

**City Council Regular Session
May 9, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, May 9, 2016 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

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

The City Council regular session was called to order by Mayor Joe Peel at 7:00 p.m. Mayor Peel welcomed everyone to the meeting and recognized Father Chip Broadfoot of Christ Episcopal Church 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 Mayor Pro Tem Anita Hummer, seconded by Councilman Rickey King, to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton, and Walton. Against: None. The motion carried.

(Clerk notation: No adjustments to the 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. Proclamations:

- a. Older Americans Month - May 2016:

Mayor Peel read and presented a proclamation proclaiming May 2016 to be Older Americans Month in Elizabeth City. He urged every resident to take time during the

month of May to acknowledge the City's older adults and the people who serve them as powerful and vital individuals who contribute greatly to our community. Mayor Peel further proclaimed May 19, 2016 to be "Older Americans Day in Elizabeth City" in honor of the Pasquotank County Chapter of the AARP and its members. The proclamation was accepted by Mary Walker, Chapter President, who was joined at the podium by several AARP members.

b. Public Works Week in Elizabeth City - May 15-21, 2016:

In conjunction with National Public Works Week, Mayor Peel read and presented a proclamation proclaiming the week of May 15 - 21, 2016 as "Public Works Week in Elizabeth City." He called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our many public works and to recognize the contribution, which public works officials make every day to our health, safety, comfort, and quality of life. The proclamation was accepted on behalf of Public Works Department employees by Director Paul Fredette.

4. Comments from the Public:

(Clerk Notation: For several weeks, 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 to exempt churches. According to these supporters, their request is being made due to complaints received by the City from nearby residents concerning excessive noise emanating from the church. These complaints result in follow-up visits by law enforcement officers, which the church supporters insist interrupts their services and rehearsals and impacts their ability to "worship freely." During this May 9, 2016 meeting, ten 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, Sr., 2703 W. Main Street, Elizabeth City, NC
2. Dorothy Stallings, 1699 Weeksville Road, Elizabeth City, NC
3. Pastor Tim Stallings, 99 Seagull Drive, Elizabeth City, NC
4. Pastor Rahtina Stallings, 99 Seagull Drive, Elizabeth City, NC
5. Kerita Snowden, 1203 Southern Avenue, Elizabeth City, NC
6. Ronny Lee Williams, 2903 W. Main Street, Elizabeth City NC
7. Pastor Rachel Liverman, Melodie Drive, Elizabeth City, NC
8. Eric Staten, 99 Seagull Drive, Elizabeth City, NC
9. Chiquita Stokley, 1743 Uncle Buddy Drive, Elizabeth City, NC
10. Sheena Hyder, 1743 Uncle Buddy Drive, Elizabeth City, NC

Scott Danneker, 102 Captains Court, Elizabeth City, NC spoke in opposition to any consideration by the City Council of the Noise Ordinance amendment being requested by The Master's Touch Church to exempt churches that use electrified and amplified sound during their services for extended periods of time.

Holly Audette, 609 W. Main Street, Elizabeth City, NC addressed the Council on the issue of the NC House Bill 2. Accompanying Ms. Audette were a number of individuals in the audience who quietly displayed signs in support of HB2 during her comments.

5. Consent Agenda:

(Clerk Notation: Items "a" and "b" were recommended for approval by the Finance Committee during their meeting of May 4, 2016.)

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:

- a. Consideration – Approval for the Elizabeth City Police Department to submit a grant application for the FY2016 COPS Grant Hiring Program to assist in the funding for one additional police officer position;

- b. Consideration – To reject the offer made by the United States Coast Guard in the amount of \$861,120 to purchase 5.77 acres located at the Aviation Park; and authorize City staff to continue negotiations upon receipt of a new appraisal performed according to a mutually agreed upon Scope of Work;
- c. Consideration – Adoption of the following Resolution Urging the North Carolina General Assembly to Expand Medicaid Coverage in North Carolina;

**RESOLUTION # 2016-05-01
URGING THE NORTH CAROLINA GENERAL ASSEMBLY
TO CLOSE THE HEALTH INSURANCE COVERAGE GAP IN NORTH CAROLINA
BY ACCEPTING FEDERAL DOLLARS TO EXPAND MEDICAID COVERAGE**

WHEREAS, the North Carolina Institute of Medicine estimates that more than 17 percent of Pasquotank County residents, or more than 7,000 people, are uninsured; and

WHEREAS, the Center for Health Policy estimates that expanding Medicaid would extend guaranteed health coverage to 1,197 people with low incomes in Pasquotank County; and

WHEREAS, the North Carolina Department of Health & Human Services estimates that accepting Medicaid expansion would extend insurance coverage to more than 500,000 North Carolinians and save the state approximately \$65 million over eight years; and

WHEREAS, the private economic forecasting company, Regional Economic Models, Inc., projects that expanding Medicaid would create or save more than 43,000 jobs by 2020, with 85 of those jobs in Pasquotank County; and

WHEREAS, the American Academy of Actuaries estimates that refusing Medicaid expansion will increase private insurance premiums by more than two percent; and

WHEREAS, tax firm Jackson Hewitt estimates that refusing Medicaid expansion will cost North Carolina employers between \$80 million and \$120 million in fees once the employer mandate is fully implemented; and

WHEREAS, the *New England Journal of Medicine* reports that the expansion of Medicaid coverage may reduce mortality among adults; and

WHEREAS, *Health Affairs* reports that gains in access to care, financial well-being, physical and mental health, and longevity would be expected with Medicaid expansion; and

WHEREAS, Cone Healthsystem estimates that the cost of treating uninsured patients in 2013 exceeded \$63.4 million; and

WHEREAS, the Patient Protection and Affordable Care Act provides federal funding for states to expand Medicaid to all citizens earning less than 138 percent of the federal poverty level; and

WHEREAS, according to the Kaiser Family Foundation, since 2007 North Carolina's Medicaid program, working through Community Care of North Carolina, has experienced the slowest rate of annual growth in the nation; and

WHEREAS, the City Council of the City of Elizabeth City believes that all residents should have access to quality, affordable healthcare coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY, NC THAT:

- 1) The City Council hereby respectfully urges the North Carolina General Assembly and Governor Pat McCrory to accept federal funds in order to expand Medicaid in the state of North Carolina and close the existing healthcare insurance coverage gap; and further
- 2) The City Council directs that copies of this resolution shall be sent to Representative Bob Steinburg, Representative Howard Hunter and Senator Bill Cook and shared with the citizens of the City of Elizabeth City.

ADOPTED, this the 9th day of May, 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- d. Consideration – Adoption of the following Resolution Approving Changes, as requested, to the EC-PCEDC Bylaws and authorization for Mayor Peel to execute the document;

**RESOLUTION #2016-05-02
AMENDING THE ARTICLES OF ORGANIZATION AND BY-LAWS OF
THE ELIZABETH CITY-PASQUOTANK COUNTY
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the City of Elizabeth City (hereinafter referred to as “City”) and the County of Pasquotank (hereinafter referred to as “County”) by identical resolutions adopted May 3, 1976, amended by identical resolutions adopted on March 29, 1989, July 1, 1999, July 1, 2000, July 1, 2001, January 28, 2004, June 22, 2005, September 28, 2005, April 9, 2007, July 22, 2009, September 23, 2009, January 27, 2010, January 25, 2012, and April 29, 2013, created the Elizabeth City-Pasquotank County Industrial Park Commission, subsequently named the Elizabeth City-Pasquotank County Economic Development Commission; subsequently named the Albemarle Economic Development Commission, and now named the Elizabeth City-Pasquotank County Economic Development Commission (“EDC”); and

WHEREAS, to continue cooperative economic development efforts, the City finds it in the public’s interest and welfare to amend the EDC Articles of Organization and By-Laws as requested by the EDC Board of Directors.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City by the adoption and enactment of this resolution, that the Articles of Organization and By-Laws of the Elizabeth City-Pasquotank County Economic Development Commission shall be amended as indicated by the following “add-delete format” changes:

SECTION I:

ARTICLE I

Name

The name of this organization shall be Elizabeth City-Pasquotank County Economic Development Commission, hereinafter referred to as the Commission.

ARTICLE II

Geographic District

The geographic boundaries include all participating governmental bodies in this Commission.

ARTICLE III

Purpose and Objectives

Section 1. The purpose of this Commission is to assist the County and City served by the Commission.

Section 2. The Commission is to establish a framework for federal, state and local efforts to provide the basic resources needed to develop facilities and programs essential to promote economic growth. The Commission is to develop, operate, and coordinate these programs and activities to enhance economic growth within the area served by the Commission and to address the special needs incident to each entity.

Section 3. Specific objectives of the Commission are, but not limited to:

- a. The fostering of growth---planned, diversified, and controlled---within the area served by the Commission.
- b. The promotion of activities aimed at providing quality land development, job opportunities, and an ever-increasing tax base throughout the area served by the Commission.
- c. The designing and implementation of programs to stimulate continued growth and prosperity of the existing business and industry community.
- d. The promotion of an improved general economic situation, by whatever means or measures are available, in order to insure the well-being of the area served by the Commission.

ARTICLE IV

Offices

The Commission shall maintain its principal office in Elizabeth City and offices at such other places as the Commission may from time to time determine or the business of the Commission may require.

ARTICLE V

Membership

Section 1. The Commission membership shall be comprised of no more than twenty (20) members. Of the Commission, there will be nine (9) voting members and no more than eleven (11) non-voting members.

Of the nine (9) voting members of the Commission, three (3) members shall be appointed by resolution from the members of the Board of Commissioners of Pasquotank County; three (3) members shall be appointed by resolution from members of the municipality of Elizabeth City; and three (3) shall be non-elected members from the general population of Elizabeth City/Pasquotank County.

Of the three members from the general population, one (1) shall be Chairman of the Albemarle Elizabeth City Area Committee of 100, and two (2) shall be nominated by a committee appointed by the Chairman and comprised of one (1) City Councilor, one (1) County Commissioner, and one (1) board member representing the general population. At least one of the committee's nominees shall be the owner or senior executive of an

organization ranked among the area's top non-retail employers. The terms shall be for one (1) year and may be reappointed for three (3) consecutive terms. The committee's nominations shall be subject to the approval of the full Elizabeth City-Pasquotank Economic Development Commission board.

Of the eleven (11) non-voting Ex-Officio members, one (1) shall be President, Elizabeth City Area Chamber of Commerce; two (2) shall be Commanding Officers, U.S. Coast Guard Base in Elizabeth City; one shall be Commanding Officer, U.S. Coast Guard Base Elizabeth City; one (1) shall be Commanding Officer, U.S. Coast Guard Aviation Logistics Center; one (1) shall be Mayor, City of Elizabeth City, if not already appointed to a term on the Board as a voting member; one (1) shall be Chairman, Pasquotank County Board of Commissioners, if not already appointed to a term on the Board as a voting member; one (1) shall be a representative on the North Carolina's Northeast Partnership Board of Directors President, Sentara Albemarle Medical Center; one (1) shall be President, College of The Albemarle; one (1) shall be Chancellor, Elizabeth City State University; one (1) shall be Executive Director, Elizabeth City Downtown, Inc.; one (1) shall be Director, Elizabeth City Area Convention & Visitors Bureau, and one shall be Superintendent, Elizabeth City-Pasquotank County Public School System.

Section 2. The six (6) voting members of the Commission appointed by Pasquotank County and Elizabeth City shall be appointed by appropriate separate resolutions of each governing board.

Members so appointed shall be designated for a term of two (2) years to serve at the pleasure of the current Boards of County Commissioners or City Council. In no event shall a Commission member serve beyond their term of office as County Commissioner, member of Council, or Mayor in the event the Commission member ceases to hold one (1) of those elected positions.

Section 3. The term of the elected Commission members shall be insofar as practicable on an alternating basis, between City and County, insuring an appointment or reappointment each year. Such appointment shall be made known prior to the annual meeting held in January, and the members shall assume office at this meeting.

Section 4. The Elizabeth City-Pasquotank County Economic Development Commission shall have available a roster of the current qualified Commission members, as well as their terms of office and who they represent.

ARTICLE VI

The Commission and the Commission Officers

Section 1. The Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer, all of whom shall be elected by the voting members of the Commission. The Commission Chairman and Vice-Chairman shall be chosen from the elected members appointed by the County of Pasquotank and the City of Elizabeth City to the Commission.

Section 2. The officers shall be elected at the regular meeting of the Commission in January of each year, which meeting shall also be the annual meeting of the Commission.

Section 3. All officers shall be elected for a one (1) year term and assume office at the annual meeting. Officers may be elected to succeed themselves or be elected to any other office, but may not exceed two (2) consecutive terms in any position. The offices of Chairman and Vice Chairman shall alternate every two (2) years between the elected members representing the City of Elizabeth City and County of Pasquotank. The two (2) year alternate cycle shall begin January 2004 whereby the office of Chairman shall be held by the County and the office of Vice-Chairman shall be held by the City.

Section 4. Vacancies in any office, vacancies of any member, or vacancies arising from any cause, may be filled by the voting members of the Commission at any regular or special meeting.

Section 5. In addition to the Commission officers above named, an Economic Developer (Developer) may be employed upon the affirmative vote of six voting Commission members. The Economic Developer shall conduct the business and activities of the Commission in strict compliance with the rules and policies adopted by the said Commission. In the absence of a Developer, the Chairman shall assume such duties.

Section 6. The Commission members shall be responsible for establishing the number of members on the staff and employees and their identity in accordance with the general and specific terms and conditions of any grants received as well as any policies established by the Commission. All employees of the EC-PCEDC shall be at-will employees.

Section 7. The voting members of the Commission membership shall serve as a personnel committee. The committee shall be responsible for formulation of personnel policies.

ARTICLE VII

The Duties of Officers

Section 1. The duties of the Chairman of the Commission are as follows:

- a. To appoint such committees as may be appropriate in the discharge of the Commission's functions. The Bylaws, Personnel, Finance, Legislative and Marketing Committees shall contain representation from the Counties and Cities. Other Committees as may be appropriate in the discharge of the Commission's functions shall be chaired by a voting member of the Commission.
- b. To promulgate and publish such orders and directives as will promote the purposes of the Commission, providing the same are first approved by the voting members of the Commission.
- c. To authorize the disbursement of funds in conformance with established policies of the Commission and in compliance with the general and special terms and conditions of any grant offers and such other agreements as may be entered into. To perform such other duties as the Commission has approved and that will promote the purposes of the Commission of which are required by the Commission.
- d. To preside at all meetings of the Commission.
- e. The Commission Chairman shall be the chief officer of the Commission. The Chairman shall function directly under the overall supervision of the full Commission.

Section 2. The Vice-Chairman of the Commission shall perform the duties of the Chairman in his/her absence.

Section 3. The Secretary-Treasurer shall perform as follows:

- a. To verify and authenticate the records of meetings of the Commission.
- b. To function as the accountable officer for all property and equipment owned or leased or contracted for by the Commission.

- c. To act as custodian of all funds of the Commission and function as the Commission Treasurer.
- d. To authorize the disbursement of funds in conformity with the budget and establish policies of the Commission and in compliance with the general and special terms and conditions of any grant offer and in compliance with the general and special terms and conditions of any Commission policies and such other agreements as may be entered into.
- e. To perform such other duties as shall be assigned by the Commission.

Section 4. The Economic Developer shall function at the direction of the EC-PCEDC Board. He/She shall be directly responsible for the following:

- a. The implementation of administrative policies and procedures concerning the staff and staff functions as established by the Commission. Maintain the necessary records to satisfy the Commission requirements, and those of such other agencies as may be involved.
- b. Appropriate records shall be maintained of all property and equipment purchased as authorized by the Commission.
- c. The discharge of functional and operational requirements as set forth by the Commission.
- d. The establishment of liaisons with the agencies of the local, state and federal governments and allies. This will include the necessary reports, requests, and studies which may be required in the normal conduct of business.
- e. Maintain appropriate fiscal and financial records as required by the Commission and other authorities for a period as designated in the general and special terms and conditions of the grant and in accordance with the laws of the State of North Carolina.

Section 5. Each officer who shall have authority to receive or disburse the funds of the Commission shall be bonded in an amount which will satisfy the requirements of the granting agency or agencies and comply with the laws of the State of North Carolina.

Section 6. The Commission shall carry out such functions as the Commission may be authorized or directed to perform by the participating Counties and Cities.

ARTICLE VIII

Compensation

The Commission shall establish the pay scale for all staff employees. The actual compensation of all staff members together with all expenditures of funds shall be itemized and presented to the Commission monthly and all expenditures shall be in conformity with an approved budget allocation and all checks countersigned by an approved officer of the Commission.

ARTICLE IX

Conflict of Interest

The Board members understand and acknowledge that the Elizabeth City-Pasquotank County Economic Development Commission reviews highly sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the County and City. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plants

and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

The Board members acknowledge and agree that the giving of this service, because of the varied interest and backgrounds of the governing commission members, may result in situations involving a dual interest that might be interpreted as conflict of interest. This agreement specifically includes that:

1. Any duality of interest or possible conflict of interest on the part of any governing Commission member should be disclosed to the other members of the Commission and made a matter of record when the interest becomes a matter of Commission action.
2. Any governing Commission member having a duality of interest or possible conflict of interest on any matter should not vote or use his personal influence on the matter. The Minutes of the meeting should reflect that a disclosure was made and the abstention from voting.
3. The foregoing requirements should not be construed as preventing the governing Commission member from answering pertinent questions of other Commission members since his knowledge may be of assistance.

ARTICLE X

Confidentiality Agreement

The EC-PCEDC Board members understand and acknowledge that the members of the economic development team assembled to do the work of the Elizabeth City-Pasquotank County Economic Development Commission review sensitive case information regarding the economic development of Pasquotank County and the City of Elizabeth City and the means to encourage location of business and industry within the City and County. Members bring their diversity of background and expertise to the Economic Development Commission to develop means to achieve appropriate industrial plans and facilities and development and operation of programs to further and improve industrial sites, parks or facilities.

Through their signatures, the undersigned acknowledge and agree that the privacy of businesses or industries assisted by the Elizabeth City-Pasquotank County Economic Development Commission should be strictly maintained. This agreement specifically includes that:

1. Information learned through the Economic Development Commission meeting and/or by doing business for the County and City the EC-PCEDC represents is confidential, and may not be shared outside the meeting, except as specified by the Economic Development Commission or its Executive Director;
2. Information may only be shared by an Economic Development Commission member with the member's appointing entity on a need-to-know basis regarding a current client or activities to recruit the location or expansion of business and industry in the city and county;
3. If Economic Development Commission members keep personal notes or files which contain confidential information, such notes are protected by confidentiality rules and must be safeguarded.

ARTICLE XI

Meetings

Section 1. The annual meeting of the Commission shall be held in such places designated by the Commission.

Section 2. Regular meetings of the Commission shall be held monthly or as otherwise directed by the Chair.

Section 3. Special meetings may be called by the Chairman or by any two (2) voting Commission members at any time or place, provided that notice is given in accordance with North Carolina's Open Meeting laws.

Section 4. A Commission quorum shall consist of five (5) voting members present.

Section 5. At Commission meetings, each of the voting Commission members present shall have one (1) vote and all Commission actions shall be by majority vote, except any actions dealing with the sale, acquisition, leasing or auctioning of real estate, or the expenditure of funds in excess of \$5,000.00, shall require an affirmative vote of six (6) voting members present.

Section 6. Any vacancy shall be filled by the same authority that appointed the person initially, and all vacancies shall be filled within thirty (30) days after they occur.

Section 7. Upon a Commission member reaching three absences, the Commission will notify the appointing Governmental Authority.

ARTICLE XII

Budgets

Section 1. The Commission shall prepare an annual budget for presentation to the County of Pasquotank and the City of Elizabeth City for approval, and then submitted to such other organizations as may be appropriate. Any appropriation by or requests to the County of Pasquotank and the City of Elizabeth City shall be in amounts proportioned among them on an equal basis. This is to say that the County of Pasquotank and City of Elizabeth City shall each contribute equal funds to the Commission and shall own all assets and be liable for all liabilities on the same ratio. It is specifically understood that if either the County of Pasquotank or City of Elizabeth City, in its own separate name, shall receive a grant, bequeath, or gift, for the purpose set forth in these articles and such sum is turned over to the Commission, then the ownership of such fund thereafter shall be on the same equal basis if allowable by the granting agency.

Section 2. The annual budget shall show proposed cash outlays for all operating expenses and capital equipment and improvements. Each item of expenditure shall be justified and explained in appropriate detail. Such budget shall also show any equipment and facilities provided in kind. A breakdown of the source of funds shall indicate amounts to be appropriated by the Counties and City, amount to be provided in kind and the amount to be obtained from Federal or State grants.

Section 3. The beginning fiscal year for this Commission shall be July 1st of each year.

ARTICLE XIII

Funding of Commission Activities

If at any time the Commission shall receive funds derived from the sale, lease or optioning of any parcel or parcels of real estate purchased by the County of Pasquotank and City of Elizabeth City for or on behalf of the Commission then the said funds so received, after deducting the expenses of sale, shall be returned on an equal basis to the County of Pasquotank and to the City of Elizabeth City until such time as all funds which have been contributed by the said County of Pasquotank or City of Elizabeth City are returned to them and the Commission is operating on its own funds or funds derived from the sale, lease or optioning of real estate, or on State or Federal grants which the Commission has received in its own right.

ARTICLE XIV

These By-Laws may be amended only by the participating Counties and Cities of which are presently the following: Board of County Commissioners of the County of Pasquotank, and the City Council of the City of Elizabeth City by joint or separate identical resolution.

ARTICLE XV

This resolution becomes effective on May 16, 2016, upon adoption of an identical resolution by the Pasquotank County Board of Commissioners.

ARTICLE XVI

These By-Laws are adopted pursuant to Chapter 158 of the North Carolina General Statutes and the said Commission derived its authority from the said Chapter 158 and all things inconsistent therewith are deemed stricken and modified herein.

Section 2. If at any time the Commission shall receive funds derived from the sale, lease or optioning of any parcel or parcels of real estate purchased after July 1, 1999 by the County of Pasquotank and City for or on behalf of the Commission then the funds so received after deducting the expense of sale, shall be returned to the County of Pasquotank and City in the following proportion: County of Pasquotank – 66.67% - 33.33%.

SECTION II: Be it further resolved that Mayor Joseph W. Peel is authorized by the City Council to execute the amended EDC By-laws in triplicate originals on behalf of the City of Elizabeth City.

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 9th day of May, 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- e. Consideration – Remove the request to lease Walnut Street Park made to the City Council by New Calvary Missionary Baptist Church on November 23, 2015 from the table; direct staff to follow the legal proceedings between the current and former members of the church with the Clerk of Court; and table consideration of the request made by New Calvary Missionary Baptist Church to lease Walnut Street Park for six months from May 9, 2016.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Darius Horton, to accept 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. Regular Agenda:

- a. Consideration – Adoption of Resolution in Support of Increased Community Development Block Grant Funding by Congress:

Mayor Peel called on City Manager Olson for an explanation of this item. Mr. Olson stated that the Council established Goal 1(b) during the January 2016 City Council retreat to “encourage and support National League of Cities and North Carolina League

of Municipalities to create a lobbying goal and effort to increase funding for CDBG.” He noted that over the past several years, the Community Development Block Grant Program has seen its federal funding appropriation decrease dramatically. Mr. Olson referred to staff’s draft resolution, which was provided in the agenda packet and suggested that it be sent to members of North Carolina’s Congressional delegation in order to seek their support of increased funding for the program.

Upon Mayor Peel’s suggestion, Mr. Olson explained for the public’s information that the CDBG program serves a number of vital interests in both infrastructure and housing needs that benefit low to moderate income individuals. He noted that there are 28 CDBG national objectives that fall under the program, most dealing with improving quality of life for communities. He stated that the City of Elizabeth City falls under the Small Cities CDBG Program, which is administered by the State of North Carolina, and relies on the competitive CDBG grant process to help fund needed projects.

Councilman Stimatz noted that in 1977 there was \$3 billion in the CDBG program; and, if that number is adjusted for inflation, the funding level should be \$12 billion – not the \$2.8 billion being proposed by President Obama and the Congress for 2017. Councilman Stimatz reported that the United States has spent \$160 billion in Iraq and Afghanistan on infrastructure alone over the last decade; yet in that same period of time, Congress has only appropriated \$44 billion in CDBG funding, not all of which goes for infrastructure funding. He encouraged all residents to inform themselves regarding this issue and contact their representatives in Congress.

Councilman Stimatz suggested that staff’s draft resolution be amended to delete the word “appropriate” in item two of the resolution and add the words “to an inflation-adjusted level of \$12 billion” at the end of that sentence.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to accept the resolution with the suggested change. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

**RESOLUTION # 2016-05-03
URGING PRESIDENT OBAMA AND THE UNITED STATES CONGRESS
TO RESTORE APPROPRIATE FUNDING FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the City Council of the City of Elizabeth City, NC (“City”) believes in the objectives of Title I of the Housing and Community Development Act of 1974, as amended, to develop viable communities by providing for those of low and moderate income decent housing, suitable living environments and expanded economic opportunities; and

WHEREAS, the City believes that in order to achieve these goals to benefit the least among us, the United States Congress must first recognize the enormous need in our country and accept its responsibility to fully and adequately fund the Community Development Block Grant Program (“CDBG”); and

WHEREAS, although the City of Elizabeth City is not an Entitlement City, it has benefited greatly in years past from funding granted through the Small Cities Community Development Block Grant Program administered by the State of North Carolina; and

WHEREAS, the City has employed CDBG funding for infrastructure improvements to enable economic development, to provide programming for disadvantaged youth, to make critical water and sewer line improvements and to make significant drainage advancements – all activities that could not have been accomplished by our small city otherwise; and

WHEREAS, the City is now very concerned about its ability to receive additional grant assistance through the CDBG program due to a combination of reduced funding and new program guidelines; and

WHEREAS, CDBG funding is more important than ever to ensure revitalization of our aging neighborhoods and support our efforts to preserve and grow our tax base; and

WHEREAS, the City already faces a severely constrained budget; and further reduction or loss of CDBG funding would make it extremely difficult to meet some of the most critical needs in our community; thereby, severely impacting our most vulnerable neighborhoods and citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY, NC THAT:

- 1) The City Council hereby respectfully requests that President Obama and the United States Congress reconsider proposed cuts to the CDBG program in Fiscal Year 2017; and
- 2) The City Council respectfully requests that instead, an increase in CDBG funding be considered in order to restore support for this vital program to an inflation-adjusted level of \$12 billion; and
- 3) The City Council further directs that copies of this resolution shall be sent to all members of the North Carolina Congressional Delegation as soon as possible.

ADOPTED, this the 9th day of May, 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- b. Discussion/Consideration – Staff Report on Preyer Avenue Traffic Volume and Traffic Speed:

Mayor Peel recognized City Manager Olson for his report on this matter. Mr. Olson stated that staff had completed a traffic speed and volume study on Preyer Avenue between Raleigh Street and Rivershore Road at the request of Councilman Donnelly. He reported that the traffic volume over the four-day study period was 490 vehicles per day as an average, with the highest average hourly volumes occurring at the noon hour and at the 5 p.m. hour. He said that the average traffic speed recorded was 23.1 mph. He pointed out that the 85th percentile of 29.2 mph used to evaluate design conditions on the street was an important measurement to consider, as it showed substantial compliance already with the speed limit on Preyer Avenue, which is 35 mph. He reported that during the survey period 10 cars per day were measured traveling 35 to 40 mph, two cars per day were measured traveling 40 to 45 mph and two cars were measured traveling 50 to 55 mph on a Sunday.

Councilman Donnelly stated that this section of Preyer Avenue is located between Raleigh Street and Rivershore Road, which are both posted with 25 mph speed limit signs. He reported that this residential area has a lot of children; and he noted that he had received a call from a Preyer Avenue resident who requested that a 25 mph speed limit sign be posted there as well.

A motion was made by Councilman Ray Donnelly to decrease the speed limit from 35 mph to 25 mph along Preyer Avenue and call for a public hearing to be held to adopt that new ordinance.

Councilman Stimatz stated that he was intrigued by the fact that the City's default speed limit is 35 mph. He suggested that the Council should consider changing the default speed in residential areas to 25 mph everywhere; and stated that if Councilman Donnelly would change his motion to reflect that, he would second it. He pointed out that this issue is in line with the City Traffic Management Plan that he requested and that staff is currently working on.

Mr. Olson stated that in order to change the default speed limit to 25 mph, the City would have to post every residential street with a 25 mph speed limit sign. Councilman Stimatz offered that signs could be posted at City entrances to read "25 mph City-wide unless otherwise posted" to take care of that issue.

Councilman Stimatz stated that he would second Mr. Donnelly's motion either way. He requested to know what the speed limits are on every street in the City.

Mayor Pro Tem Hummer stated that speed limits are a serious matter and streets exist all over town with varying limits. She noted that Cedar Street is a natural "shortcut" and she frequently sees people driving too fast on the street. She suggested that the Council consider making the change City-wide.

Councilman Walton suggested that requests had been made to decrease the speed limit on Halstead Boulevard, but nothing had been done. Mr. Olson responded that Halstead Boulevard is a state road and the results of NCDOT's speed study did not warrant a change. Councilman Walton stated that another study needed to be performed because "they are flying" on that highway as well as Herrington Road.

Councilwoman Baker stated that she had no objection to having a public hearing on changing the speed limit City-wide, but questioned having a public hearing for just one complaint on Preyer Avenue.

Councilman Donnelly reminded the body that he had a motion on the floor that had been seconded. He stated that concerns had been raised by the Preyer Avenue neighborhood and he thought it was very important to respect the wishes of that citizen and the safety of the children throughout that area. He stated that he would like to move forward with Preyer Avenue and encourage City staff to conduct a study to look at all streets in the City as to whether speed limit decreases should be considered.

Councilman King asked the City Manager if the Council could change the speed limits City-wide. Mr. Olson responded that a public hearing would be required in order to adopt an ordinance changing the speed limit - even for one street. He noted that if the street is a NCDOT street, the state first makes the change and the City has to adopt a concurrence ordinance. He pointed out that the state will not accept speed data from the City; rather, NCDOT would conduct its own study. Mr. Olson advised the Council that before anything can be done on a state street speed limit change, the Council must adopt a resolution requesting that NCDOT do a traffic study.

Mayor Pro Tem Hummer pointed out that staff had been given direction to take a look at all streets City-wide.

Councilman King agreed with Councilman Walton that speeding is a problem on Herrington Road, as well. Mr. Olson noted that Herrington Road is also a state road.

Councilman Brooks pointed out that it takes just as much time and energy to change the speed limit on one street as it takes to consider making the changes to residential streets City-wide. Mr. Olson stated that he felt City staff needed to provide a map to the Council to detail the various speed limits on City streets and whether or not they are posted.

Councilman Donnelly called for the question on his motion.

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

Councilman Stimatz commented that at some point staff will come back with an analysis of the current situation and advise Council on all streets. City Manager Olson stated that he would hope by the first of August staff would have the information collected.

Councilman Walton stated that he would like to request that NCDOT do a speed study for Halstead Boulevard from Peartree Road to Edgewood Drive and for Herrington Road from Halstead Boulevard to the new bridge to determine if the speed limits should be decreased. Mayor Peel inquired of Councilman Walton if that was a motion. Councilman Walton stated that it was. Councilman King seconded the motion.

City Manager Olson stated that staff would prepare a resolution to that effect and bring it forward at the next Council meeting for Council's adoption.

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

c. Discussion/Consideration – Amendment to City's Noise Ordinance:

Mayor Peel recognized Councilman Horton for his remarks on this matter. Councilman Horton stated that he was glad to have an opportunity to have a discussion on this issue since the matter had been removed from the agenda during the last City Council meeting.

Councilman Horton stated that he was bothered by the fact that groups of people feel that they are unable to worship freely in the City. He said that the Council had heard from several speakers at the beginning of the meeting with opinions both for and against an ordinance amendment. He said that The Master's Touch Church request was to be allowed to worship freely in the expression of worship. He said that he thought that complaints were not being received for other churches because the people around them don't have a problem with the noise coming from the facilities, unlike the neighbors of The Master's Touch Church. He noted that things such as football games and festivals produce loud noise, but have an ordinance exemption. He said that, in his opinion, the last thing the Council needs to do is prohibit people from the freedom of worship.

Motion was made by Councilman Darius Horton, that the Council call for a public hearing to amend Article II, Section 50-43 under "Exceptions" to exempt places of worship from the noise ordinance.

Hearing no second to the motion, Mayor Peel declared the motion dead.

Motion was made by Councilman Michael Brooks, seconded by Councilman Ray Donnelly, that the Council not discuss the amendment to the City's Noise Ordinance. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King and Walton. Against: Horton. Motion carried.

Motion was made by Councilman Michael Brooks, seconded by Councilwoman Jean Baker, that pursuant to Rule 16, to prevent the reintroduction of this amendment to the City's Noise Ordinance for six months.

The City Attorney noted that a super majority vote was needed to adopt the motion. Mayor Peel called for the vote on the motion by a show of hands.

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

d. Discussion – Staff Report on House Bill 2.

Mayor Peel recognized Councilman Stimatz for his comments on this matter. Councilman Stimatz stated that when the issue originated, he thought the Council should somehow be involved, but had since realized that there are “too many moving parts to this thing” and had changed his direction. He stated that he had requested that staff provide an update regarding what’s going on with HB2. He noted that North Carolina and the federal government were now going to Court. He asked for an update on the law’s impact on the City of Elizabeth City.

City Manager Olson stated that staff had provided a fairly detailed memo in the agenda packet regarding the effects of HB2 on the City. He briefly reviewed the legislation that had been passed by the General Assembly on March 23, 2016 and signed that day by Governor McCrory. Mr. Olson stated that an objective summary of HB2 would be the following:

1. Requires single sex multiple occupancy bathrooms and changing facilities in public schools and public agencies;
2. Supersedes and preempts all local ordinances, regulations or resolutions imposing any requirements on employers pertaining to compensation of employees with certain exceptions;
3. Prohibits cities and counties from requiring private contractors to abide by regulations or controls on employment practices or mandate or prohibit provisions of goods, services or accommodations to any members of the public, except as required by State law;
4. Supersedes and preempts any local ordinance, regulation or resolution that regulates or imposes any requirements on employers pertaining to regulation of discriminatory practices in employment; and
5. Creates a State law pertaining to discrimination in public accommodations. Supersedes and preempts any local ordinance, regulation or resolution that regulates or imposes any requirements pertaining to regulation of discrimination practices in a place of public accommodation.

In explaining provision “2” above, Mr. Olson said that a number of cities have imposed minimum wage requirements on businesses; and HB2 would eliminate the right of any local government to do that. While explaining provision “3” above, Mr. Olson stated that staff has asked for a determination by the School of Government regarding whether or not HB2 would preempt the City’s Minority and Women Owned Business Policy that had been adopted some while ago. He noted that provision “4” above would preempt approval of any document or policy inconsistent with state law. He said that provision “5” would make it extremely difficult for anyone to bring an action in state court for discrimination.

Councilman Walton stated that staff did not provide the specifics regarding how much money the state could lose as a result of HB2. Mr. Olson stated that there are many wide-ranging estimates for a myriad of things such as federal funding being withheld for education, Community Development Block Grant and highways. Councilman Walton stated that news broadcasts had reported the loss as “billions of dollars.”

Mayor Peel stated that since North Carolina and the United States were suing each other, he felt the money issue would not be resolved until the suits were disposed of. City Attorney Morgan commented that would also be his opinion.

Councilman Donnelly stated that it was his understanding that the discussion is about a state government that agreed to produce less government throughout the state and now had passed a law to control communities’ rights to make decisions to take care of its residents. He stated that, in his opinion, “the bathroom issue” is “a big smokescreen” to discriminate against a large group of people. He stated “that truly upsets me and it seems like a new Jim Crow era that’s going into place.” He noted the economic impact

to tourism and from businesses not being involved with North Carolina; and stated that he was ashamed of the direction the state is taking.

City Manager Olson stated that the Council had directed him to send a request to the Community Relations Commission (CRC) to consider this matter. He said that the CRC had a meeting to discuss the issue and a representative was present for the Council meeting.

Mayor Peel invited CRC Co-Chair Jarret Koch to the podium. Mr. Koch stated that the CRC met on Friday, April 29 to discuss HB2. He said that among the CRC's own members, they recognized the need for HB2 and discussed it thoroughly. He stated that on Monday, May 2 a letter was drafted for the City Council, which reflects the CRC members' collective view. He informed the Council that the CRC had met on May 9, 2016 and approved the letter for presentation to the City Council.

Mr. Koch read the letter from the CRC to the City Council; and the text of that letter follows:

"We believe that all people have value and dignity, therefore everyone should be treated with respect, protected from discrimination, and that their basic human rights should be upheld. Every citizen should have the right to go to the bathroom or shower without fear of persecution or attack. While the Charlotte ordinance attempted to address the fears of the transgender community, it fell short of addressing the fears that women and children have about potential predators. House Bill 2 addressed the fears of women and children, but fell short of addressing the fears and concerns of the transgender community.

We recognize the urgent situation that our state representatives were placed in when Charlotte passed their non-discrimination ordinance and the possible ramifications of allowing citizens of the opposite sex to use the same group bathing facilities. On that basis we do agree that something needed to be done to address the issue at hand. However, we also recognize the desire for transgender individuals to use the appropriate bathing facility according to their identification of their gender. Forcing someone who looks, acts and dresses as a female to use the men's bathroom poses the same risk that the State Representatives were attempting to circumvent by passing House Bill 2. We recognize that there are differing needs among different groups. When creating laws, lawmakers must address the wellbeing of all, and show care and compassion to all citizens affected.

It is the recommendation of the Elizabeth City Pasquotank Community Relations Commission that the City Council of Elizabeth City and our representatives continue to discuss these difficult issues and propose new solutions to the problems that House Bill 2 has now created. We recommend instilling a process by which transgender individuals can be equally protected under law in the State of North Carolina."

7. Comments and Inquiries on Non-Agenda Items:

Councilman Donnelly reminded everyone that the Potato Festival is coming up.

Councilman Walton expressed his concerns about local residents not being offered the higher paying jobs in the community and reasoned the jobs were being taken by people "from other places." He pointed out that residents from neighboring communities enjoy the services offered by Elizabeth City without contributing to the cost.

Councilwoman Baker provided a short PowerPoint presentation featuring a dog park in Vero Beach, FLA that was developed by and is maintained by community volunteers through a 501c3 non-profit organization. She stated that she personally had seen the park and thought it was a good option for the City of Elizabeth City to consider. Councilwoman Baker stated that Council members are sometimes criticized for not responding to citizens who attend Council meetings to speak before the Council during

public comment periods. She pointed out that Council members are not allowed to respond to citizens during that portion of the agenda; and she wanted to make certain that citizens were aware of that fact. Councilwoman Baker thanked Ms. Audette for her informative remarks on HB2 during public comments, and she invited her to come back and do “chapter 2” on the subject.

Councilman King had no comments.

Mayor Pro Tem Hummer had no comments.

Councilman Horton stated that he appreciated the representatives of The Master’s Touch Church for their efforts on the noise ordinance and pledged his continuing support for their concerns.

Councilman Stimatz reminded senior citizens over 65 and those who are disabled about the Homestead Exemption available with the Pasquotank County Tax Department. He stated that citizens must register before June 1 to participate in the program for the 2017 tax year.

Councilman Brooks talked about his activities to clean up the open air drug market on Shepard Street; and stated that he received very little assistance from the churches in the neighborhood at that time. He said that scripture being quoted doesn’t mean a “hill of beans” if it isn’t mixed with faith. He applauded everyone who comes before Council to speak about their issues because he realizes it’s a very hard thing to do. He noted Councilwoman Baker’s comments about Council members not being allowed to respond to citizen comments and added that Council members are given an opportunity to respond in order to correct a misstatement.

Mayor Peel thanked everyone for attending the meeting and thanked all those who shared their thoughts during public comments.

8. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:10 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk