

The City Council of the City of Elizabeth City met in regular session on Monday, May 8, 2017 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker (*arrived at 7:02 p.m.*)
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks (*arrived at 7:03 p.m.*)
Councilman Rickey King
Councilman Darius Horton (*arrived at 7:03 p.m.*)
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Police Chief Eddie Buffaloe
Assistant City Manager Angela Cole
Interim Human Resources Director Monica Cole
Parks and Recreation Director Dexter Harris
Fire Chief Larry Mackey
Deputy Chief Chris Carver
ECDI Director Debbie Malenfant
Deputy City Clerk April Onley
Public Utilities Director Joe Pearce
Community Development Director Matt Schelly
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 gave the invocation, after which he led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Councilman Stimatz requested that a discussion of the Habitat for Humanity drainage issue at Fifth and Ward Streets be added to the agenda.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King, to approve the agenda with any necessary corrections. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, King, and Walton. Against: None. Motion carried. (Councilors Baker, Brooks and Horton had not yet arrived.)

2. Statement of Disclosure:

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

3. Presentation/Proclamation:

- a. Presentation: Recognition of Commander Bruce C. Brown, Base Elizabeth City

Mayor Peel requested that Commander Bruce Brown join him at the podium for the presentation. Mayor Peel informed the public and the Council that the act of bestowing

keys to the City upon an individual was a practice that harkened back to medieval times. He noted that keys were only given to dignitaries or others that had brought favor to the City; and he expressed his pleasure in continuing that tradition. Mayor Peel stated that Commander Brown was a Base Commander at the Elizabeth City Coast Guard Base. He noted that Commander Brown helped spearhead the movement to recognize Elizabeth City as the seventeenth Coast Guard City. He pointed out that Commander Brown was in charge of the 75th Base Anniversary Celebration, and that he established the Military Affairs Committee. Mayor Peel stated that Commander Brown attended and supported numerous community events and promoted community involvement by those under his command. He declared Commander Brown a man who “led by example.” He opined that Commander Brown was the most involved Base Commander the City had ever had the pleasure of working with.

Mayor Peel read the inscription on Commander Brown’s plaque and presented him with the key to the City. He thanked him for all he had done for the City.

Commander Brown thanked the Mayor and the City for the recognition. He opined that Elizabeth City was a great place to live and work. He expressed pleasure regarding his job and the City. He stated that Elizabeth City had welcomed his family, and although they did not want to leave, moving on was a part of military life. He thanked the Mayor, again, stating, “This really means a lot.”

b. Proclamation: Public Works Week in Elizabeth City

Mayor Peel requested that Public Works Director Joe Pearce join him at the podium. Mayor Peel read a Proclamation declaring the week of May 21-27, 2017 as Public Works Week in Elizabeth City. He called upon citizens and City staff to recognize the Public Works Department’s vast contributions to daily life.

Mr. Pearce thanked the Mayor for the recognition. He stated that he felt the City of Elizabeth City had the most dedicated staff of any that he’d ever worked with. He complimented Public Works’ staff on how well they worked together as a team and with the citizens of the City.

4. Comments from the Public:

Jill Changary, 611 W. Colonial Avenue, Elizabeth City, NC stated that she liked the City of Elizabeth City but was displeased with the decision the City made to use the new orange recycling carts. She opined that they are an eyesore and felt that the only reason the City purchased them was because they were “bargain priced.” She stated that she did not feel newcomers and visitors would see the beauty of the City if there are orange and black canisters littering driveways and curbsides. She asked if the City could create and enforce rules that required canisters to be put away after trash collection. She questioned if a fine could be imposed upon homeowners that neglected to put away their canisters.

Bonita Butts, 802 Jefferson Street, Elizabeth City, NC commented that she had paid an outstanding bill with the City, but that it did not reflect in the system. She stated that she called the Customer Service Department and was told the system could not be updated until a specific representative returned from vacation on June 1. She added that her credit report did not reflect payment, even though she had the receipt from the City. She continued that she would be moving into a new residence and contacted Customer Service to find out how much it would cost her to transfer her account. She stated that initially she was told \$25, but later was informed that since her deposit had been applied it would cost \$200. She asked how she should proceed, and indicated that she would like to have it settled before Friday when she was scheduled to move.

Ron Lowe, 625 S. Hughes Blvd., Elizabeth City, NC advised the Council that he had been told that utility bills were scheduled to be sent on Thursday, but that City staff was unable to locate his account when he attempted to make a payment. Mr. Lowe stated, “I do not speak for “Enough is Enough,” and “Enough is Enough” does not speak for me ...but I feel they are heading in the right direction.” He opined that if he were a potential new resident, he would not move to Elizabeth City based on the “squabbling” and “back-

biting” that the Council engages in. He stated that he read the City Charter and the duties of the City Council and, “Nowhere in there do I read that other duties are to make personal insults towards each other and City staff, dredge up perceived personal attacks from one or more years ago, complain without investigating situations and then point fingers.” He requested that the Council, “please quit the unfounded innuendos, stick to City business ... please represent the citizens of Elizabeth City and not your own egos.”

Chrissy Riggs, 114 Whitehurst St., Elizabeth City, NC opined that the City’s cash flow was “mismanaged” and that every dollar needed to be tracked and approved. She continued that she felt that “someone, or a group of people, needs to micromanage the City manager.” She suggested that the Council leave their bickering “at the door” and come together to correct the situation. She furthered that she felt that the City Manager should be held accountable for the Edmunds software problems. She chastised the City for giving her “unnecessary stress,” stating that she received her current bill and believed that it is wrong. She requested that the City have an outside audit conducted, in addition to a Town Hall meeting. She thanked the Customer Service staff at both locations, stating that she empathized with their struggle and understood what they were going through.

Bridget Colbert, 1002 Asbury Lane, Elizabeth City, NC read the letter sent from Bob Edmunds to City Manager Olson.

Sarah Ownley, P. O. Box 1213, Elizabeth City, NC requested that City Clerk Vivian White pass handouts to the Council explaining their job descriptions. She posed several questions, including: why was the decision made to delay all bills when only a few needed corrections; why did the City refuse updates; why does anyone who was against the change still have a job; and, why were employees allowed to be resistant. She opined that the City Manager had been disrespectful to the citizens, stating “I don’t feel sorry for you.” Ms. Ownley stated, “I guess you think all the citizens are incompetent; that we’re not going to see through this.” She continued that the City wanted “unaccounted-for trails ... people can just go in and manipulate the system and there’s no accountability. I’m not saying that anybody’s tampering with meter readings; I’m not a criminal, so I don’t know how that works.” She requested that the Council have an outside audit of all accounts performed. She questioned how many accounts were still incorrect, and how much longer it would take to fix them. Ms. Ownley asked if the Council had considered having the County take over, opining, “Maybe they can come in and do a better job.” She pointed out that the “Enough is Enough” social media group had 1,500 members and that “no one from Council has reached out; they haven’t heard anything from the City Manager until today.” She continued that “I think we have to buy electricity next month. Isn’t that like \$5,000,000? But we don’t even have that in the bank ... we’re pretty broke.” She asked if the state intervened when a city’s funds dropped below a certain point.

Faith Long, 205 E. Burgess Street, Elizabeth City, NC suggested that faith and trust in the City have been lost. She opined that the “people involved” with the software problems should suffer consequences. She advised the Council that she had visited the Customer Service Department earlier to get an account summary and that it was hard to decipher. She added that she felt some of her payments were not reflected on her account. Ms. Long chastised the Council for its projected 2017-2018 budget, stating that it needed to fix the utility billing problems before spending money on signs and roads. She declared it “sketchy” that vehicle tax would be rising in the next fiscal year. She stated that the Public Works Department had not properly repaired a pothole in front of her residence. Ms. Long requested that Customer Service temporarily operate on extended hours to assist individuals who are unable to come in during the day due to their work schedules. She continued that she would like emails to be sent as soon as a customer pays their bill, in lieu of a paper receipt. She opined that the Council engages in conflict too often. She thanked the Mayor for responding to her emails.

John Bannow, 106 Tiara Court, Elizabeth City, NC greeted the Council and thanked them for the opportunity to speak. He opined that the Council has greater problems than just the utility billing issue. He stated that he believed some of the members have “lost your focus.” He declared that there were two divisions of the Council: “The ‘good

old boys club' and 'the three amigos'." He opined that the Councilmembers used The Daily Advance for their own agendas and personal attacks against each other. He chastised the Council for unexcused absences during meetings. He stated that the "single most important responsibility of a council member is participation during meetings." Mr. Bannow advised the Council that he felt there's been very little improvement in the City within the 20 years that he has been a resident.

Jesse Harmon, 702 Parsonage Street, Elizabeth City, NC advised the Council that "ya'll work for us; we don't work for ya'll." He stated that the City didn't want to use the new system because they "couldn't manipulate the numbers on the meters." He continued that the new system "works fine." Mr. Harmon opined that the Council needed to treat citizens the way they deserved to be treated. He questioned where the industry was within the city, stating, "grocery stores ain't gonna do it; coffee houses ain't gonna do it; car washes ain't gonna do it." He continued that the City needed to bring industry in to make money.

Bill Hiemer, 107 Osprey Cove, Elizabeth City, NC thanked Councilman Brooks for suggested the Council provide an additional \$5,000 to the Food Bank. He thanked Councilman King for discussing the mentoring grant obtained for the Police Athletic League program. He questioned if the Council was saving enough money for "a rainy day." He stated that he felt the 44% Unappropriated Fund Balance suggested by the LGC was too high, but expressed concern that the City's 17% balance would not be enough during an emergency. He urged the Council to decide on an appropriate number and save toward that number each year. Mr. Hiemer noted that he felt the Weatherization Program was necessary, but needed modification. He stated that the program should be geared towards low-income customers, indicating that it did not specify such terms at this time. He furthered that the program needed "outreach" so more customers could find out about it.

Christina Persico, 406 W. Church Street, Elizabeth City, NC stated that she was representing NENC Progressives, an organization for which she was the Co-President. She formally invited the City Council and community to the upcoming Equality Rally for Unity and Pride at Mariners' Wharf on Sunday, June 11. She added that this was a day to celebrate community and inclusion, noting that "sister events" would be held all over the nation. Mrs. Persico pointed out that several other issues would be highlighted, as well. She stated the rally would be used to "support and uplift" members of the community targeted for religion, ethnicity, gender, and sexual orientation. She furthered that this would be the area's first "pride" event.

5. Consent Agenda:

(Note: Items "a" through "c" recommended for approval by the Finance Committee during their meeting of May 3, 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 – Adoption of the following Resolution declaring a portion of City Property located at 300 Shepard Street surplus; accept the offer to purchase in the amount of \$1,500; and authorize the City Clerk to begin the upset bid process as required by North Carolina General Statutes;

Resolution # 2017 – 05-01 Declaring Real Property Surplus and Authorizing Sale by Upset Bid Process

WHEREAS, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 891308874706 and Map 15-A-10 and having a physical address of 300 Shepard Street; and

WHEREAS, the City of Elizabeth City has no current or future need for the rear portion of said property for public use and is desirous of selling said rear portion; and

WHEREAS, the City Council has received an offer to purchase said rear portion of the parcel from Corner Stone Missionary Baptist Church in the amount of \$1,500.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the parcel of property identified as the 68-foot by 119-foot, by 84-foot, by 123-foot (measuring approximately 9,000 square feet) northern half of 300 Shepard Street, identified on the Pasquotank County Registry as PIN: 891308874706 and Map 15-A-10, located at 300 Shepard Street is hereby declared surplus to the needs of the City of Elizabeth City; and

FURTHER, the City Clerk shall be authorized to begin the upset bid process at \$1,500 as required by North Carolina General Statutes §160A-269.

ADOPTED, this the 8th day of May 2017.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

- b. Consideration - Call for a Public Hearing to receive comment on a proposed Small Cities Community Development Block Grant (CDBG) Downtown Redevelopment Program Application for the Southern Hotel to be held on May 22, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue;
- c. Consideration - Call for a Public Hearing to be held on May 22, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue, to receive comment regarding approval of Hintonville Rentals' Downtown Improvement Grant Program request in the amount of \$7006.28 (for a total project cost of \$14,012.55);
- d. Consideration – Approval for Elizabeth City Fire Department to Conduct Live Fire Training on property located at 607 Herrington Road;
- e. Consideration – Approval of the following updated City of Elizabeth City 2017 Fair Housing Plan:

Beginning of Fair Housing Plan:

Elizabeth City Plan to Further Fair Housing

Grantee: City of Elizabeth City

Recipient's Address: P.O. Box 347,
Elizabeth City, NC 27907

Contact Person: Richard Olson

Contact Phone #: 252-337-6864

Contact Email: rolson@cityofec.com

TDD #: 1-800-735-2962

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time _____ Past Activities X

II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient’s community. (Use additional pages as necessary)

Lack of Knowledge of fair housing laws and regulations:

The City works with local non-profits in offering workshops. The City also provides several public announcements / advertising 365 days a year related to fair housing laws on Public TV channel. Each advertisement runs three times a day.

Affordability Issues:

The City provides information about housing and homebuyer programs offered by Dept. of Agriculture. These programs help first-time homebuyers and low-income homeowners that face housing challenges. Unfortunately, North Carolina Housing Finance Agency does not offer any HOME program related assistance to the City residents. North Carolina Department of Commerce CDBG funds do not reach the City residents in the appropriate manner. The City lacks financial capability to offer any affordability program for homebuyers and low-income homeowners.

III. Will the above activities apply to the total municipality?

Yes X No _____ **If no, provide an explanation.**
(Use additional pages as necessary)

IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis. (Use attached table)

Grantee: City of Elizabeth City

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxx</i>	<i>\$xxx</i>
<ul style="list-style-type: none"> • Hold Fair Housing Work shop in cooperation with a local non-profit. • The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish; • The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA). • The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information. • Will place “Fair Housing” posters in the City Hall and Customer Service Dept. areas in both English and Spanish. 	April, May, June	2017	\$400-1300	
<ul style="list-style-type: none"> • The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish; • The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA) • The City will help low/moderate-income 	July, August, September	2017	0.0	

residents interested in applying for NCHFA and DOA grants/loans with applications and information. <ul style="list-style-type: none"> • Will place “Fair Housing” posters in the City Hall and Customer Service Dept. areas in both English and Spanish. 				
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Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
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<ul style="list-style-type: none"> • The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish; • The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA) • The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information. • Will place “Fair Housing” posters in the City Hall and Customer Service Dept. areas in both English and Spanish. 	January, February, March	2018	0.0	
<ul style="list-style-type: none"> • The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish; • The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA) • The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information. • Will place “Fair Housing” posters in the City Hall and Customer Service Dept. areas in both English and Spanish. 	April, May, June	2018	0.0	

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V. Describe recipient’s method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)

- 1) Any person or persons wishing to file a complaint of housing discrimination in the City of Elizabeth City may do so by informing the City Community Development Department or City Manager of the facts and circumstance of the alleged discriminatory acts or practice in writing.
- 2) Upon receiving a housing discrimination complaint, the City Manager shall acknowledge the complaint within 10 days in writing and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.

- 3) The City Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the City.
- 4) The City shall publicize in the local/public TV channel with the TDD# the Community Development Department contact information in regards to housing discrimination complaints.

Approved by the City Council of the City of Elizabeth City during the Regular Session held on May 8, 2017.

	May 8, 2017	
Joseph W. Peel, Mayor	Signature	Date

ATTEST:

Vivian D. White, CMC/NCCMC, City Clerk

End of Fair Housing Plan.

End of Consent Agenda.

Mayor Peel requested the Council's pleasure regarding approval of the Consent Agenda.

Motion was made by Councilman Rickey King, seconded by Mayor Pro Tem Anita Hummer, 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.

6. Public Hearing:

- a. Hold a Public Hearing to receive comment on Conditional Use Permit Application CUP 01-17 filed by the Northeast Academy for Aerospace and Advanced Technologies.

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. Mayor Peel disclosed that he was on the Board for the subject organization, but received no personal gain from serving in that capacity. He recognized Planning Director Matt Schelly to lead the discussion.

Mr. Schelly advised the Council that the Northeast Academy for Aerospace and Advanced Technologies (NEAAAT) was seeking to utilize property located at 111 Kitty Hawk Lane and requested approval for a Conditional Use Permit. Mr. Schelly noted that NEAAAT intended to use the property as a permanent location for the school of Science, Technology, Engineering and Math (STEM), which was presently housed on the ECSU campus. He added that the current enrollment is 260 students but is anticipated to increase to 350 students, grades 7-11. Mr. Schelly pointed out that the STEM school intended to continue utilizing facilities at ECSU, therefore making the location ideal.

Mr. Schelly stated that the case was reviewed and approved by the Technical Review Committee on March 28, 2017. He noted that there were minor comments that were addressed within the staff report. He added that the Planning Commission recommended approval in April. He continued that the request, as presented, satisfies all Unified Development Ordinance (UDO) requirements relating to secondary schools, and is consistent with the joint City-County land use plan. Mr. Schelly pointed out that if the City approves the request, staff recommends adopting the following conditions: all comments made by the Technical Review Committee must be satisfied prior to commencing operations; continued compliance with development standards for

secondary schools of the Elizabeth City UDO; all renovations shall require a building permit; any future signage be reviewed and approved by the Building Inspections Department and Planning Department; and the property be recorded with the Pasquotank County Register of Deeds.

Mayor Peel declared the Public Hearing open and requested of the City Clerk if there were persons present who wished to be heard. There was one, as follows:

Bob Brungard, 6 Kitty Hawk Lane, Elizabeth City, NC (*Mr. Brungard was sworn in by City Attorney Bill Morgan.*) Mr. Brungard declared that he was the President of Hockmeyer Equipment Corporation. He expressed pleasure in the school's expansion and stated that it would provide a pool of well-educated individuals for local employers to draw from. Mr. Brungard stated that his concern was for the safety of the students since there were many large trucks that utilized Kitty Hawk Lane. He requested that the Council consider using speed bumps or another form of traffic control to reduce the risk of accidents.

Being that there were no other individuals requesting to speak, Mayor Peel declared the Public Hearing closed. He invited discussion from the Council.

Councilman Stimatz noted that one of the recommendations from the Technical Review Committee was to have the school inspected yearly. He inquired whether this was a requirement for all schools. Mr. Schelly confirmed that it was.

Councilman Donnelly questioned whether traffic safety had been taken into consideration by either the Technical Review Committee or the Planning Commission. Mr. Schelly stated that although representatives from NCDOT were aware of the project, he didn't know if that was an item that had been discussed. Councilman Walton stated he believed the item had been reviewed. Mr. Schelly pointed out that most students would be bused between ECSU and the facility, lessening foot traffic.

Assistant City Manager Angela Cole advised the Council that a member of the Technical Review Committee was a Public Works employee.

Councilman Stimatz asked if the speed limit was 25 mph on Kitty Hawk Lane; and Mr. Schelly responded that he was unsure. Councilman Stimatz pointed out that if abiding by the speed limit was an issue, the City could provide an officer for enforcement.

Councilman Walton opined that these issues should have been discussed by the Technical Review Committee before being brought before the Council.

City Manager Olson stated that the Committee discussed traffic, and it was determined that most of the students would be utilizing the busing system. He added that the situation would be reevaluated once more of the students began driving themselves.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to adopt the resolution to approve CUP 01-17, allowing NEAAAT to utilize 111 Kitty Hawk Lane as a permanent location for its school.

Councilman Walton asked if Mayor Peel should recuse himself from the voting process. Mayor Peel noted that he may not need to vote, and that he had discussed the situation with City Attorney Bill Morgan. Mr. Morgan stated that since Mayor Peel was not compensated for his service to the NEAAAT Board, it was his opinion that the item did not result in an ethics issue. Councilman Walton opined that simply being on the Board could be a "position of influence." City Attorney Morgan reminded Councilman Walton that the Mayor would only vote in the case of a tie. Councilman Walton stated that he felt in this case, the Mayor should not have the option to vote.

Councilman Walton asked the purpose of the Statement of Disclosure. City Attorney Morgan indicated that the Disclosure prevented Councilors involvement in situations where they have a financial stake in the outcome of the vote. Councilman Walton stated that CEOs could "give themselves salaries." Mayor Peel reminded Councilman

Walton that he was not the CEO and that the school was a public school. Councilman Walton reiterated that he felt the Mayor must recuse himself, declaring that he “would not pass something and you put your name on it.”

City Attorney Morgan stated that he must take Mayor Peel at his word that he had received no financial compensation for being on the Board.

Councilman Walton declared that he had questions about the charter school itself. City Attorney Morgan stated that general questions about the school would need to be addressed separately. He reminded Councilman Walton that this item only dealt with adopting a resolution for regarding land use. Mayor Peel advised Councilman Walton that he had compiled information for him regarding the school, and as it was not City business, he planned to address it later on the agenda.

City Attorney Morgan clarified the stipulations for a Conditional Use Permit from the UDO for the Council’s information. He advised Councilman Walton that while his questions and concerns were legitimate, they did not pertain to the item currently on the floor.

There being no further discussion, Mayor Peel called for the vote.

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

**RESOLUTION # 2017-05-02
Conditional Use Permit CUP 01-17**

WHEREAS: The City Council considered a request by the Northeast Academy for Aerospace and Advance Technologies for a conditional use permit to utilize 111 Kitty Hawk Lane as a permanent location for the school. The property lies on the south side of Kitty Hawk Lane, southeast of the intersection of Weeksville Road and Industrial Park Drive and is further identified as Parcel 892205192588; and

WHEREAS: North Carolina General Statutes §160A-364 requires a public hearing be held in order to consider the request; and

WHEREAS: The Technical Review Committee reviewed Conditional Use Permit 01-17 on March 28, 2017; and

WHEREAS: The Planning Commission considered and held a public meeting regarding Conditional Use Permit 01-17 on April 4, 2017; and

WHEREAS: There were no comments made by the public at the public hearing in opposition or agreement of the conditional use permit request; and

WHEREAS: The Elizabeth City Planning Commission recommended approval with the following conditions:

- 1) All comments made by the Technical Review Committee shall be satisfied prior to commencing operations;
- 2) Continued compliance with the development standards for secondary schools found in Article 11, §11-4.67 of the Elizabeth City Unified Development Ordinance;
- 3) All renovations, excluding cosmetic work, shall require a building permit;
- 4) Any future signage shall be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and
- 5) The record owner of the property shall record the permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation

that the permit has been recorded and indexed under the record owners name as grantor.; and

WHEREAS: The City Council of the City of Elizabeth City found this application to be consistent with the Joint Elizabeth City and Pasquotank County Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that this request be approved this the 8th day of May 2017.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

7. Regular Agenda:

- a. Update – City of Elizabeth City Utility Billing:

Mayor Peel recognized City Manager Olson to provide an update on the utility billing conversion progress. Mr. Olson referenced an email he distributed to the Council, listing the highlights, as follows: all payments received through March 31 have been converted into the Logics system; March billing statements were distributed during the first week of May; the bills contain a message noting the payment dates reflected therein and urging customers who have not received bills to contact the Customer Service Department for payment arrangements; the average March bill was \$43.57 less than the previous year; April bills should go out May 24th; and May bills should go out on the normal schedule. Mr. Olson noted that he had provided a copy of the revised form for payment agreements in the agenda packet for the Council’s information.

Councilman Donnelly stated that he did not like the wording on the agreement form that classified the customer’s account as “delinquent.” Mr. Olson agreed that it could be modified. He furthered that the agreement form was old and should be updated. He added that customers’ credit rating would not be affected due to billing issues.

Councilman King questioned when the “delinquent” period would be reinstated. City Manager Olson responded that penalties would be forgiven from December 1 through June 30. He added that no penalties or interest were being assessed to any accounts at this time. He pointed out that he advised the Customer Service staff to be “liberal” with payment agreements in order to keep the payments under \$100 per month. Mr. Olson advised the Council that much of the customer’s confusion stemmed from the payment conversion.

Councilman King asked if the Council had come to an agreement on a time period for all bills to be paid. Mr. Olson stated that it would vary by customer, depending on their specific payment arrangements.

Motion was made by Councilman Walton, seconded by Councilman Horton to hold a Town Hall meeting within the next seven (7) days.

Councilman Brooks thanked the citizens for voicing their concerns. He praised Councilman Walton’s motion for a Town Hall session. He stated that the reason the Council had previously called for a Special Meeting was for the benefit of the utility customers. He added that the Council “should be working together as a unit.” Councilman Brooks stated that “when people see me, they talk to me.” He advised the attendees that he preferred face-to-face interactions as opposed to email. Councilman Brooks added that “everything that’s going on, the City created.” He opined that the City needed to devise a plan “smoother” than the one it had in action. He furthered that

“at one point, the Council was receiving \$250,000 a year ... just in reconnects.” He added that if the Council could “stop having a war amongst ourselves” then the citizens’ concerns would be addressed. He stated that he felt certain members of the Council voted not for what they believed, but in order to be on the “winning” side of the majority vote. He stated that he was a “social activist and a preacher” and not a politician.

Mayor Peel noted that all of the members of the Council interacted with the community on a daily basis. Councilman Brooks opined that he had talked to more people face-to-face than the Mayor. Mayor Peel stated that he wasn’t implying that he’d done the most, just making the comment that he engaged and interacted with the community too.

Councilman Horton questioned of City Attorney Morgan if any official action could take place during a Town Hall meeting. Mr. Morgan replied that it could not. Councilman Horton asked if a Special Meeting could be called following the Town Hall meeting. Mr. Morgan responded that two Councilors could call for a Special Meeting, as long as it had a set agenda and 48 hours prior notice to advertise.

Councilman Stimatz asked if seven days would provide adequate time to find a venue. City Manager Olson suggested that Knobbs Creek Recreational Center might be a good location. Councilman Brooks asked if the Museum of the Albemarle might be secured. Mr. Olson pointed out that the museum would only hold 250 individuals. City Clerk White reminded the Council that the Town Hall meeting needed to be advertised.

Councilman Horton opined that a Special Meeting should be held directly after the Town Hall meeting in order to take action. City Manager Olson advised Councilman Horton that the Town Hall meeting was a way to receive customers’ feedback and that City staff would require several days to formulate that feedback into policy-related statements or documents.

City Clerk White advised the Council that in order to call a Special Meeting, a date, time and place were required; it could not simply be stated that it would be “after” a Town Hall meeting. She furthered that the date, time and place must be advertised.

Councilman Brooks stated he felt the next meeting would be too late to hold the Special Meeting. He pointed out that action should be taken while “it’s fresh on our minds.”

Councilman King stated that the timeframe did not allow City staff to advertise as required. He continued that he felt it would be beneficial to have a closed session to discuss the matter during the May 22, 2017 regular session. City Manager Olson advised the Councilor that this matter wasn’t an item that could be addressed in closed session.

Councilwoman Baker noted that if the Council was unaware of the customers’ concerns by now, they had not been listening. She stated she felt it unnecessary to call a Special Meeting for an item that the Council was already was familiar with.

Mayor Pro Tem Hummer noted that there would be “technical questions” brought up during a Town Hall Meeting, and that the Council needed time to research those questions in order to answer them. She opined that it may take more than seven days to put the responses together.

Councilman Stimatz stated that “people have a right to talk to us.” He pointed out that not all citizens were aware of the items on the City Council’s agenda, nor could they all fit in Council Chambers. He added that holding Town Hall meetings was included on the Council’s list of Goals and Objectives. Councilman Stimatz continued that it was “important for people to feel that they’ve been heard.”

Councilman Brooks added that “there are more concerns our citizens have than just three minutes behind that podium.” He thanked Councilors Walton, Horton and Stimatz for addressing the issue.

Being no further discussion, Mayor Peel called for the vote.

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

City Manager Olson reiterated his concern that he did not feel that seven days would provide staff enough time to coordinate and prepare for the meeting.

Councilman Stimatz made a motion, seconded by Councilman Horton, to modify the Town Hall meeting deadline from seven days to seven working days. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.

Councilman Stimatz suggested the written agreement form for utility arrangements be modified to differentiate between service address and mailing address.

Councilman Stimatz asked for clarification on a statement in the City Manager's memo that declared that bank drafts would be suspended until July. Mr. Olson responded that the City would not be drafting utility payments from customers' bank accounts. Councilman Stimatz noted that this could result in customers becoming even further behind and questioned how the City intended to accommodate them. Mr. Olson replied that bank draft customers would be offered payment arrangements, as well. Councilman Stimatz suggested that a separate letter be sent to bank draft customers to verify that they were aware that their accounts would not be drafted, and to allow them time to make other payment arrangements. He pointed out that many payment agreements could be avoided if customers were simply given proper notice. He furthered that the hours for the Customer Service Department should be extended until 8 p.m. until these issues were rectified.

Councilman Stimatz expressed concern that the utility bills don't clearly express when funds were applied to the account. He questioned if the date a payment was made in the office was the same date that it applied to the account. City Manager Olson responded that payments were generally applied by the following day. Councilman Stimatz suggested that payment dates be notated on the bill to provide customers with easier reconciliation.

Councilman Donnelly noted customers' concerns about the City saving money, and wondered if "bolding" the paragraph related to temporary cessation of bank drafts would be sufficient, as opposed to sending a separate mailing. Councilman Stimatz opined that action would not be enough, as he felt some people would not read it and others may not understand what it meant. He continued that it was "the right thing to do" and that this was the "time to take care of our customers."

Councilman King stated that he was on bank draft, and asked when the last time his payment would have been drafted.

City Clerk White interjected that she was a bank draft customer, as well. She stated that payments had not been drafted since March. City Manager Olson pointed out that this was a direct result of the software conversion.

b. Discussion – Report of Unobligated Fund Balances for Enterprise Funds:

Mayor Peel recognized City Manager Olson to lead the discussion. Mr. Olson pointed out that the total amount of money "on hand" as of March 31, 2017 was, as follows: \$2,887,780 in the Electric Fund; \$2,918,796 in the Water and Sewer Fund; \$385,101 in the Solid Waste Fund; and \$919,723 in the Stormwater Fund. He noted that the amounts for April 30, 2017 were: \$2,687,159 in the Electric Fund; \$2,264,969 in the Water and Sewer Fund; \$388.675 in the Solid Waste Fund; and \$895,355 in the Stormwater Fund. Mr. Olson provided a graph for the Council, displaying the cash in each fund for the 2016-2017 Fiscal Year. He noted that the decline in the Electric Fund balance beginning in December 2016 was caused by the utility billing issues. He pointed out that there are "natural cycles" that occur within the utility funds. He

continued that, historically, there is a drop in the Electric Fund from December through February, due to large payments made to the NC Eastern Municipal Power Agency.

Councilman Stimatz asked what the City Manager's projection was for recouping the losses in the Electric Fund. Mr. Olson stated that he expected the cash balance in the Electric Fund to be at \$5,000,000 by the end of the fiscal year; two-thirds of the way back to the normal balance. Councilman Stimatz noted that once payment agreements were in place, it would be easier to get an accurate projection.

- c. Consideration – Recommendation to Coastal Resources Commission for Appointment to Coastal Resources Advisory Council:

Mayor Peel informed the Council that he had received correspondence from the Coastal Resources Advisory Council (CRAC) requesting that the Council recommend someone for appointment. He added that the CRAC is a group that advises the General Assembly and the governor on coastal matters. Mayor Peel reminded the Council that he had distributed a memo recommending Dr. George Taylor, an individual already very involved with the coastal region. He furthered that Mr. Taylor was a resident of Pasquotank County, a former Biology and Geography professor and that he was interested in being considered. He noted that just because the Council recommended Mr. Taylor, it did not guarantee that he would be appointed.

Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to recommend Dr. George Taylor to the Coastal Resources Commission for appointment to the Coastal Resources Advisory Council. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.

- d. Discussion/Consideration – Previously tabled request by New Calvary Missionary Baptist Church for Walnut Street Park:

Mayor Peel recognized City Manager Olson to lead the discussion. Mr. Olson stated that the Council requested that this item be brought back to the Council after a tabled time of six months. He stated that New Calvary Missionary Baptist Church had approached the City on November 23, 2015 requesting it deed the property at Walnut Street Park to them. He noted that the City discovered there was a dispute concerning who actually runs the Church, and a lawsuit was filed. Mr. Olson advised the Council that this item has a trial date of June 26, 2017; and that no action can be taken at this time. He recommended that the Council table the item until a resolution was reached.

Motion was made by Councilman Rickey King, seconded by Councilman Brooks to table the discussion on deeding Calvary Missionary Baptist Church the property at Walnut Street Park for six months, or until the courts reached a final resolution of the case. Those voting in favor of the motion were: Donnelly, Walton, Baker, King, Hummer, Horton, Stimatz and Brooks. Against: None. Motion carried

- e. Discussion - Habitat for Humanity property drainage issue at Fifth and Ward Streets (*requested by Councilman Stimatz*):

Mayor Peel recognized Councilman Stimatz to lead the discussion on this item. Councilman Stimatz advised the Council that there were two interrelated problems: the NCDOT drain culvert at the corner of Fifth and Ward Streets; and the 10-foot hole in the back of the yard. He stated that a preliminary report was drafted by the Public Works Director detailing what actions could be taken to correct the problem. Councilman Stimatz stated that Habitat for Humanity was concerned about whether the problem would impact its ability to build a house on the property.

City Manager Olson noted that the drainage issue dated back to 2006-2007. He advised the Council that a developer, Outer Banks Builders, began rerouting the ditch in 2006 in order to create buildable lots. He added that Outer Banks Builders was later foreclosed upon, and the property was donated to Habitat for Humanity. Mr. Olson

stated that Habitat for Humanity had successfully constructed three homes on the property. He pointed out that the lot located closest to Ward Street would be difficult for construction, as it would need to seek variances and the size would only allow for a very narrow structure. He furthered that the City would require a certain distance between the hole and the residential structure and stated that the lot was in a low-lying area, prone to flooding. Mr. Olson advised the Council that the situation was complex, but that legally Habitat for Humanity would be responsible for securing the site. He added that a small portion of the site was located on NCDOT right-of-way.

Councilman Walton asked if another structure had previously been located on the site. City Manager Olson responded that he believed it had always been vacant. Councilman Walton questioned if the other homes had been weatherized by the City. Mr. Olson replied that the City had weatherized the three other homes on the site. Councilman Walton requested that the City Manager provide him the information for the dates that the homes had been weatherized.

Councilman Stimatz expressed concern that Habitat for Humanity was being held responsible for securing the site. He noted that the City had put in the lift stations.

Mr. Olson stated that the City originally denied building permits on the lots because they did not have access to sewer. He added that the developer put the sewer in and a waiver of liability was executed. He advised the Council that it was originally intended for the sewer to go to Broad Street via gravity sewer line, but it was unattainable due to elevation. He pointed out that the lift station was built by a partnership between Habitat for Humanity and the City of Elizabeth City.

Councilman Stimatz questioned why the City hadn't put a fence around the lift station. City Manager Olson noted that many of the City's lift stations were not surrounded by fences. He added that he would not have a problem with putting a fence around the station, if that's what the Council wanted. Councilman Stimatz opined that a fence should have been put around it earlier, and added that the City should be the party that pays for it.

Councilman Stimatz pointed out that the structure was established prior to the City developing a Stormwater utility. Mr. Olson confirmed that this was correct, stating that Hyman and Robey looked at it based on concerns raised by the Public Works Director. Councilman Stimatz stated that NCDOT should connect the three pipes located in their right-of-way with a "t" and then allow Habitat for Humanity to fill the hole. He added that he did not feel that placing a fence around the hole was a good long-term solution. He requested that staff look into having NCDOT connect the pipes.

8. Comments and Inquiries on Non-Agenda Items:

Mayor Peel opened the floor for any comments or inquiries on non-agenda items.

Councilman Brooks expressed concern that customers would be unable to get extensions on their utility bills under the terms of the payment agreement due to "a problem that Council created." He commended Mrs. Persico for speaking on behalf of the Equality Rally, noting that it paralleled the goals of the Community Relations Commission. He opined that it was always beneficial to glean knowledge from other cultures. Councilman Brooks thanked the citizens for their thoughts and concerns, urging them not to "lose their fire."

Councilman Stimatz addressed a citizen's concern regarding the trash and recycling containers, stating that the City had an ordinance that required containers be kept at the back of property until the day of trash collection. He furthered that the ordinance declared that containers must be removed once trash has been collected. Councilman Stimatz noted that failure to comply with this ordinance could result in a Class III Misdemeanor, a fee of \$50 or up to 30 days imprisonment.

Councilman Horton had no further comments.

Mayor Pro Tem Hummer agreed that the trash containers were an issue that needed to be further addressed. She pointed out that it also caused problems for the Public Works Department when containers were not put out according to guidelines. She suggested the City look into possibly applying more funding to the Code Enforcement office to better deal with this issue. She noted that there were many other eyesores that also needed to be addressed.

Councilman King had no further comments.

Councilwoman Baker stated that she was not opposed to the Town Hall meeting. She pointed out that the Council had been listening to the citizens' concerns and they would gladly continue to do so.

Councilman Walton asked if he could get the information from Mayor Peel regarding the charter school. Mayor Peel advised the Councilor that he intended to answer any questions momentarily. Councilman Walton stated that The Daily Advance is a paper that "sometimes they give you alternate news." He commended John Bannow for his statements about the behaviors of the Council. He suggested that any employees who handle utility billing should be present at the Town Hall meeting in order to answer questions.

Councilman Donnelly thanked the citizens for their diligence in attending the Council meetings. He urged the Council to listen to the "underlying current" and to not make assumptions before verifying accuracy. He commended the NENC Progressives for sponsoring the Equality Rally, stating that he was impressed with their work and would be sure to attend.

Mayor Peel thanked the public for attending and providing useful ideas. He distributed documents to the Council regarding the charter school, as Councilman Walton had previously requested. He noted that a lottery was held for the school on the previous Saturday; and there were over 400 applications for the 122 available spaces. He added that the appearance of the application was set by law. He continued that the application could not ask the applicant to disclose their gender or ethnicity; only after they made it into the lottery would that be revealed.

Mayor Peel advised the Council that the charter school is a regional school; it actively recruits students between Currituck and Chowan counties. He noted that the previous year saw students from as far as Bertie and Washington counties. He pointed out that the only requirement to apply to the lottery is North Carolina residency. He added that the program has been open for two years, and that state funding for traditional schools in the area has increased each year; a \$7,000,000 total.

Mayor Peel stated that if a student left the charter school and transferred to a different school, the new school receives the state money for the student. He noted that this is the same rule for all schools and not specific to the charter school. He pointed out that if a student started at one school and switched to another, the funds would stay with the initial school with which the student began the year.

Mayor Peel advised the Council that the charter school has brought over \$1,000,000 in grant funding and private money into the Albemarle area. Councilman Walton opined that the \$100,000 from the hospital should have been given to the public school system instead of the charter school. He added that he felt it was given to the charter school because "you were the first one that asked; you were the Mayor of the City."

Mayor Peel pointed out that enrollment has remained steady. He noted that there are 266 students at the school from the six school districts. He stated that the region lost close to 50 teachers due to budget cuts and layoffs, and the charter school was able to capture some of them, providing them with jobs that would have been otherwise lost. He added that 12% of the students in the lottery were from private or home schools, which brought more funds into the public schools that otherwise, would not have been there.

Mayor Peel noted that 48% of the students enrolled in the school are female; since the school is a STEM school, the female population is usually much less. He stated that 16% of the students are African-American, 73% Caucasian, 3% Hispanic, 2% American Indian, 5% two or more races and one Pacific Islander. Councilman Walton pointed out there “isn’t much diversity there.” Mayor Peel agreed, but noted that it matched the region. He continued by advising the Council that 176 children at the school received free or reduced lunch. He stated that 150 courses were taken at ECSU by students from the charter school. He addressed concerns that the charter school “took away” funding from the local school districts, stating that the organization met with school board members to find ways to work together and save money.

9. Closed Session as allowed by NCGS 143.318-11(a)(3) Consultation with City Attorney:

Mayor Peel requested a motion to go into Closed Session.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to go into Closed Session as allowed by NCGS 143-318-11(a)(3) for consultation with the City Attorney. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Mayor Peel declared a five minute recess at 9:42 p.m. after which the Council retired into Closed Session.

(Clerk notation: Councilman Stimatz left the meeting at 10:01 p.m. without a vote to excuse by the Council. The subsequent vote taken indicates a “yes” vote for Councilman Stimatz.)

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

The Council returned to regular session at 10:07 p.m.

10. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 10:08 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk