

The City Council of the City of Elizabeth City met in regular session on Monday, May 23, 2016 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Police Chief Eddie Buffalo  
Electric Department Superintendent Karl Clow  
Assistant to the Manager Angela Cole  
Human Resources Director Katherine Felton  
Public Utilities Assistant Director Larnetta Brothers  
Fire Chief Larry Mackey  
ECDI Director Wade Nichols  
Inspections Director Stanley Ward  
Parks and Recreation Director Bobbi White  
City Clerk Vivian White

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

**1. Agenda Adjustments and Approval:**

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

**Motion was made by Councilman Rickey King, seconded by Councilman Ray Donnelly, to approve the agenda as presented. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton, and Walton. Against: None. The motion carried.**

*(Clerk notation: No adjustments to the prepared agenda were requested.)*

**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. Comments from the Public:**

Christina Rehklau, Director of the Elizabeth City Convention and Visitors Bureau announced a community workshop being conducted on June 3, 2016 by the Goss Agency, an advertising agency from Asheville, NC, during which representatives would present the results of their Elizabeth City brand audit and hold branding ideation sessions for members of the community. She invited the Councilors' attendance and participation in the sessions. She stated that she hoped the workshop would reveal a

variety of points of view that would benefit the Convention and Visitors Bureau in its tourism marketing efforts.

Louise Simmons, 140 Ranch Drive, Elizabeth City, NC 27909 recounted molestation she suffered as a teen and encouraged the City Council to take a stand in support of HB2.

*(Clerk Notation: For several weeks, members and supporters of The Master's Touch Church have been speaking during the Public Comments portion of the Council's agenda to encourage the Council to amend the City's Noise Ordinance in order to exempt churches. During the May 23, 2016 meeting, seven individuals spoke in support of the Master's Touch Church request to exempt churches from the Noise Ordinance. These speakers are listed by name and address, as follows:)*

1. Rev. Timothy Stallings, 2703 Main Street Ext., Elizabeth City, NC
2. Pastor Rahtina Stallings, 99 Seagull Drive, Elizabeth City, NC 27909
3. Pastor Timothy Stallings, Jr., 99 Seagull Drive, Elizabeth City, NC 27909
4. Kerita Snowden, 12103 Southern Avenue, Elizabeth City, NC 27909
5. Jennifer Freshwater, 813 Briarwood, Elizabeth City, NC 27909
6. Raquita Etheridge, 496 New Road, Elizabeth City, NC 27909
7. Dorothy Stallings, 1699 Weeksville Road, Elizabeth City, NC 27909

#### **4. Approval of Minutes:**

Mayor Peel requested the Council's pleasure regarding approval of the draft minutes presented, as follows:

- a. City Council Emergency Meeting of April 12, 2016:

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Michael Brooks to approve the minutes of the April 12, 2016 Emergency Meeting. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

- b. City Council Emergency Meeting of April 18, 2016:

**Motion was made by Councilman Rickey King, seconded by Councilman Tony Stimatz to approve the minutes of the April 18, 2016 Emergency Meeting. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

- c. City Council Regular Session of May 9, 2016:

**Motion was made by Councilman Rickey King, seconded by Councilman Tony Stimatz, to approve the minutes of the May 9, 2016 Regular Meeting. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

- d. City Council Budget Work Session of May 16, 2016:

**Motion was made by Councilman Rickey King, seconded by Councilman Tony Stimatz, to approve the minutes of the May 16, 2016 Budget Work Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

#### **5. Consent Agenda:**

*(Clerk Notation: Items "a" through "d" were recommended for approval by the Finance Committee during their meeting of May 18, 2016.)*

Mayor Peel recognized City Manager Rich 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 Various Budget Ordinance Amendments Needed for Accounting Purposes, as follows:

**BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2016:

**SECTION I.** That the General Fund Balance Appropriated (103990.0000) be increased by \$8,265, Delinquent Tax Revenue (103020.2009) be increased by \$1,297, Delinquent Tax Revenue (103020.2010) be increased by \$1,470, Delinquent Tax Revenue (103020.2011) be increased by \$3,716, Delinquent Tax Revenue (103020.2012) be increased by \$4,226, Delinquent Tax Revenue (103020.2013) be increased by \$2,245, Delinquent Tax Revenue (103020.2014) be increased by \$1,047, Current Tax Revenue (103010.2015) be increased by \$921, Housing Demolition (103920.0020) be increased by \$15,772, Lot Clearing Revenue (103920.0010) be increased by \$22,595, Administrative Fees Revenue (1036920.0000) be increased by \$4,862, Interest Revenue (103950.0000) be increased by \$2,654, and Purchases of Foreclosed Property Expenditures (104600.4600) be increased by \$69,070.

(To record purchase of foreclosed property due to nonpayment of taxes and special assessments. City pays County for City taxes and special assessments and receives same amount back. City paid fees in the amount of \$8,265, which are not reimbursed.)

Fund balance will decrease by \$8,265.

**SECTION II.** That the General Fund Insurance Reimbursement (103350.8300) and Police Dept. Maintenance to Vehicles (105100.1700) be increased by \$2,162.

(To record insurance proceeds from police vehicle accident.)

**SECTION III** That the Electric Fund Retained Earnings Appropriated (303990.0000) be increased by \$123,000, the Second Delivery Point Improvements (308300.7340) be increased by \$50,000 and Tanglewood Improvements (308300.7314) be increased by \$73,000.

(To record capital improvements in Electric Fund.)

**ADOPTED**, this the 23<sup>rd</sup> day of May 2016.

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**Joseph W. Peel**  
Mayor

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**Vivian D. White, CMC/NCCMC**  
City Clerk

- b. Consideration – Authorization to Submit a Grant Application to the Keep America Beautiful Dr. Pepper Snapple Park Recycling Infrastructure Grant Program;
- c. Consideration – Authorization to Submit a Grant Application to the US Tennis Association Facility Assistance Program to repair the Elizabeth/Harney Streets Tennis Courts;
- d. Consideration – Authorization to Submit a Grant Application to the Electricities Smart Communities Grant Program;

- e. Consideration - Call for a public hearing to be held on June 13, 2016 in City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue at 7:30 p.m. (or as soon thereafter as the agenda allows) to receive public comment on the proposed fiscal year 2016-2017 City of Elizabeth City budget; and further instruct the City Clerk to advertise the public hearing as required by NCGS §159-12.

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

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

### **9. Public Hearing:**

- a. To receive public comment regarding establishing a 25 mph speed limit on Preyer Avenue between Raleigh Street and Rivershore Road:

Mayor Peel recognized City Manager Olson to provide the background for this consideration. Mr. Olson explained that the Council had discussed this matter during the May 9, 2016 Council meeting and called for a public hearing at that time to be held to receive public input. He stated that staff had prepared an ordinance that would change the 35 mph default speed limit on Preyer Avenue between Raleigh Street and Rivershore Road to 25 mph, if adopted. He noted that staff had conducted a speed study on this section of road; and reported that from those results had determined that the reduction in speed limit was not warranted, since voluntary compliance was already occurring.

Mayor Peel declared the meeting into public hearing at 7:30 p.m. and inquired of the City Clerk if persons wished to be heard on this matter. The City Clerk advised that four individuals had registered to speak.

1. Aaron Gay, 1205 Preyer Avenue, Elizabeth City, NC stated that he supported decreasing the speed limit to 25 mph because the street had no sidewalks and was a convenient "cut through" for motorists. He noted that many residents walked their dogs, jogged, and rode bikes on the street. He also pointed out that young children lived and played in the neighborhood.
2. Bill Jones, 1207 Preyer Avenue, Elizabeth City, NC stated that he supported decreasing the speed limit to 25 mph because in the past few years he had noticed cars speeding on the street as they cut through the neighborhood on their way to other areas. He said that he feared that an accident was going to occur with speeding cars, walkers, bikers and children all using the street.
3. Amy Sannes, 1208 Preyer Avenue, Elizabeth City, NC stated her support to decrease the speed limit to 25 mph. She said that the neighborhood is a wonderful place with kids playing, people walking their dogs, jogging and riding their bikes. She expressed her concern regarding the speed of some of the traffic and felt it was a dangerous situation.
4. Michael Ott, 1211 Preyer Avenue, Elizabeth City, NC stated that he supported decreasing the speed limit to 25 mph. He stated that his mother- and father-in-law live on Preyer Avenue and prior to his moving there, as well, he had been familiar with the neighborhood for some time. He said that he had noticed an increase in speeders using the street as a cut through. He said that a lot of people used the street for pedestrian access and noted that there were no sidewalks. He asked that the Council to decrease the speed to keep the street pedestrian and bike friendly.

Councilman Stimatz noted statistics provided by motor club, AAA, that the risk of pedestrian injury at 23 mph is 25% and at 31 mph is 50%. He noted that the same

study statistics revealed that the risk of pedestrian death at 22 mph is 10% and rises to 25% at 32 mph. He said that it was clear that decreasing the speed limit and getting motorists to drive slower will work. He stated that the additional work that staff is doing to determine if the speed limit can be decreased City-wide to 25 mph may require a local bill. He said that he supported decreasing the speed limit on Preyer Avenue and would also support decreasing the speed limit throughout all residential neighborhoods in the City.

Councilman Walton noted that it appeared from the public comments that the issue is with motorists “cutting through” the neighborhood on their way someplace else. He stated that he supported lowering the speed limit, but cautioned that people would still drive faster.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Rickey King, that the Council establish a 25 mile per hour speed limit on Preyer Avenue between Raleigh Street and Rivershore Road. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

**Ordinance # 2016-05-01  
AN AMENDMENT TO  
City of Elizabeth City Code of Ordinances  
Chapter 46, Article III, Section 46-52 Speed Limits  
Establishing Speed Limit on Preyer Avenue  
Between Raleigh Street and Rivershore Road**

**WHEREAS**, a traffic count and vehicle speed study was conducted by City staff on Preyer Avenue between Raleigh Street and Rivershore Road from Thursday, April 28, 2016 through Sunday, May 1, 2016; and

**WHEREAS**, the results of this study were discussed by the City Council during the Council meeting held on May 9, 2016, at which time a Public Hearing was called to gather citizen input on establishing a 25 mph speed limit along this street to replace the 35 mph speed limit established for unposted residential streets by City Code; and

**WHEREAS**, the Public Hearing was advertised on May 13, 2016 in The Daily Advance to be held on May 23, 2016, as required.

**NOW THEREFORE BE IT ORDAINED THAT** the City Council hereby adopts an amendment to Chapter 46, Article III, Section 46-52 Speed Limits as noted by “deletion and/or addition” to the current text, as follows:

**SECTION I.**

Sec. 46-52. Speed limits.

A. No person shall operate a vehicle on any City-controlled street in a residential district in excess of 35 miles per hour, with the exception of all streets within the Old Oak Subdivision, which shall be 25 miles per hour, nor in a business district in excess of 25 miles per hour; provided, however, no person shall operate a vehicle on the streets specifically enumerated in city ordinances- subsection “B” in excess of the speed limit posted on signs erected for this purpose.

B. Exceptions: It shall be unlawful to operate or cause to be operated a motor vehicle in any of the following described locations in excess of the posted speed limit:

1. All streets within the Old Oak Subdivision shall be 25 miles per hour.
2. All streets within Central Business Zoning Districts shall be 25 miles per hour.
3. Preyer Avenue between Raleigh Street and Rivershore Road shall be 25 miles per hour.

**SECTION II.** EFFECTIVE DATE: This Ordinance shall take effect immediately upon adoption.

**SECTION III.** CODIFICATION. The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable after its adoption.

**SECTION IV.** SEVERABILITY CLAUSE. If any section, or part or 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.

**SECTION V.** All ordinances and sections of the Elizabeth City Code of Ordinances, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

***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 23<sup>rd</sup> day of May, 2016.

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Joseph W. Peel  
Mayor

Attest:

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Vivian D. White, CMC/NCCMC  
City Clerk

**10. Regular Agenda:**

- a. Consideration – Adoption of Resolution Requesting NCDOT to Conduct a Feasibility Study on Decreasing the Speed Limits on Herrington Road and a portion of Halstead Boulevard from Peartree Road to Edgewood Drive.

Mayor Peel recognized City Manager Olson to report on this request. Mr. Olson stated that adoption of the resolution is a requirement of the North Carolina Department of Transportation prior to the City requesting a feasibility study be conducted.

Mayor Pro Tem Hummer stated that it was her understanding that staff is going to conduct a speed study regarding the issue of a City-wide speed limit. Mr. Olson said that staff had those discussions and reviewed state law. He stated that to decrease the City-wide speed limit from 35 mph to 25 mph would require a local bill to be passed by the legislature.

Mayor Pro Tem Hummer asked if other streets could be looked at in the interim. Mr. Olson stated that staff would be happy to perform a speed study on any street requested by members of the Council.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Michael Brooks, to adopt the following resolution requesting NCDOT to conduct a feasibility study on decreasing the speed limits on Herrington Road and a portion of Halstead Boulevard. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.**

**RESOLUTION #2016-05-04  
REQUESTING THAT THE NC DEPARTMENT OF TRANSPORTATION**

**CONDUCT A FEASIBILITY STUDY ON DECREASING THE SPEED LIMITS ON HERRINGTON ROAD AND A PORTION OF HALSTEAD BOULEVARD**

**WHEREAS**, Halstead Boulevard from its intersection with Peartree Road to its intersection with Edgewood Drive is heavily travelled by local and through traffic; and

**WHEREAS**, Herrington Road from its intersection with Halstead Boulevard to South Road Street is a favorite route for motorists travelling from the south of the City to and through the downtown area; and

**WHEREAS**, both of these roads intersect and are adjacent to Elizabeth City State University, shopping and residential areas; and

**WHEREAS**, the City of Elizabeth City Council members have taken notice of motor vehicles speeding in excess of the posted speed limits on these roads and share great concern for the safety of university students who must cross Halstead Boulevard to and from their residences at Viking Village, as well as all other students who frequently walk and ride bicycles in this immediate area.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Elizabeth City, North Carolina respectfully requests that the North Carolina Department of Transportation perform speed limit feasibility studies on these two sections of roadway to determine if the existing speed limits warrant a decrease for the safety of pedestrians and cyclists.

**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 23<sup>rd</sup> day of May, 2016.

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Joseph W. Peel  
Mayor

**Attest:**

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Vivian D. White, CMC/NCCMC  
City Clerk

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

Councilman Brooks had no further comments.

Councilman Stimatz reminded all citizens 65 and older and those who are disabled about the Homestead Exemption credit for property taxes. He stated that applications must be submitted to the Pasquotank County Tax Department by June 1 in order to be effective for the next tax year.

Councilman Horton had no further comments.

Mayor Pro Tem Hummer asked to revisit the employees' health insurance plan (because it was her understanding that retirees were included and should not have been); and to further discuss the proposed tax increase for fiscal year 2016-2017 to see if some of the increase could be shaved off by doing work in-house, during the next Finance Committee meeting.

Councilman King had no further comments.

Councilwoman Baker encouraged members of the City Council to attend the Convention and Visitors Bureau workshop scheduled for June 3 and provide their input during the process of considering changing the City's moniker.

Councilman Walton had no further comments.

Councilman Donnelly stated that it had been brought to his attention that debris pickup on Church Street had been slow. He asked the City Manager to look into the situation.

Mayor Peel thanked all the volunteers for their work on the NC Potato Festival, and especially Cindy and Tim Williams, Bobbi White of the Parks and Recreation Department and Wade Nichols of ECDI. He said that despite the weather, he thought everyone had a great time. He asked the City Manager what had to be done to install a speed bump on a City street. Mr. Olson responded that he would provide a copy of the adopted "Neighborhood Traffic Calming Policy" for members of the Council.

**12. Closed Session – As allowed by NCGS §143-318.11(a)(3) to Consult with the City Attorney:**

Mayor Peel called for a motion to go into closed session.

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

Mayor Peel declared a five minute recess after which the Council retired into Closed Session at 7:49 p.m.

*(Clerk Notation: Councilman Brooks left the room just prior to the Closed Session being called to order without a vote by the Council to excuse. Therefore, the following vote includes an "aye" vote for Councilman Brooks.)*

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

The Council returned to Open Session at 8:04 p.m.

**13. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:05 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk