community Development - Waterfront Master Plan		(2,500)
Fire - Travel		(2,000)
Fire - Maintenance of Vehicles		(6,000)
Fire - Departmental Supplies		(2,000)
Fire - Safety Shoes/Eyes		(5,000)
Fire - Thermal Camera		(8,500)
Police - Contracted Services		(4,200)
Police - Capital Outlay		(2,400)
Legal - Miscellaneous		(2,000)
Public Buildings - Unified Signage for City Complex		(17,000)
Motor Vehicle Licenses	(180,000)	
Street Reconstruction Overlay		(180,000)
Insurance Damages	8,124	
Contingency		(16,124)
Inspections Truck		25,000
Local Option Sales Taxes	62,427	
Parker Midgett Debt		33,229
Parker Midgett Renovations		157,000
Parker Midgett Renovations Escrow	157,000	
GF Bonuses-Salaries and Wages		44,100
Admin -Overtime		(2,500)
Admin- Part-time/Temp		(4,000)
EF Bonuses-Contingency		(9,450)
EF Bonuses-Salaries and Wages		9,450
W/S Bonuses - WWTP Professional Services		(11,100)
W/S Bonuses-Salaries and Wages		11,100
Solid Waste Bonuses- Contingency		(4,500)
Solid Waste Bonuses-Salaries and Wages		4,500

Councilman Stimatz requested clarification regarding the holiday bonus for FLSA non-exempt employees. City Manager Olson opined that he felt the easiest way to explain it was that employees who are paid hourly and receive overtime qualify for the holiday bonus in November.

Mayor Peel declared the meeting into Public Hearing and inquired of the City Clerk if persons were present who wished to be heard. It was determined that there was one person who wished to speak.

**Bill Heimer, 107 Osprey Cove, Elizabeth City, NC** thanked the Mayor and apologized for signing up late for the Public Hearing, as he was delayed due to the line of people trying to get in Chambers. Mr. Heimer stated the importance of the budget work sessions and applauded the City Manager and the Council's

meetings as impressive and productive. He chastised Councilman Horton for failing to attend any of the five work sessions. Mr. Heimer opined that Councilman Horton's absence from the meetings was unacceptable and indicated a lack of motivation and support for the City. He furthered that he considered Mr. Horton's motion to fire City Manager Olson ludicrous in light of his own failure to fulfill in serving the City.

Mayor Peel declared the Public Hearing as closed and recognized Councilman Brooks to begin discussion.

Councilman Brooks indicated that he had received several emails from concerned retirees regarding the changes made to health insurance in the proposed 2017-2018 Budget. He read from an email sent by City retiree, George Koch, which addressed the changes that had already occurred during the 2016-2017 fiscal year, as well as those proposed for 2017-2018. Councilman Brooks stated that many retirees were unhappy, as they believed they had initially been promised lifetime health insurance coverage at no cost and that appeared to be changing. He noted that the 2016-2017 Budget had included an optional "buy-up plan" for health insurance, and the proposed 2017-2018 Budget would require a mandatory payment of \$39.72 by the retiree or employee in order to have coverage. Councilman Brooks asked City Manager Olson to address this issue.

City Manager Olson stated that he had also received emails regarding this matter, and indicated that he and City Labor Attorney John Leidy had done extensive research on this issue. He said they found that the City promised to provide health insurance, but had never promised to provide free health insurance to either current employees or retirees. He noted that with the adoption of the Affordable Care Act, the City had seen insurance costs steadily rise.

City Manager Olson stated that what he found most important was to treat the current employees and the retirees the same in terms of health coverage and payments. He indicated that should retirees decline to pay the \$39.72, the City would be able to buy a different health insurance plan for them with no cost, but the plan would have to be drastically changed.

Councilman Brooks asked for clarification as to whether retirees were previously promised health insurance coverage at no cost. He questioned if employees who were hired prior to 1996 were grandfathered in with no cost health coverage for life.

City Manager Olson replied that although employees hired after 1996 have a different set of rules and policies, no-cost health insurance was not among them.

Councilman Stimatz requested the language on the Fee Schedule regarding variance requests be clarified. He also asked that the CIP document be made available to the public. He expressed the importance of the CIP and noted that it involved more than just "purchasing cars." He encouraged the public to write Congress and request approval of the Infrastructure Bill. Councilman Stimatz noted that the City has received over \$70 million in grants over the last 14 years, and most of it went for work done underground that cannot be "seen." He furthered that the City is still way behind in utility work, although in a better position than many other cities.

## **7. Regular Agenda:**

*(Note: Items "a" through "j" recommended for approval by the Finance Committee during their meeting of June 8, 2017. Removed from the Consent Agenda by request of Councilman Walton and placed on the Regular Agenda during approval of the agenda.)*

- a. Consideration – Authorization to Execute 2017 Community Waste Reduction and Recycling Grant Contract No. 7209 in the amount of \$15,000;**

Mayor Peel recognized City Manager Olson to provide background on this matter. Mr. Olson stated that staff was authorized to apply for this grant on January 23, 2017. He

stated the grant was originally for \$30,000 and would go toward buying 500 recycling carts. He advised that the City had been notified of award in the amount of \$15,000, and therefore would buy 250 carts. City Manager Olson verified that this item was included in the Fiscal Year 2017-2018 Budget.

**Motion was made by Councilman Stimatz, seconded by Councilman Donnelly to authorize the execution of the 2017 Community Waste Reduction and Recycling Grant Contract No. 7209.**

Mayor Peel opened the floor for discussion, and recognized Councilman Walton. Councilman Walton stated that he had removed this item from the Consent Agenda because it was approved by the Finance Committee and he felt that the public needed a chance to hear about it. He furthered that there were only three people present for the Finance Committee meeting and that he did not feel that was enough to make a decision.

Mayor Peel reminded Councilman Walton that three people make a quorum on the Finance Committee.

Councilman Tony Stimatz stated that the agenda goes on the website on the Thursday before the meeting, and is provided to the Council and the public prior to the Council meetings. He furthered that there is a total of five people assigned to the Finance Committee, and the number was reduced to three due to absences.

Councilman Stimatz further explained that items put on the Consent Agenda are generally straight-forward, noncontroversial administrative matters. He offered that the rules and procedures for the Consent Agenda declare that items must meet these requirements to be included. He reminded the public that if they sought further information and the full agenda, there were numerous ways to obtain it.

Mayor Peel asked if there was further discussion, and finding none, he called for the vote.

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

**b. Consideration – Adoption of the following Resolution approving “Interlocal Agreement for a Group Self-Insurance Pool for Benefit Risk Sharing” with Municipal Insurance Trust of NC;**

Mayor Peel recognized City Manager Olson to provide background on this matter.

Councilman Walton interjected that he wanted to pass on this item because the Council had just discussed it. Mayor Peel and City Manager Olson stated that this was a related, but separate item from the previous discussion. Councilman Walton reiterated that he wanted to pass on this item, and informed Mayor Peel that he did not wish to discuss it. Mayor Peel clarified that the item must be discussed, as was protocol once Councilman Walton removed it from the Consent Agenda.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Michael Brooks to adopt the following Resolution as presented.**

Mayor Peel asked if there was any discussion on the matter. Councilman Walton addressed a printout provided by City Manager Olson. He indicated that retirees may want a bi-weekly payment option, akin to the one current employees have. Mayor Peel questioned the Council if there was further discussion; and as there was none, he called for the vote.

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

**RESOLUTION # 2017-06-01  
Governing Body Resolution  
of the  
City of Elizabeth City, NC**

**WHEREAS**, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the Municipal Insurance Trust of North Carolina and have agreed to pool the risks associated with the provision of benefits for their designated benefit plan participants pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A);

**NOW, THEREFORE, BE IT RESOLVED** that the above named unit of local government elects to become a member of the Municipal Insurance Trust of North Carolina upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool For Benefit Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Trust and abide by the terms and conditions of the Interlocal Agreement.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the duly authorized officials of the above named unit of local government are directed to execute in the name of said unit the "Interlocal Agreement for a Group Self-Insurance Pool For Benefit Risk Sharing," a copy of which is attached to and made a part of this Resolution.

I certify that this is a true and correct copy of this Resolution, duly adopted by the governing body on the 12<sup>th</sup> day of June, 2017, as it appears of record in its official minutes.

**City of Elizabeth City, NC**

By: \_\_\_\_\_  
Joseph W. Peel, Mayor

**ATTEST:**

\_\_\_\_\_  
Vivian D. White, CMC/NCCMC  
City Clerk

**c. Consideration - Adoption of the following Budget Amendment to Allocate an Additional \$10,000 for Code Enforcement;**

Mayor Peel recognized City Manager Olson to provide the background on this matter. Mr. Olson stated that City staff had requested the following Budget Amendment due to a discussion by the City Council proposing the need to tear down a substandard structure in the Oak Grove area.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to adopt the following Budget Amendment as presented.**

Mayor Peel opened the floor for discussion, and recognized Councilman Walton. Councilman Walton reiterated that the original motion during the Finance Committee meeting was made by Councilman Donnelly, seconded by Mayor Peel.

As there was no further discussion, Mayor Peel called for the vote.

**Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, Walton and Donnelly. Against: None. 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, 2017:

**SECTION I. That the General Fund Balance Appropriated (103990.0000) and the Police Department Code Enforcement Expenditure (105100.4601) be increased by \$10,000.**

**(To record additional funding for code enforcement.)**

**This amendment will decrease General Fund Balance by \$10,000.**

**ADOPTED, this 12<sup>th</sup> day of June 2017.**

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

**d. Consideration – Authorization for ECPD to Submit Application for 2017 COPS Grant to fund one additional officer;**

Mayor Peel recognized City Manager Olson to provide the background on this matter. Mr. Olson stated that the City currently has three officers funded by COPS Grants. He advised that the grant pays for 75% of the officer's salary, with a 25% local match. Mr. Olson also noted that this is a three year grant, and would result in a total cost to the City of \$36,951.31.

**Motion was made by Councilman Ray Donnelly, seconded by Mayor Pro Tem Anita Hummer to authorize the submission of the COPS grant application.**

Mayor Peel opened the floor for discussion and recognized Councilman Walton. Mr. Walton declared that during the Finance Committee meeting, Mayor Peel seconded the motion.

Councilman Tony Stimatz explained that since the Finance Committee meeting had only had three members present, and given that the Chair is not allowed to make a motion, all motions will be made, seconded or receive no recommendation by the same two individuals.

Given that there was no further discussion, Mayor Peel called for the vote.

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

**e. Consideration – Authorization to Submit Application for Wal-Mart Community Grant Program in the Amount of \$5,000;**

Mayor Peel recognized City Manager Olson to provide the background information on this item. Mr. Olson stated that City staff had requested permission to submit application for the Program in hopes of obtaining an interactive kiosk that would be utilized by the Police Department.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to authorize the submission of the application for the grant, as presented. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, Walton and Donnelly. Against: None. Motion carried.**

**f. Consideration – Authorization to Submit “Meet Me at the Park” Play Space Grant through the National Recreation and Park Association for the Charles Creek Educational Boardwalk Project;**

Mayor Peel recognized City Manager Olson to present the background information on this matter. Mr. Olson provided that City staff had recommended the Play Space Grant submission in the amount of \$25,000 to help fund the Charles Creek Educational Boardwalk Project. He estimated the total cost of the project at \$100,000.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Stimatz to authorize submission of the grant application as presented.**

Mayor Peel opened the floor for discussion and recognized Councilman Stimatz. Councilman Stimatz stated that the City could fund the payment of \$25,000 through “in-kind” services. City Manager Olson verified that “in-kind” services could be used, although it would be hard to determine until it was established what the value of the in-kind services would be.

Councilman Walton expressed concern that the \$25,000 might turn into \$100,000, stating, “I know how we do.” City Manager Olson and Mayor Peel reiterated that this project would not happen unless the City received the grant.

As there was no further discussion, Mayor Peel called for the vote.

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

**g. Consideration – Authorization to Submit Coastal Program, US Fish and Wildlife Service Grant Application for the Charles Creek Educational Boardwalk Project;**

Mayor Peel recognized City Manager Olson to provide the background on this matter. Mr. Olson advised that City staff requested approval of this grant application in the amount of \$80,000. He noted that cross-matching of funds and in-kind services would be used.

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer to authorize submission of the Service Grant as presented.**

Mayor Peel opened the floor for discussion and recognized Councilman Walton. Councilman Walton expressed concern regarding the “City changing their mind about how we do things.” Mayor Peel asked Councilman Walton if he understood what “in-kind” meant, and he redirected the question to Councilman Stimatz. Councilman Stimatz expressed that he felt “in-kind” referred to a benefit of equal value received in lieu of cash. Councilman Donnelly clarified that it meant “a substitute for cash.”

Upon Mayor Peel determining there was no further discussion, he called for the vote.

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

**h. Consideration – Request for Extension to Expend DIG Grant Funding for ECBC, LLC;**

Mayor Peel recognized City Manager Olson to provide a background on this matter. Mr. Olson relayed that when the City Council awarded the initial grant for this project, one of the conditions was that work must be completed by June 1, 2017. He stated that the recipient of the grant requested the extension due to having to resubmit numerous documents. Mr. Olson noted that the proposed date for completion was August 15, 2017.

**Motion was made Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to grant the extension as presented.**

Mayor Peel opened the floor for discussion and recognized Councilman Walton. Councilman Walton stated that he did not agree with granting the extension. He opined that “we look out for the haves.”

Councilman Horton asked of the City Manager if he could recall any other circumstance where a grant was extended. Mr. Olson responded that this occasion was the first instance that a time frame for completion was placed on a project. He furthered that the issue was that the extension would move the project from one fiscal year to the next. Councilman Stimatz questioned whether the City had ever turned an applicant away due to fiscal year time limits. Mr. Olson reiterated that this had never occurred before, as this was the first occasion that a time limit was placed on a project.

As there was no further discussion, Mayor Peel called for the vote.

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

**i. Consideration – Request for Extension to Expend DIG Grant Funding for Shingle Landing, LLC;**

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to approve the request as stated.**

Mayor Peel opened the floor for discussion and recognized Councilman Walton. Councilman Walton stated he felt this was another case of “the Haves and the Have-Nots.”

Councilman Horton questioned the purpose of placing a deadline on a grant and then extending it. Mr. Olson responded that the purpose was to avoid having to roll money from one fiscal year to the next. He stated that both of the projects requesting extensions had done so due to unforeseen delays, particularly with Historical Preservation requirements.

As there was no further discussion, Mayor Peel called for the vote.

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

**j. Consideration – Call for a Public Hearing on Downtown Improvement Grant Program Application for the Bridal Lounge;**

Mayor Peel recognized City Manager Olson to provide the background on this matter. Mr. Olson explained that under current DIG program guidelines, money is earmarked for downtown businesses through March 1, after which funding is allowed anywhere within the City. He indicated that out of two inquiries for the remaining funds, only one completed the application process. Mr. Olson continued that DIG guidelines require a minimum grant request of \$2,500, and given that only \$1,923.72 remained, the applicant asked that the City Council waive that requirement.

Councilman Brooks stated that his biggest problem with the DIG program was that it did not allow enough funding for non-downtown businesses. He questioned whether any other individuals were aware of the availability of the money, and what the process would have been if more than one person applied for funding. City Manager Olson stated he believed the first applicant would have priority, but ultimately it was the Council’s decision. Councilman Brooks stated he felt that the City did not advertise the information well enough, and needed to expand the outlets used.

Councilman Stimatz requested to see a “marketing plan” for how the City planned to reach out to business owners.

Councilman Horton stated that he felt if the community-at-large knew that funding was available, more would have applied. He said he believed the program’s guidelines may

have deterred businesses from applying, and waiving the guidelines appeared unfair to him.

Councilman Walton stated the matter was not “simple.” He added that he spoke with the owner of the other business that inquired, and stated she told him that she “had to have a match.” City Manager Olson allowed that was accurate, and added that The Bridal Lounge would also have a match requirement. Councilman Walton expressed disdain for “changing the rules.” Mr. Olson supplied that all DIG applications are brought before the Council, and he would be happy to discuss guidelines with anyone, Councilperson and citizen alike.

Councilman Horton stated he felt that it would be impossible to move forward and change the City’s policy in order to benefit someone. He declared that he did not wish to call for a Public Hearing. Councilman Horton continued that he felt it was unfair to allow the City to extend one entity and turn away another. Mayor Peel stated that no one had been turned away; it was simply a matter of only one applicant completing the paperwork.

Councilman Horton stated that if the City intended to waive the \$2,500 requirement that it should re-advertise with that notation.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Tony Stimatz to call for the Public Hearing and waive the requirements for the application as presented.**

Mayor Peel asked if there was further discussion and recognized Councilman Brooks. Councilman Brooks questioned if the other potential applicant did not apply due to the \$2,500 requirement. City Manager Olson responded that they were encouraged to apply, and simply did not follow through. He explained that if the money was not distributed during the current fiscal year, the process would begin again with downtown businesses receiving priority. Councilman Brooks asked if the DIG guidelines could be modified to make it easier for businesses outside of downtown to apply. Mayor Peel indicated that the guidelines for the program would need to be reworked, and it would have to become an agenda item for the Council to vote on. Councilman Brooks indicated that was acceptable to him.

Councilman Walton stated that he was “trying to be nice on this issue.” He added “Ya’ll know what ya’ll have done.” He continued that he would only support the motion if the Council would allow a friendly amendment to be added, which would open another application process during the Public Hearing. City Manager Olson stated that would not be possible, as it would violate the Council’s Rules of Procedure. He explained the only proper way to carry Councilman Walton’s suggestion out would require that a Special Meeting be held, and he provided the process for doing so. Councilman Walton questioned whether the original motion would be modified to include his friendly amendment. Mayor Peel asked Councilman Donnelly if he chose to accept the friendly since he made the motion and Councilman Donnelly answered in the negative. Mayor Peel then called for the vote.

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

*(Clerk notation: The following items “k” through “o” constitute the original Regular Agenda items:)*

**k. Update/Discussion – Update on Storm Water Sump for Habitat Property located at 5<sup>th</sup> and Ward Streets.**

Mayor Peel welcomed Public Utilities Director Joe Pearce to update the Council on this matter. Mr. Pearce explained the particular property is located on a NCDOT road and owned by Habitat for Humanity; therefore the City has no jurisdiction in the matter. He indicated that he spoke with NCDOT, who wished to research the matter further. Mr. Pearce stated that his recommendation was that the City should wait and see if NCDOT is able to take care of the issue.

Councilman Stimatz thanked Mr. Pearce for the update, and Mayor Peel verified that there was no further discussion on the matter.

**I. Update/Discussion – Weatherization Assistance Program Performance Review and Audit.**

Mayor Peel recognized City Manager Olson to provide an update on the Weatherization Program. Mr. Olson stated that City staff consulted with NCDEQ and were given a recommendation for Land of Sky Regional Council Waste Reduction Partners. He confirmed that the test year would be 2013, and tracked for two to three years following that. City Manager Olson confirmed that City staff would retain the services based on the scope of work included in the agenda packet.

Councilman Donnelly asked when the information would be provided to the Council, and City Manager Olson stated he would try to have it available during the first meeting in July.

Councilman Brooks questioned whether this project had already been approved. He also asked if City Manager Olson had performed work on another house that was discussed during a previous meeting. City Manager Olson recognized Energy Officer Dennis Gordon who verified that work was not able to be performed on the house Councilman Walton questioned due to standing water.

Assistant City Manager Cole indicated that the contractor would not be available until after July 1, 2017, although she was aware City Manager Olson wanted to supply the Council with the information as soon as possible.

**m. Update/Discussion – Process Mapping for Planning and Inspections Divisions**

Mayor Peel recognized City Manager Olson who allowed that Planning Director Matt Schelly would provide the Council with the update on this matter. Mr. Schelly identified the process as a specific Council objective. He stated that the research process for firms was complete, and resulted in one local firm, Vector CSP, being identified. He continued that through the Planning ListServ, his department was able to find a high quality production, which they found was created in house. Mr. Schelly asked that the Council allow first drafts to be developed in-house for planning, although he had not yet located a similar one for inspections. He indicated that once the process was finalized and approved by the Council, then work would begin on the Building Inspections side. Mr. Schelly identified the final step as making the correlation between Planning and Inspections.

Councilman Walton inquired which two municipalities had been checked. Mr. Schelly named Garner and Greensboro. Councilman Walton then asked what the purpose of the mapping was. Mr. Schelly stated it would be useful to internal staff in maintaining a predictable path for a project from beginning to end; and for applicants who wished to know more detail about their proposed projects. Councilman Walton asked if this would affect a dwelling that was already in place. Mr. Schelly confirmed that it would not.

Assistant Manager Cole stated that the effects would depend on the process, and identified that mapping a sign permit would potentially affect an existing structure.

Councilman Walton stated that certain things must be evident before buildings can be inspected. Mr. Schelly stated that as far as planning processes, they are always initiated by the applicant.

Councilman Stimatz stated he felt this issue went back to previous faux pas made by the department. He pointed out that the mapping showed all departments and administrators the full process, as well as allowing a way to look at it and find a better way to proceed. He stated that opening a new business involved multiple departments, all who needed to be able to see the full process in order to know what needed to be done. He provided that he felt that eventually processes could be automated.

Councilman Walton stated he felt this idea came from one person and could potentially be used for other purposes. Mayor Peel replied that this item was on the Council's list of Goals and Objectives.

Planning Director Schelly supplied that the mapping would add to the transparency of the process, and would allow all of the "players" to identify where they fit into the process.

Councilman Donnelly asked if the Council found the work flow chart appropriate. Councilman Stimatz stated he felt it was exactly what the City needed, and offered many positive options, which could potentially allow processes to be simplified.

#### **n. Update/Discussion – Performance of Waterfront Master Plan**

Mayor Peel recognized City Manager Olson to provide an update on this matter. Mr. Olson appointed Planning Director Matt Schelly to handle the presentation. Mr. Schelly noted that this was another item on the list of Council goals. He stated that the recent CAMA grant that had been awarded to the City for the Charles Creek flooding mitigation project would be beneficial to this plan. Mr. Schelly continued that the two plans overlapped and given the proximity to downtown, it would be beneficial to have one planning consultant do both plans. He pointed out that money would be saved by combining the two together.

Councilman Stimatz provided that an earlier plan contained much of the background information, and was formerly adopted by the Council. He noted that in order for a new plan to be adopted, the previous one would have to be "un-adopted."

Mr. Schelly advised that one planning consultant was working on the RFPs and noted that they needed to exercise caution so as not to damage any requirements for the grant the City already has obtained.

Councilman Stimatz requested a timeline. Mr. Schelly responded that the timeline depended on the RFPs, as well as potentially securing another grant. He said that he expected one to two years, depending on the final determination of the size of the project. He noted that he hoped for lots of public involvement.

City Manager Olson interjected that the City had been notified that they have received the CAMA funding, but have not received the grant documents yet. Mr. Schelly noted that depending on the CAMA grant timelines, it may increase complications, but he was hopeful about the outcome.

Councilman Stimatz added that he felt the Camden side of the Waterfront also needed to be addressed.

#### **o. Utility Billing Update – (added to agenda by Councilman Walton)**

Mayor Peel recognized City Manager Olson to provide an update on the utility billing matter. Mr. Olson stated that City staff was in the process of producing May's bills. He noted that these bills would reflect payments made through June 9, 2017. He continued that there were about 200 work orders still to be processed.

Councilman Stimatz stated that he was concerned that after July 2016, he had discrepancies with his bills and found them difficult to discern. He added that he was unable to determine which payments were received. Councilman Stimatz continued that he felt that an audit of all bills needed to occur. City Manager Olson responded that an audit was being considered. He pointed out that all payments had now been posted in one system, and explained the process City staff went through to determine which payments credited to which bills when customers had questions.

Councilman Stimatz reiterated his belief that an audit should be conducted to verify that each bill was correct. He expressed concern that the Edmund's billing reflected different numbers than the Logics system.

Councilman Horton asked City Manager Olson if the City had distributed any incorrect bills. Mr. Olson replied that to his knowledge all bills that had been dispersed were correct. He added that the bills he had personally dealt with had all been correct, and that much of the confusion seemed to lie in the way the payments were posted. Councilman Horton questioned if there had been other instances where electronic payments had failed. City Manager Olson replied that he was not aware of any issues.

Councilman Horton noted that he felt transparency was important between the City and its residents. He asked if operations would be “close to normal” as of July 1, 2017. City Manager Olson confirmed that this should be possible.

**Motion was made by Councilman Darius Horton, seconded by Councilman Tony Stimatz to request that City Attorney Bill Morgan compile and present to the Council a list of firms capable of performing an audit for all utility bills by the meeting of June 26, 2017.**

Councilman Stimatz confirmed that this item would not need to go to the Finance Committee until a contract was presented. Councilman Horton asked City Attorney Bill Morgan to present the list prior to the next meeting, in order for him to “do our own research.” Mr. Morgan noted that he would be on vacation and would not be able to do it prior to the June 26, 2017 meeting.

Councilman Walton added that he felt a utility billing update needed to be included on every agenda until the matter was “cleaned up.” He questioned if penalties and interest were being added to the bills. City Manager Olson replied that penalties and interest are the same things in the City’s delinquent process.

Councilman Walton stated that “we had some part-time workers go in and tamper with that data, so the evidence is going to be kind of messed up anyway, don’t you think?” City Manager Olson responded that he did not believe this would be the case. He furthered that “any changes made to the computer system, there’s a tracking and; it’s solely the responsibility of one individual.” Mr. Olson continued that there is also a paper copy of any change that is made to any account.

Councilman Walton inquired as to how much City Manager Olson felt that an audit would cost. Mr. Olson replied he expected the cost to range from \$50,000 to \$100,000. Mayor Peel added that he felt it may be upwards of \$150,000. City Manager Olson pointed out that there were several firms he was familiar with that performed audit reviews. He continued that he would provide a list to City Attorney Morgan.

City Manager Olson added that the audit process is a very time-consuming, expensive process. Councilman Horton asked City Attorney Morgan if it would be possible for him to compile a list of firms quicker, since Mr. Olson already had a few potential names. Mr. Morgan reiterated that he would be on vacation, but that he would do the best he could.

Councilman Stimatz stated that he felt the July 1, 2017 date for returning to the cut-off and penalty process needed to be extended by at least a month. He added that the Customer Service Policy handbook was “woefully out of date” and needed to be updated soon. He reminded the Council that staff must make sure they were following the disconnect policy. Councilman Stimatz continued that a “task force” to include citizens needed to be created to rework the Customer Service handbook.

As there was no further discussion, Mayor Peel called for the vote.

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

Councilman Horton added he would like to recommend that the Council support Councilman Stimatz’s idea to suspend penalties and disconnections until the end of July.

**Motion was made by Councilman Darius Horton, seconded by Councilman Ray Donnelly to suspend utility disconnections and penalties until after July 31, 2017.**

Mayor Peel opened the floor for discussion and recognized Councilman Michael Brooks. He expressed concern that he felt the City did not follow the disconnection policy. He stated “we have to listen to the citizens.”

Councilman Stimatz declared that he did not remember the Council making it a policy to not engage in disconnections. He stated that he would further research the matter. He clarified that Councilman Horton’s motion was only not to suspend disconnections for another month.

Councilman Brooks stated that the disconnection suspension note was sent in a memo to the Council by City Manager Olson. Councilman Horton asked Mr. Olson if that was accurate, and upon affirmation he requested the memo be resent to him. Mayor Peel clarified that the memo’s purpose was to suspend disconnections on accounts as a result of the Edmunds issues; that no one would be cut off if the problem on their account was caused by the conversion.

Councilman Brooks stated that the memo he received was not specific about the reasons and stated that it only said that accounts would not be disconnected prior to July 1, 2017. He questioned how citizens were disconnected prior to July 1<sup>st</sup>.

As there was no further discussion, Mayor Peel called for the vote.

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

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

Councilman Brooks thanked Don Porter for speaking about the retiree health insurance. He expressed concern that he felt the City was “doing wrong by the citizens.” He applauded the detail Mr. Porter put into his comments. Councilman Brooks stated that he was impressed with the “young guy and his wife” for preaching “fire and brimstone down on this Council.” He declared that he was in agreement with everything Mr. Shakin said. Councilman Brooks stated that commenter Phyllis Bosomworth caused him to “shut down” due to a previous interaction he had with her. He furthered that when anyone came up trying to build a certain person up, “it looks suspicious.” He continued that the best way to reach him was through phone call, and not email. Councilman Brooks stated that there were over 3,000 people in the Third Ward and “you’re not the only one emailing.” He pointed out that “everyone thinks their email is more important than the next one.” Councilman Brooks added that the electric billing issues were always bad, but now they’ve become “unbearable.” He told the Enough is Enough group that he “liked your tenacity.” He noted that he did not feel that the billing problems would be corrected by the end of July. He recommended that public commenters try harder to “stay focused.” He concluded by declaring he would not run for the Council again.

Councilman Stimatz had no further comments.

Councilman Horton expressed regret at not being able to attend the Equality Rally, but that he supported their mission. He noted that he had problems with the current DIG guidelines and people being turned away. He continued that he took pride in being on the Council. Councilman Horton stated that he did not have to explain himself and that he took “great offense” with anyone who tried to “degrade” him for not attending the Finance Committee meetings. He added that if anyone had questions about him not attending meetings, they needed to talk to him directly.

Mayor Pro Tem Hummer had no further comments.

Councilman Brooks commended Assistant City Manager Cole and Parks and Recreation Director Dexter Harris for their work on the splash pad at Enfield Park. He

added that he was not an “email person” and that any emails for him could be directed to Councilman Stimatz.

Councilman Donnelly stated that he felt if someone was on the Council and unable to attend meetings, their pay should be docked. He complimented ECDI and Parks and Recreation on the hanging planters in the downtown area. He reminded everyone that Flag Day and the Juneteenth celebration were coming up. Councilman Donnelly noted that June is LGBT pride month. He stated that based on a comment he heard from an individual who spoke earlier in the evening, he’d like to see a resolution on the Paris Climate Agreement during the next meeting.

Mayor Peel thanked everyone for attending the meeting and asked for a motion for go into Closed Session.

**9. Closed Session as allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney and NCGS 143-318.11(a)(4) Expansion of Business or Industry in the Area.**

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton to go into Closed Session as allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney and NCGS 143-318.11(a)(4) Expansion of Business or Industry in the Area. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, Walton and Donnelly. Against: None. Motion carried.**

Mayor Peel declared a five minute recess at 10:28 p.m., after which the Council retired into closed session.

**Motion was made by Councilman Stimatz, seconded by Mayor Pro Tem Hummer to come out of closed session and return to regular session. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, Walton and Donnelly. Against: None. Motion carried.**

The Council returned to regular session at 11:10 p.m.

**Motion was made by Councilman Stimatz, seconded by Mayor Pro Tem Hummer to adopt the following Resolution. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz and Brooks. Against: Horton and Walton. Motion carried.**

*(Clerk notation: Councilman Brooks did not vote on the motion. Mayor Peel announced that a “yes” vote would be recorded for Councilman Brooks.)*

**RESOLUTION #2017-06-02**

**Be it NOW RESOLVED** by the Council for the City of Elizabeth City as follows:

1. **WHEREAS**, the City Council discussed with the City Attorney during a Closed Session on June 12, 2017 the possibility of releasing non-confidential utility account information for Sarah Ownley in response to her untruthful and misleading public declarations; and
2. **WHEREAS**, the Council finds that it is essential to maintaining the integrity of the City of Elizabeth City, the City Council and City staff or to maintaining the level or quality of services provided by the City of Elizabeth City, and that the public should be informed in this way regarding the untruthful statements made by Sarah Ownley; and
3. **WHEREAS**, the Council considered the utility account information for Sarah Ownley hereto attached (the “Information”); and finds that the Information should be released to the media and general public for the reasons stated above.

The motion to approve this Resolution was made by Councilman Tony Stimatz and was seconded by Mayor Pro Tem Anita Hummer. After discussion, a vote was held on the motion with the following results: four in favor and two opposed. Two members of Council were absent from the meeting.

The Mayor announced that the motion carried.

This the 12<sup>th</sup> day of June, 2017.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 11:12 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk