

**City Council Regular Session  
March 13, 2017**

The City Council of the City of Elizabeth City met in regular session on Monday, March 13, 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 (*excused at 7:05 p.m.*)  
Councilman Tony Stimatz  
Councilman Michael Brooks  
Councilman Rickey King  
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Jean Baker  
Councilman Darius Horton

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Police Chief Eddie Buffalo  
Electric Department Superintendent Karl Clow  
Assistant City Manager Angela Cole  
Interim Human Resources Director Monica Cole  
Public Utilities Director Paul Fredette  
Parks and Recreation Director Dexter Harris  
Fire Chief Larry Mackey  
Community Development Director Matt Schelly  
IT Director Matthew Simpson  
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 Pro Tem Hummer announced that two items needed to be added to the agenda:

- a. Call for a Public Hearing to Receive Public Comment regarding Submitting CAMA Local Planning and Management Grant Program Application; and
- b. Completion of the PowerPoint presentation from the Work Session on the budget.

Councilman Donnelly requested to add to the PowerPoint presentation a discussion of the Food Bank, the City Police parking lot, and sidewalks on Church Street.

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

**2. Statement of Disclosure:**

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

Mayor Peel recognized Mayor Pro Tem Hummer. Mayor Pro Tem Hummer requested that the Council excuse her from the meeting and advised that she had to go out of town on a family matter.

**Motion was made by Councilman Stimatz, seconded by Councilman King, to excuse Mayor Pro Tem Hummer from this meeting. Those voting in**

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

Mayor Pro Tem Hummer left the meeting at 7:05 p.m.

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

Anthony Leon Sawyer, 2715 W. Main Street Ext., Elizabeth City, NC thanked the City Council for their plans to build a splash park. He said that the Enfield Tennis Courts were in poor shape and he suggested that the City Council consider refurbishing the tennis court for basketball courts. He asked that picnic tables and grills be installed between the basketball courts and the play area. He opined that the bathrooms at Enfield Park should be open to the public during all hours, not just during softball games. He stated his support for "Hipp" Barclift and said that he was disappointed to read that Mr. Barclift was not promoted to be director of the Parks and Recreation Department.

### **4. Consent Agenda:**

*(Note: Item "a" recommended for approval by the Finance Committee during their meeting of March 9, 2017)*

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 – Authorization for Mayor Joseph W. Peel to execute the Water Tower Attachment Agreement with Verizon for the water tower located at Fire Station #1 contingent upon City Attorney Morgan approving amended language in Section 13;
- b. Consideration – Call for a Public Hearing to be held on March 27, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers, 306 E. Colonial Avenue, to receive public comment on proposed amendments to Section 90.01 "Beehives" of the City's Code of Ordinances; and further instruct staff to reduce to writing an ordinance effecting the proposed changes, as presented, for presentation on March 27, 2017.

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

Mr. Olson advised that the City Attorney had received the document from Verizon and had approved the amended language in Section 13.

**Motion was made by Councilman Stimatz, seconded by Councilman Donnelly to approve the Consent Agenda as read. Those voting in favor of the motion were: Donnelly, Stimatz, Brooks, King and Walton. Against: None. Motion carried.**

### **5. Regular Agenda:**

- a. Consideration – Adoption of Revised City Council FY 2016-2017 Goals and Objectives.

Mayor Peel recognized Assistant City Manager Cole for her presentation. Mayor Peel noted that with the adoption of the goals and objectives, the document should be renamed to "2017-2018" Goals and Objectives.

Ms. Cole stated that the Council had reviewed the Council Goals and Objectives report during the retreat held on February 10, 2017. She stated that staff was presenting the document to the Council for adoption since a couple of the goals had been modified during the retreat. She noted that she was seeking Council's approval of the wording prior to posting the document online.

She noted that there had been no changes to the document since the retreat review, except to make the corrections requested by the Council.

Councilman Stimatz asked about the stated deadline for performance of the Waterfront Master Plan. He noted that the deadline appeared as January 30, 2017 and suggested that it be changed to January 30, 2018. He noted that even though the goal was shown as unfunded, since the Council wanted the plan completed, staff should find the money.

**Motion was made by Councilman Stimatz, seconded by Councilman King, to adopt the Council Goals and Objectives to be renamed the FY2017-2018 Adopted Council Goals and Objectives with the change in the deadline for Item 6F to January 30, 2018. Those voting in favor of the motion were: Donnelly, Stimatz, Brooks, King, and Walton. Against: None. Motion carried.**

- b. Discussion – Purchase and Renovation of Mack Sawyer Building, 106 S. Water Street (*requested by Councilman Brooks*).

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that the information that had been provided to the Council was good. He said he just wanted to make the point that the bathrooms at Mariner's Wharf Park should not be closed to the public given the amount of grant money used to construct the facility.

- c. Discussion – Barclift Drainage Issue at 1166 Hwy 17 S (*requested by Councilman Brooks*).

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that he did not want to re-fight this battle. He said "take it off the agenda; I'm done with that one too."

Councilman Stimatz stated that the point of this item was to clarify exactly what happened. He said that the original motion was to budget money to construct rip rap. He pointed out that he was not at that meeting; but had he been, he would have pointed out that the matter needed to first go to the Finance Committee and the motion was out of order. He stated that staff came back to the Council to advise that the City was not allowed to spend City funding for private projects with no public purpose to the City. He said that to characterize the issue as the Council not following the Charter and staff not doing their job was incorrect.

Councilman Brooks stated that he had read all the information provided by the City Clerk. He said that the initial conversation among the Council about the matter was to close the ditch. He noted that Councilman Stimatz was not at that meeting. He said the vote was to do rip rap. He stated that no local or state entity would take responsibility for the ditch. He said that NCDOT had indicated it would pay for one-third of the cost but their previous attempt to install rip rap failed. Councilman Brooks stated that before Mr. and Mrs. Barclift were annexed into the City, Pasquotank County refused to take ownership of the ditch. He said that he had asked the City Attorney who was responsible for the ditch; and that Mr. Morgan had advised that ultimately the liability would lie with the entity or entities that caused the damage, if in fact the Barclift house slid into the ditch. He said that the City Attorney had told him that it appeared to be an issue that the state is largely responsible for and the City's only involvement was that it had annexed the property. Councilman Brooks stated that he felt that when the City annexes property, it acquired responsibility for it. He asked City Manager Olson what it meant to a property to be annexed. Mr. Olson responded that the City would provide services as provided to all other citizens in the City. Councilman Brooks stated that no one wanted to take responsibility for the ditch, but they had no problem taking their tax dollars.

- d. Discussion – City Council Salary Increase (*requested by Councilman Brooks*).

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that the bottom line regarding trying to determine if the Council should receive an

increase or not, is the Council's decision no matter how tough the decision is. He stated that he did not think the population of the City had anything to do with the salary paid to the City Councilors. He stated that what needs to be considered is the total amount of the budget.

Councilman Brooks stated that he received the argument during a previous Council meeting that a \$500 monthly raise was too much; so, he changed the amount of \$150 per month. He noted that Council voted against that amount as well, which appeared to him as if the members were determined not to do anything. He said if the Councilors have their minds made up, he was not going to try to convey anything else. He noted that he just wanted to make sure the citizens knew what happened. He stated that "Council can't follow all the time, sometimes we have to lead."

e. Discussion – Community Relations Commission (*requested by Councilman Brooks*).

Councilman Brooks stated that he had attended the Community Relations Commission meeting that afternoon before the Council meeting. He reported that the committee members discussed the "Unity at the Table" group and felt they were covering the same territory. He pointed out that the City should not have splintered groups doing the same thing. He said it was not a competition; and everyone should work together toward a common goal. He pointed out that the Community Relations Commission did not solely focus on race, but also looked at economic disparity. He requested that citizens join with the Community Relations Commission to be pro-active rather than reactive.

Councilman King inquired if the Community Relations Commission had worked on a budget for the City and Pasquotank County's consideration. Councilman Brooks stated that he constantly advises the Community Relations Commission members to "come up with a game plan" and determine the cost so it could be presented to the County Commissioners and the City Councilors for consideration. Councilman King agreed and stated "you can't work without money."

Councilman Donnelly pointed out that the members of the City Council are "old." He noted that Unity at the Table and the Hope Group draw older citizens. He stated that somehow youth needed to become involved in the dialog and said that he felt the Community Relations Commission could make that happen. He stated that he would be willing to provide money in the City's upcoming budget to support that effort.

Mayor Peel stated that the ministers involved in the Unity at the Table effort had made clear that they did not want to be associated with the City or Pasquotank County governments in any way. He said they "want to do their thing as ministers" through the church. He stated that the ministers felt that the church needs to be more engaged in the community beyond their church walls.

Councilman Walton stated that no amount of talking will make any difference. He said that difference is only made when people turn talk into action and live it out. He noted that one of the Council's goals is to have Town Hall meetings, but none had been organized. He stated that the Council needed to follow up and have a Town Hall meeting at a location where more than 20 people could attend. He said that leaders will show themselves in a gathering of people, but the Council shouldn't take their concerns and use them the way the Council wants.

Councilman Walton requested that Superintendent Cartner be invited to a Council meeting to present the school district's plans to remodel low-performing schools. He noted that four models had been discussed during a meeting held by the School Board that he attended: transformation; restart; turn-around and closure. He said that in the turn-around model, an education maintenance organization would come in and run the school like a business. He said he hoped that never happened in Pasquotank County. He reported that Pasquotank Elementary School and River Road Middle School would put the restart model in place, while Elizabeth City Middle School and P. W. Moore Elementary would employ the transformation model.

- f. Consideration - Call for a Public Hearing to Receive Public Comment regarding Submitting CAMA Local Planning and Management Grant Program Application *(added to agenda during approval of the agenda)*:

Mayor Peel recognized City Manager Olson to provide the background for this matter. Mr. Olson stated that the City had received a determination from CAMA that the City needed to hold a public hearing in connection with a grant application, which is due at the end of March. He stated that staff's request is for the Council to call for a public hearing to be held on March 27, 2017. He noted that the reason this particular project was chosen for the application was because CAMA had advised that all 2017 applications would have to involve recovery from Hurricane Matthew.

Councilman Donnelly inquired if the matter would need to first be discussed by the Finance Committee. Mr. Olson responded that staff would present the grant information to the Finance Committee prior to the next Council meeting; and noted that the request at this time was to call for a public hearing.

**Motion was made by Councilman King, seconded by Councilman Stimatz, to call for a Public Hearing to be held on Monday, March 27, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers, 306 East Colonial Avenue to receive public comment regarding the submission of a CAMA Local Planning and Management Grant Program Application for Charles Creek; and further, authorize City staff to submit all documents required for the application. Those voting in favor of the motion were: Donnelly, Stimatz, Brooks, King and Walton. Against: None. Motion carried.**

- g. Presentation – Completion of FY 2017-2018 Budget Outlook PowerPoint carried over from Work Session; and including a discussion of the Food Bank, the City Police parking lot, and sidewalks on Church Street as requested by Councilman Donnelly *(added to agenda during approval of the agenda)*:

Mayor Peel recognized City Manager to complete the presentation carried over from the Work Session. Mr. Olson advised that the presentation was nearly finished with the exception of the last slide "questions for the City Council." He asked for Council's guidance regarding the level of funding to be provided for Community Support Grants and noted it had been \$50,000 for the last several years. He said that a number of earmarks had been included in the budget, such as Arts of the Albemarle, Hopeline and several others. He said he planned to keep the proposed budget at \$50,000 unless the City Council determined otherwise.

Mr. Olson stated that the second question to consider would be the Council's Capital Asset and Capital Improvement Projects. He noted that Councilman Donnelly had requested consideration of a Dog Park. Mr. Olson asked if there were other projects that the Council wanted staff to take a look at.

Councilman Stimatz stated that, in terms of priorities, the City needed to be doing whatever has to be done to insure the health, safety and well-being of the citizens. He said following immediately behind that would be the health, safety and well-being of the City's employees.

Mayor Peel reported that he had a conversation with the owner of a local pet-friendly hotel about the number of people that are coming to his establishment because they travel with their pets. He said that the hotel owner had found that these people go to towns that have dog parks; and he thought that was a consideration when discussing a possible dog park for next year's budget. Councilman Donnelly agreed that more and more people travel with their pets. He said that travelers are disappointed to learn that in Elizabeth City pets must be leashed and that there is no facility available where the pets can run.

Mayor Peel recognized Councilman Donnelly for his comments. Councilman Donnelly stated that the Food Bank constantly approaches the City about a Community Support Grant. He noted that usually, they request at least half the funding available in that line

item. Councilman Donnelly proposed that the City place a line item in the City's budget for the Food Bank for at least \$15,000 to \$20,000 annually.

Councilman Donnelly pointed out that with the construction of the splash pad at Enfield Park; citizens living on the north side of Ehringhaus Street had very few sidewalks from Church Street to Ehringhaus Street on which to walk. He proposed that the City Council consider doing a study to look at where sidewalks might work to permit families to walk over to Enfield Park without crossing over lawns or having to walk in the roadway.

Councilman Donnelly noted that there was a parking lot available for the Police Department off Fearing Street; and stated that he had noticed police cars parking in the Twiford Building parking lot. He asked if there was an agreement for the police officers to park there or if it was just more convenient than utilizing their own parking lot. He asked the City Manager to look into that matter and report to the Council.

Councilman Stimatz stated that the sidewalk issue mentioned by Councilman Donnelly related to two things: raising the vehicle tax to find funds to put in sidewalks and the City's Master Transportation Plan. He noted the sidewalk concern should be a part of those discussions. He noted that Councilman Donnelly expressed a good point that the neighborhoods should have safe access to the new splash pad. He suggested that NCDOT should be approached about call buttons at the stoplights on Ehringhaus Street.

Councilman King inquired the amount of funding appropriated for the Food Bank in the fiscal year 2016-2017 budget. Mr. Olson responded that it was a Community Support Grant for \$9,000. Councilman King expressed his agreement with Councilman Donnelly that the Food Bank should be made a line item because the organization served a lot of people locally that were most in need.

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

Councilman Brooks expressed his concern regarding the four models proposed by the State of North Carolina to improve low performing schools. He stated that there were no statistics to support the success of a for-profit entity coming in to administer the turn-around model, and he questioned paying someone "to do something that no one knows if they can do it or not." He said that there were many good questions asked during the School Board meeting he attended, but citizens did not receive answers to many of their questions. He supported Councilman Walton's request to have school representatives do a presentation before the Council. He stated that if parents were as concerned about their children's' education as they were sporting events, it would be great. He pointed out "they don't show up." He encouraged everyone to get involved because children are our future.

Councilman Stimatz wondered if Pasquotank County would adopt a property tax increase to make up for the 1/4¢ sales tax referendum not passing. He said the County had supported the referendum, and he thought if they felt it was that important, they should carry through with a tax increase. He said the other question regards what education groups and parents that supported the sales tax increase were going to do with respect to the County raising the property tax for the schools. He said priorities should be set based on need. He noted that it was not the Council's issue to solve, but it was the Council's issue to be involved.

Councilman King had no further comments.

Councilman Walton stated that most people say that the devil is in the details. He said "there's devil in money too. Whenever there's a big pot of money, everybody tries to put their hand in the pot and grab out as much as they can." He pointed out that the Secretary of Education is pushing the use of vouchers, which takes money away from the public school system. He noted that he had a problem with taking money from traditional schools and giving it to non-traditional schools that had no accountability.

Councilman Donnelly stated that the school system and correctional system were a lot alike, because they were confining people. He said that contracting services out cost

more than doing it within; and in addition, does not work. He suggested that the government should provide an appropriate level of funding to allow people to do their jobs rather than contract the work out with a private organization.

Mayor Peel stated that on Friday, March 10, UNC President Margaret Spellings was in town and served as the Master of Ceremony for the installation of Dr. Thomas Conway as the sixth Chancellor at ECSU. He said that the program was extremely well done and the event was well attended. He said that President Spellings made many good comments about Dr. Conway and the University's future. He noted that the Chair of the Board of Governors was also in town along with a couple of the top people on the Board. He said their commitment to the University is solid. Mayor Peel stated that the ECSU Foundation's GALA was also held over the weekend and he complimented that event and Dr. and Mrs. Conway's commitment to the community.

**7. Closed Session as allowed by NCGS 143.318-11(a)(5) Acquisition of Property and NCGS 143.318-11(a)(3) Consultation with City Attorney:**

Mayor Peel requested a motion to go into Closed Session.

**Motion was made by Councilman Donnelly, seconded by Councilman King to go into Closed Session as allowed by NCGS 143.318-11(a)(5) Acquisition of Property and NCGS 143.318-11(a)(3) Consultation with City Attorney. Those voting in favor of the motion were: Donnelly, Stimatz, Brooks, King, and Walton. Against: None. Motion carried.**

Mayor Peel declared a five minute recess at 8:24 p.m. after which the Council retired into Closed Session.

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

The Council returned to Regular Session at 8:46 p.m.

**8. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:47 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk