

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

The City Council of the City of Elizabeth City met in regular session on Monday, November 13, 2017 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel  
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 Suzanne Tungate  
Police Chief Eddie Buffaloe  
Electric Department Superintendent Karl Clow  
Electric Department Assistant Jason Value  
Assistant City Manager Angela Cole  
Human Resources Director Montique McClary  
Parks and Recreation Director Dexter Harris  
Fire Chief Larry Mackey  
ECDI Director Debbie Malenfant  
Public Utilities Director Joe Pearce  
Public Utilities Assistant Director Amanda Boone  
Planning Director Matt Schelly  
IT Director Matthew Simpson  
Interim City Clerk April Onley

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

**1. Agenda Adjustments and Approval:**

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

Mayor Pro Tem Hummer requested that the Fire Department Staffing Study be added to the agenda. Mayor Peel stated that it would be added as item 11(g) on the Regular Agenda.

Councilman Stimatz requested that item "k" be removed from the Consent Agenda and placed on the Regular Agenda, thereby becoming item 11(h). He further requested that the Street Resurfacing Project be added to the Regular Agenda, thereby becoming item 11(i).

Councilman Walton requested a Closed Session be added to the Agenda for Personnel Discussion. He further requested that items "d" and "g" be removed from the Consent Agenda. Mayor Peel noted the items would become 11(j) and 11(k) on the Regular Agenda.

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

**2. Statement of Disclosure:**

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

**3. Presentations:**

**a. Proclamation for Small Business Saturday**

Mayor Peel presented ECDI Director Debbie Malenfant with a proclamation honoring Small Business Saturday, which the City would be participating in on November 25, 2017. Ms. Malenfant thanked the Mayor for the proclamation; and encouraged everyone to support small downtown merchants.

*Proclamation  
Small Business Saturday  
November 25, 2017*

*WHEREAS*, according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States representing 99.7 percent of all businesses with employees in the United States; and they are responsible for 63 percent of net new jobs created over the past 20 years; and

*WHEREAS*, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

*WHEREAS*, 91 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

*WHEREAS*, the Elizabeth City Council supports our local small businesses in their efforts to create jobs, boost our local economy and preserve our neighborhoods; and

*WHEREAS*, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

*NOW, THEREFORE*, I, Joseph W. Peel, Mayor of Elizabeth City, NC do hereby proclaim, November 25, 2017, as **SMALL BUSINESS SATURDAY**; and urge all residents of our community to support small businesses and merchants on Small Business Saturday as well as throughout the year and celebrate the contributions they make to our local economy and community.

This, the 13<sup>th</sup> day of November 2017.

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Joseph W. Peel  
Mayor

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April D. Onley  
Interim City Clerk

**b. Proclamation for Salvation Army Red Kettle Day**

Mayor Peel presented Captain Inglehart with a proclamation recognizing the Salvation Army's yearly red kettle project kickoff.

**PROCLAMATION**  
*Salvation Army Red Kettle Day*

**WHEREAS**, a love for God and a desire to help others is the motivation behind the men and women of The Salvation Army; and

**WHEREAS**, The Salvation Army in Elizabeth City, North Carolina, provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis; and

**WHEREAS**, The Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of the Albemarle Region men, women and children; and

**WHEREAS**, The Salvation Army has been providing these programs to residents for more than 101 years; and

**WHEREAS**, The Salvation Army provides its services to people in need without discrimination;

**NOW, THEREFORE, I**, Joseph W. Peel, Mayor of the City of Elizabeth City, do hereby proclaim November 17, 2017 as **SALVATION ARMY RED KETTLE DAY**; and I urge all of our citizens to join me in honoring the dedicated people who work or volunteer for this fine organization and touch the lives of so many.

**IN WITNESS THEREOF**, I have set my hand and caused the seal of Elizabeth City, NC to be affixed this 13th day of November 2017.

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Joseph W. Peel  
Mayor

*Attest:*

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April D. Onley  
Interim City Clerk

**4. Comments from the Public:**

Mayor Peel requested the City Clerk provide any names of individuals who had signed up to speak during the public comment portion of the agenda.

**June Gibbs – 1918 Providence Road, Elizabeth City, NC** – Ms. Gibbs stated that the lawsuit with New Calvary Missionary Baptist Church had only been dismissed because both sides agreed to mediation.

**5. Approval of Minutes:**

**a. City Council Special Town Hall Meeting – September 18, 2017**

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

**6. Consent Agenda:**

***(Note: Items “a” through “g” recommended for approval by the Finance Committee during their meeting of November 9, 2017)***

Mayor Peel recognized City Manager Olson to read the items on the Consent Agenda into the record; and disclosed to the Council that he was a member of the NEAAAT School

Board, although he received no compensation from serving. Mr. Olson recommended approval of all items, as follows:

**BEGINNING OF CONSENT AGENDA:**

- a. **Consideration – Authorize Condemnation and Demolition of Various Properties and Adoption of Ordinances;**

**ORDINANCE # 11-01  
CONDEMNATION AND DEMOLITION  
OF 903 HERRINGTON ROAD**

**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS**, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **November 6<sup>th</sup> and November 13<sup>th</sup> 2016**; and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**SECTION I.** The Building Inspector is hereby authorized and directed to place on the house at **903 Herrington Road (Map 26, Block A, Parcel #22 and Tax I.D 891312960816)** a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**SECTION II.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **November 6<sup>th</sup> and November 13<sup>th</sup>, 2016**; and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**SECTION III.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**SECTION IV.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 13th day of November 2017.

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Joseph W. Peel  
Mayor

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April D. Onley  
Interim City Clerk

**ORDINANCE # 11-02  
CONDEMNATION AND DEMOLITION  
OF 1103 PEARTREE ROAD**

**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

**WHEREAS**, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

**WHEREAS**, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **December 24<sup>th</sup> and December 31<sup>st</sup> 2016**; and the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**SECTION I.** The Building Inspector is hereby authorized and directed to place on the house at **1103 Peartree Road (Map 28, Block F, Parcel #2 and Tax I.D. 891312850853)** a sign containing the legend:

***“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”***

**SECTION II.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **December 24<sup>th</sup> and December 31<sup>st</sup>, 2016**; and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**SECTION III.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**SECTION IV.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 13th day of November 2017.

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Joseph W. Peel  
Mayor

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April D. Onley  
Interim City Clerk

- b. **Consideration – Authorize Grant Opportunity for AED’s and Body Worn Cameras through Firehouse Subs;**
- c. **Consideration – Veteran’s Park Memorial for Frank Miller and Adoption of Budget Amendment;**

**BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2018:

**SECTION I.** That the General Fund Parks & Recreation Departmental Supplies (106200.3300) be increased by \$2,300.46.

That the General Fund Balance Appropriated (103990.000) be increased by \$2,300.46.

(To create a memorial for Frank Miller, a Vietnam Veteran and Elizabeth City native.)

**ADOPTED**, this 13<sup>th</sup> day of November 2017.

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Joseph W. Peel  
Mayor

**Attest:**

\_\_\_\_\_  
April Onley  
Interim City Clerk

- d. **Consideration – Renewal of Debris Monitoring Services Contract;**  
*(Removed from the Consent Agenda by Councilman Walton)*
- e. **Consideration – Renewal of Debris Management Services Contract;**  
*(City Manager Olson indicated this item was pulled from the Consent Agenda)*
- f. **Consideration – Piggyback Purchase of 65-Gallon Recycling Carts;**
- g. **Consideration – Adoption of Budget Amendment for BIG Funding;**  
*(This item was requested for removal from the Consent Agenda; however, it was mistakenly left in place and item “e” removed instead.)*

**BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2018:

**SECTION I.** That the General Fund Transfer from Aviation Park Fund (103930.6300) and General Fund Downtown Improvement Grant (106600.4300) be increased by \$77,756.28.

That the Aviation Park Fund Balance Appropriated (633990.0001) and Aviation Park Fund Transfer to General Fund (639008.9103) be increased by \$77,756.28.

(To transfer funding for Business Improvement Grants approved in FY 2016-2017, but not completed until FY 2017-2018.)

ADOPTED, this 13<sup>th</sup> day of November 2017.

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Joseph W. Peel  
Mayor

**Attest:**

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April Onley  
Interim City Clerk

- h. **Consideration – Call for a Public Hearing for TA 02-17 to Amend the City’s UDO for Non-Conforming Housing Units;**
- i. **Consideration – Call for a Public Hearing for CUP 02-17 as filed by the NEAAAT School;**
- j. **Consideration – Christmas Parade Street Closing Request and Adoption of Ordinance;**

**ORDINANCE #2017-11-03**

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL NATIONAL NIGHT OUT EVENT**

**WHEREAS**, the City Council of Elizabeth City acknowledges a long tradition of providing an annual Christmas Holiday parade for the pleasure of its citizens; and

**WHEREAS**, the City Council of Elizabeth City acknowledges its citizens realize a financial and public safety benefit from holding the annual Christmas Holiday Parade event; and

**WHEREAS**, the City Council of Elizabeth City acknowledges the parade event requires approximately three hours to install signing and traffic control, structures and equipment, and also requires approximately two (2) hours for removing same, and litter;

**NOW THEREFORE BE IT ORDAINED**, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

- |                           |  |
|---------------------------|--|
| <b>Date:</b>              | Saturday, December 2, 2017   |
| <b>Time Duration:</b>     | 4:00 p.m. until 11:00 p.m.   |
| <b>Route Description:</b> | - West and E Ehringhaus Street and its intersections with: <ul style="list-style-type: none"><li>○ Corsair Circle</li><li>○ Westover Street</li><li>○ Selden Street</li><li>○ Persse Street</li><li>○ Brooks Avenue</li><li>○ Culpepper Street</li><li>○ Madrin Street</li><li>○ S Dyer Street</li></ul> |

- S Road Street
- S Martin Luther King, Jr. Drive
- S McMorrine Street
- S Water Street
- South and North Road Street from Speed Street, north to E Main Street
- E Main Street from S Road Street to S Water Street
- North and South Waster Street from Elizabeth Street to Riverside Avenue / Shepard Avenue, not to prevent access across the Charles Creek Bridge
- West intersection of E Church Street and S Water Street (by The Daily Advance building)

This will serve as the planned route for the parade.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the event site.

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

**SECTION II. SEVERABILITY CLAUSE.** If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**READ, CONSIDERED, AND ADOPTED** at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 13<sup>th</sup> day of November, 2017.

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Joseph W. Peel  
Mayor

Attest:

\_\_\_\_\_  
April Onley  
Interim City Clerk

**k. Update – Rosewood Drainage** (*Removed from the Consent Agenda by Councilman Stimatz.*)

**END OF CONSENT AGENDA.**

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

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

**7. Public Hearings:**

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

**a. Hold a Public Hearing – To Receive Public Comment on Stella’s II BIG Application and Funding;**

Mayor Peel recognized ECDI Director Malenfant to present the item to the Council. Ms. Malenfant stated that the application before the Council was seeking non-downtown BIG funding in the amount of \$4,652.15; and the project met the minimum scoring guidelines and satisfied the City’s requirements.

Mayor Peel declared the Public Hearing open and inquired of the City Clerk if there were any individuals present who wished to be heard. Upon her response that there were none, he declared the Public Hearing closed.

**Motion was made by Councilman Rickey King, seconded by Councilman Michael Brooks to approve Stella’s II application for BIG funding. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.**

**8. Regular Agenda:**

**a. Discussion / Consideration – Coast Guard Mural;**

Mayor Peel recognized City Manager Olson to begin the discussion on this matter. Mr. Olson advised the Council that consideration was being given to placing a mural at the property now known as “Coast Guard Park.” He recognized ECDI Director Debbie Malenfant to provide further information.

Ms. Malenfant stated that the City had purchased the former Boat Works property in 2014; and renamed it Coast Guard Park in 2015. She noted the first activities had been held at the park in 2017. She advised the Council that local citizens, Drew and Everett Thompson and Phyllis Bosomworth had offered to fund murals for the park, showcasing the Coast Guard assets. She added that one mural illustrated the Coast Guard’s air assets; and the other showed water and human resources. She continued that as it was privately funded, there was no anticipated cost to the City. The purpose of the murals were to “visibly dedicate the park as Coast Guard Park.” She stated the north and the west sides of the building would display the murals, as those were found to be the most visible. Ms. Malenfant continued that the anticipated cost would be \$7,100; and that although enhanced photos would be used instead of paintings, it was still considered a mural.

Councilman Walton how much cost Parks and Recreation would incur by taking on the activities at Coast Guard Park. City Manager Olson responded that the operational costs had not been determined. Councilman Walton opined that it was selfish to include only the Coast Guard on the mural.

Councilman Stimatz asked if the private citizens paying for the mural had seen the proposed design; and Ms. Malenfant responded that they had seen it today. Councilman Stimatz expressed concern that the City was taking up a large portion of the mural with its logos; and that no minorities or women were depicted in the photos. He added that Planning Director Matt Schelly should have been included on the proposal, as it directly impacted the Waterfront Master Plan. He disagreed with the analysis that the visibility would be best from the north and west sides. He reiterated his concern that the citizens paying for the murals had not been consulted thoroughly.

Mayor Peel announced that it was 7:30 p.m.; and any further discussion must be held until after the scheduled Public Hearings.

**Motion was made by Councilman Rickey King, seconded by Councilman Tony Stimatz to table the item until the conclusion of the scheduled Public Hearing. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.**

**b. Consideration – Authorize Charles Creek Educational Boardwalk Financing (Removed from the Consent Agenda and added to the Regular Agenda by Councilman Brooks)**

Motion was made by Councilman Michael Brooks, seconded by Mayor Pro Tem Hummer to authorize five-year financing for the Dr. Martin Luther King Jr. Educational Boardwalk for the Children at Charles Creek Park. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.

**RESOLUTION #2017-11-04**

**Resolution for Charles Creek Board Walk  
Funded by a Five Year Installment Purchase Financing**

**WHEREAS**, the city Council of Elizabeth City during its November 13, 2017 meeting approved the Charles Creek Boardwalk; and

**WHEREAS**, the total funding required for this purchase is \$125,000; and

**WHEREAS**, of the six banks approached for financing, the City only received one proposal from Southern Bank & Trust Co. with a fixed rate of 2.49%.

**NOW THEREFORE**, be it resolved by the City Council of the City of Elizabeth City that five-year financing for the Charles Creek Boardwalk be established with Southern Bank and Trust Co.

**ADOPTED**, this the 27<sup>th</sup> day of November 2017.

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Joseph W. Peel  
Mayor

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April D. Onley  
Interim City Clerk

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

Councilman Donnelly had no further comments.

Councilman Walton asked City Manager Olson to clarify how individuals would have their names placed as sidewalk stars. Mr. Olson indicated that staff was working on drafting a policy; and the current star was a simple encroachment agreement. He noted that the sidewalk in question was damaged and staff did not find a problem with the star's placement. Councilman Walton thanked all the departing members of Council for their service.

Councilwoman Baker shared information she had received about vehicle larceny; and distributed a pamphlet to Chief Buffalo. She wished the Mayor-elect and newly appointed members of the City Council good luck in their term.

Councilman King had no further comments.

Mayor Pro Tem Hummer noted that the City's refuse truck had not been working correctly, resulting in trash spillage on some of the streets. She thanked Councilman Stimatz for his work in the second ward.

Councilman Horton had no further comments.

Councilman Stimatz read a prepared statement thanking his fellow Councilors and City staff for their efforts. He stated that he could always count on City Manager Olson to keep the best interest of the City at the forefront of his efforts, in spite of their disagreements.

Councilman Brooks stated that he would not be present at the final meeting on December 11, 2017; and wished the best for the new members of the City Council. He opined that the new Council should be given more money for their efforts.

Mayor Peel stated that government is designed to create dissention and different points of view. He added that, "the system is set up to cause differences of opinion." He noted that just because the Council argued, did not mean that they did not get along. He shared a prepared list of accomplishments by the three councils that he had the pleasure of working with.

**9. CLOSED SESSION-As allowed by NCGS 143-318.11(a)(3) Consultation with City Labor Attorney concerning Phifer Lawsuit**

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

Mayor Peel declared a five minute recess.

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:36 p.m.

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Joseph W. Peel  
Mayor

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April D. Onley  
Interim City Clerk