

**City Council Regular Session  
November 23, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, November 23, 2015 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 Kem Spence  
Councilman Darius Horton  
Councilman Johnnie Walton

MEMBERS ABSENT: None

OTHERS PRESENT: Rich Olson, City Manager  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Chief Eddie Buffaloe  
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 7:07 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Darius Horton to give the invocation, after which Mayor Peel led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

Councilman Stimatz stated that the items carried over from the evening's previous Work Session should be added to the agenda. Mayor Peel stated that the two items, Report/Discussion – Downtown Maintenance Code/Nuisance Motor Vehicles and Committee Reports would be added as items "j" and "k."

Councilman Walton requested to remove items "e" and "g" from the Consent Agenda. Mayor Peel announced the items would become items "l" and "m" on the Regular Agenda. Councilman Walton also requested that items "h" and "g" be reversed on the Regular Agenda.

Councilman Brooks asked to add "Elizabeth City State University Town Hall Meeting". Mayor Peel announced the item would be item "n" on the Regular Agenda.

Councilman Brooks requested to add "Article The Daily Advance Wrote on the Number of Residents Leaving Elizabeth City" to the agenda. Mayor Peel announced the item would be item "o" on the Regular Agenda.

**Motion was made by Councilman Darius Horton, seconded by Councilman Ray Donnelly, to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton, and Walton. Against: None. The 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. Proclamation: Small Business Saturday in Elizabeth City – November 28, 2015:**

Mayor Peel read and presented a proclamation declaring November 28, 2015 as ***SMALL BUSINESS SATURDAY IN ELIZABETH CITY***. The proclamation urged all residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

The proclamation was accepted by Wade Nichols, ECDI Executive Director. Mr. Nichols invited everyone to shop downtown on Small Business Saturday and reminded everyone to attend the Grand Illumination and Holiday Celebration on Friday evening, November 27.

**4. Comments from the Public:**

Stacey H. Hickman, 1715 Lexington Drive, Elizabeth City NC stated that she, as a downtown business owner, was heartbroken when watching the October 26, 2015 Council meeting. She said that a “horrible picture” had been painted about the downtown by several members of Council and she was confused by it, since it appeared that some members of the Council wanted the downtown to fail. She stated that the picture painted was completely untrue; and she presented the results of her canvass of the downtown area by reporting the numbers of businesses, professional services, tourist locations and parks that are currently located in the downtown. She detailed the number of events being held at such venues as the Museum of the Albemarle, Port Discover and Arts of the Albemarle. She stated that there were at least 101 residences located in the downtown; and she noted the importance of the 3,000 visiting boaters that come to the City on an annual basis.

Rodney Walton, 109 Selden Street, Elizabeth City, NC stated that he had lived in the City for three years. He stated that he wanted to issue a challenge for the newly elected City Councilors to be better than they have been in the past. He said that the citizens of Elizabeth City deserve the Council’s best and he reminded them that collectively they represent the entire City. He said that the perception of the Council is that “you can’t get past your egos to get the job done.” He stated that the reality is that “the job is getting done, just not with the support of the entire Council.” He stated that the citizens voted for a competent and efficient “eight” not a “strong five and weak three.” He stated that the next two years will be crucial because Elizabeth City is at a crossroads. He said that when the City flourishes, several things will follow: businesses will look to locate here increasing jobs and tax revenue; the school system will be able to attract and retain qualified teachers; the hospital will be able to attract and keep doctors; the colleges and universities would be able to increase enrollment; members of the Coast Guard would consider staying rather than relocating for other opportunities; and residents of the City would not consider leaving the City for other nearby areas. He asked “are we going to race to the finish line for Vision 2020 or are we going to crawl across the finish line individually?” He said “leaders lead, they galvanize, they encourage, they energize.” He asked the Councilmembers to ask themselves “what kind of leader am I?”

Rev. Bonzia Caison, 701 Third Street, Elizabeth City, NC stated that New Calvary Missionary Baptist Church has made its goal to develop strong leaders and focus on the character and development of its youth. She stated that the youth membership had grown to over 30 children in a relatively short period of time. She advised the Council of the many youth ministries offered by the church on behalf of the youth members. She

stated that the church wanted to be able to offer more outdoor supervised activities for youth and she asked for the Council's support of the church's request to lease the Walnut Street Park property.

June Gibbs, 1918 Providence Circle, Elizabeth City, NC stated that she was appearing before the Council to fight for the right to attend her church. She stated that New Calvary Missionary Baptist Church is not the way it had been portrayed by Rev. Caison. She said that the original members had been "ousted" by people that were relatively new to the church because of issues with the pastor search. She advised that the church is currently in litigation and requested that the Council delay making a decision to lease the Walnut Street Park property to the church. She noted that the church does not possess a 501c3 status and alleged that individuals in the church were looking at acquiring the park property personally.

## **5. Consent Agenda:**

Mayor Peel recognized City Manager Rich Olson to read the Consent Agenda items into the record. Mr. Olson recommended approval of all items as follows:

*(Clerk Notation: Items "c" "d" and "e" were recommended for approval by the Finance Committee during their meeting of November 19, 2015.)*

### **Beginning of Consent Agenda:**

- a. Consideration – Approval of Change in By-Laws for EC-PC Community Relations Commission to redefine meeting quorum requirements and direction for staff to perform review of existing by-laws for adoption by the City Council;
- b. Consideration – Acceptance of Certificate of Sufficiency for a Petition for Voluntary Annexation for property located off Halstead Boulevard, Millbrooke Circle and Body Road; and forwarding the matter to the first regularly scheduled meeting of the Council in January 2016 to adopt a resolution calling for public hearing on the matter;
- c. Consideration – Vacation of City of Elizabeth City's rights and interest that it may have in the greenway easement on Tax Map P89-55-1;
- d. Consideration – Adoption of the following various Budget Amendments for accounting purposes, as presented;

### **BUDGET AMENDMENT**

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

**SECTION I.** That the Police Department Donations (103220.0050) and Police Departmental Supplies (105100.3300) be increased by \$2,250.

*(To record proceeds from calendar sales to purchase promotional items for police to give out at community events.)*

**SECTION II.** That the Electric Fund Insurance Proceeds (303350.8300) and Customer Service Departmental Supplies (307200.3300) be increased by \$717.10.

*(To record insurance proceeds for utility claim.)*

**SECTION III.** That the Electric Fund Insurance Proceeds (303350.8300) and Customer Service Maintenance to Vehicles (307200.1700) be increased by \$346.32.

That the Water & Sewer Insurance Proceeds (313350.8300) and Customer Service Maintenance to Vehicles (317200.1700) be increased by \$346.32.

(To record insurance proceeds for Customer Service vehicle accident.)

ADOPTED, this 23<sup>rd</sup> day of November 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

- e. Consideration – Approval of Elizabeth City Housing Authority’s request for a five-year PILOT waiver beginning with fiscal year 2015-2016 with the requirement that the Authority provide an annual accounting to the City Council regarding how the funds are used.

**End of Consent Agenda:**

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

**6. Public Hearing:**

- a. Consideration – Hold a public hearing to receive comment regarding amendment of the City of Elizabeth City Fee Schedule to include a Special Interest Restoration Vehicle Permit Fee in the amount of \$25.00:

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons had registered to speak. Upon her reply that no one wished to be heard, Mayor Peel declared the Public Hearing closed.

Mayor Peel recognized Assistant to the City Manager Angela Cole for her comments. Ms. Cole stated that the Council had adopted an ordinance on November 9, 2015, which included the provision for a Special Interest Restoration Vehicle Permit. She stated that staff is proposing a \$25.00 permit fee for the permitting process that will be administered by the Police Department.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to amend the City of Elizabeth City fee schedule to include a Special Interest Restoration Vehicle Permit Fee in the amount of \$25.00. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

**7. Regular Agenda:**

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to suspend the rules for items “a,” “b,” and “c” which require roll call motion and just have a majority motion.**

**Mayor Peel advised that a two-thirds majority vote would be required. He called for a vote by a show of hands.**

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

- a. Consideration – Appoint Mr. Andrew David Bates to serve a three-year term on the Elizabeth City Historic Preservation Commission to begin January 1, 2016 and expiring December 31, 2018:

Mayor Peel called for the Council's pleasure regarding this appointment.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to appoint Mr. Andrew David Bates to a three-year term on the Historic Preservation Commission beginning January 1, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- b. Consideration – Re-Appointment of Ms. Linda Pritchard for a term to expire October 28, 2017 on the Joint Animal Control Board:

Mayor Peel called for the Council's pleasure regarding this appointment.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to reappoint Ms. Linda Pritchard to a term expiring October 28, 2017 on the Joint Animal Control Board. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- c. Consideration – Re-Appointment of Ms. Deborah J. Malenfant for a term to expire December 31, 2017 on the Parks and Recreation Advisory Board:

Mayor Peel called for the Council's pleasure regarding this appointment.

**Motion was made by Councilman Darius Horton, seconded by Councilman Ray Donnelly to reappoint Ms. Deborah Malenfant for a term to expire December 31, 2017 on the Parks and Recreation Advisory Board. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- d. Consideration – Adoption of Resolution Adopting a Comprehensive Transportation Plan for Pasquotank, North Carolina:

Mayor Peel recognized Angela Cole for her report of this matter. Ms. Cole stated that in July 2011, DOT initiated the Comprehensive Transportation Plan study for Pasquotank County and Elizabeth City. She said that during the September 28, 2015 Work Session, the City Council received a presentation of the draft plan and the accompanying maps. She stated that DOT and Albemarle Commission representatives responded to the Council's questions and comments at that time on a variety of issues.

Ms. Cole called the Council's attention to the new maps that had been included in their agenda packets, as well as chapter two of the CTP, which provided the recommendations for each mode of transportation, vehicular and pedestrian. She stated that DOT staff had updated the maps from their original presentation to reflect Councilmembers' and Board of County Commission members' comments, which were made during their respective presentations by DOT. Ms. Cole stated that the maps and chapter had been finalized and were being presented for adoption by the Council at this time.

Ms. Cole introduced Angela Welsh of the Albemarle Regional Planning Office who was present to provide information on the plan process after local adoption by the Council and County Commissioners, if desired by the Council.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to adopt the following resolution adopting the Comprehensive Transportation Plan for Pasquotank, North Carolina.**

Councilman Stimatz commented that he had a side note to bring up; and stated that he would like to see what the City's transportation management plan is going to look like in the future. He stated the issue should be something for the new Council to review, in particular with regard to questions about what the truck routes are, the one-waying of

Water Street, if speed limits should be changed on any local or state roads and how the City intends to manage the traffic it has within the City. He stated that he would hope that information could be presented during the first or second Work Session in 2016.

Mayor Peel called for a vote on the motion.

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

**Resolution #2015-11-03  
Adopting a Comprehensive Transportation Plan  
For Pasquotank County, North Carolina**

**WHEREAS**, Pasquotank County, the City of Elizabeth City and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for Pasquotank County; and

**WHEREAS**, Pasquotank County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a transportation system that will serve present and anticipated volumes of traffic in the County; and

**WHEREAS**, it is recognized that the proper movement of traffic within and through Pasquotank County is a highly desirable element of the comprehensive plan for the orderly growth and development of the County; and

**WHEREAS**, after full study of the plan and following a public discussion held during a regularly scheduled meeting by the City Council of the City of Elizabeth City, the City Council feels it to be in the best interest of the City of Elizabeth City to adopt the plan pursuant to General Statutes 136-66.2.

**NOW THEREFORE, BE IT RESOLVED** that the Pasquotank County Comprehensive Transportation Plan be approved and adopted by the City of Elizabeth City as a guide in the development of the transportation system in Pasquotank County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

**ADOPTED**, this the 23<sup>rd</sup> day of November 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

- e. Consideration – Repeal of City Code Section 66-13 regarding Political Campaign Signs:

Mayor Peel recognized Mr. Olson for his comments on this matter. Mr. Olson stated that the issue had been presented to the Council for consideration several weeks prior. He said that the Council had requested an opinion from the School of Government, which had been received and included in the staff memo. Mr. Olson recognized Planning Director June Brooks for her presentation on this matter.

Ms. Brooks stated that she had given presentations to the Council on the Supreme Court decision in *Reed v. Town of Gilbert, Arizona* and the unconstitutionality of temporary signs. She stated that City staff had identified that the 14 City-owned sites

where the City Code allowed political campaign signs to be placed now created an issue of unconstitutionality. She said that if the Council chose to keep the sites for political campaign signs, all temporary signage would have to be allowed on the sites as well. She stated that the School of Government's response to the Council's question regarding the possibility of allowing all temporary signs to be posted on the 14 identified City sites during campaign seasons was quite vague. She said that staff is still of the opinion that it would be difficult and confusing for staff and the public during campaign periods if all temporary signs were allowed on the 14 City-owned sites. She stated that staff's recommendation is that the section in the City Code should be repealed and that the City proceed with the temporary sign regulations contained in the Unified Development Ordinance.

**Motion was made by Councilman Ray Donnelly, seconded by Mayor Pro Tem Anita Hummer, to adopt the following ordinance repealing Section 66-13 Political Campaign Signs of the City Code in its entirety and to be effective upon date of adoption. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

**ORDINANCE # 2015-11-02  
TO REPEAL**

**Sec. 66-13 Political Campaign Signs as Found in Chapter 66 - Signs and Billboards of the City of Elizabeth City Code of Ordinances**

**WHEREAS**, as a result of the Supreme Court decision in Reed v. Town of Gilbert, Arizona and its impact on the City's ability to enforce its current sign ordinance; and

**WHEREAS**, upon legal guidance received from the University of North Carolina School of Government to determine if the City distinguishes among noncommercial sign types; and

**WHEREAS**, the definition of Temporary Signs in the Unified Development Ordinance includes signs that relate to such events as elections, farm auctions, yard sales, agricultural production sales, horse shows, festivals and home show openings; and

**WHEREAS**, in June 2007, the City Council amended the City Code, Chapter 66, Section 66-13 to allow political campaign signs to be posted on fourteen (14) City owned parcels; and

**WHEREAS**, excluding other types of temporary signs on City-owned property is now considered unconstitutional.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY THAT:**

**SECTION I.** Effective November 23, 2015, Section 66-13 Political Campaign Signs of Chapter 66 Signs and Billboards of the City of Elizabeth City Code of Ordinances is repealed in its entirety.

**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 23<sup>rd</sup> day of November, 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

f. Consideration – Proposed Lease of Walnut Street Park Property:

**(CLERK NOTATION:** This item was discussed by the Finance Committee during their meeting of November 19, 2015. The Committee, by consensus, directed that the item be placed on the Council’s regular agenda for discussion.)

Mayor Peel recognized Mr. Olson for his comments on this item. Mr. Olson stated that the Walnut Street Park property was a part of a grant of property received from the developers of Walnut Street Apartments in the late 1980s. He advised that the property consisted of roughly one-half acre located behind New Calvary Missionary Baptist Church. He pointed out that the area is small and secluded.

Mr. Olson stated that New Calvary Missionary Baptist Church (“the church”) requested in 2012 that the Parks and Recreation Advisory Board give the property to the church. He said the request was denied at that time. He stated that another request had been received by the Advisory Board recently; and this time, the Board recommended that the City Council move forward with a lease on the property to the church.

Mr. Olson advised that the City had problems lighting the park property adequately because of light spillage into the neighboring homes. He reported that the City has a lot of criminal activity occurring in that particular park; however staff does not feel it is the City’s responsibility to fence off the public property and lock a gate to prevent access. He said that City staff’s recommendation is that the church be given a lease for under a ten-year period. He said that North Carolina Statutes requires a Public Hearing be held.

Mr. Olson stated that two of the public speakers talked about issues within the church body earlier in the meeting. He said that it was staff’s opinion that before the City enters into a lease with the church, the individual executing the document must provide proof of his/her legal right to do so.

Councilman Horton stated that the Parks and Recreation Advisory Board had actually recommended that the City gift the property to the church, not lease the property. Mr. Olson stated that in order for that to be done, the City would have to follow a very specific legal process. He explained recent changes in state law and stated that the Council could take action to lease the property for 364 days without a public hearing. He said if the Council wanted to lease the property for a period of under ten years, a public hearing must be held. He stated that if the lease is longer than ten years, the process would have to be treated as if it were a sale of the property, which would also apply in a gifting situation.

Councilman Horton stated that he was of the opinion that since the church is currently in litigation, he thought the City would be wrong to move one way or the other.

**Motion was made by Councilman Darius Horton, seconded by Councilman Michael Brooks, that the matter be tabled until the church comes out of litigation.**

**Councilman Stimatz asked if the motion included a sufficient definition of time to end the table. He offered a friendly amendment to revisit the issue in six months.**

Councilman Donnelly asked if the term “until the litigation is worked out” was specific enough.



City Attorney Morgan stated that it would be better policy to have the matter tabled for a specific period of time. He suggested that the matter could be tabled for a period of six months at which time the issue could be revisited to determine the status of the litigation. He advised that the matter could again be tabled at that time, if necessary.

**Councilman Horton stated that he would accept the friendly amendment.**

Councilman Stimatz pointed out that another reason to have a timeframe of six months was to assure that the City Council does not forget the matter.

Councilman Walton commented that he thought the issue should be tabled until the “legal matter is out of the way.”

Councilman Brooks asked if the matter would automatically come back up in six months. Mayor Peel responded that staff would bring the matter back to the Council in six months.

Mayor Peel called for a vote on the motion to table the matter for six months.

**Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: Walton. Motion carried.**

- g. Consideration – Additional Community Support Grant Award to Pasquotank County Library:

**(CLERK NOTATION:** The Finance Committee discussed this matter during their meeting of November 19, 2015 and referred it to the full Council for discussion without recommendation.)

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that he had brought this matter up during the last Council meeting and wanted to recommend that the Council give the additional \$400 to the library that had originally been requested. He said it “would help the children and youth.” He stated “you know, we talk a good game, but all of a sudden we do other things.”

**Motion was made by Councilman Johnnie Walton, seconded by Councilman Michael Brooks, to make sure the library have the \$400 for tutoring.**

Councilman Horton stated that this matter was discussed during the last Finance Committee meeting; and he had asked staff to touch base with the library to see where they were with the program. He asked if that was done. Councilman Donnelly responded that a letter from the library was included in the agenda packet that indicated the library still needed the funding.

**Mayor Peel called for a vote on the motion.**

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

- h. Consideration – Discontinuation of Finance Committee:

**(CLERK NOTATION:** The Finance Committee discussed this matter during their meeting of November 19, 2015 and recommended that no change be made in the committee structure.)

Mayor Peel stated that Councilman Brooks had requested this item be placed on the agenda and he recognized Councilman Brooks for his comments.

Councilman Brooks stated that some years ago, the Council decided that it would have a standing Personnel Committee and a standing Finance Committee. He said that he felt that the Personnel Committee was micro-managing the City Manager and noted that the committee was subsequently disbanded. He stated that the point he was making was that the Finance Committee represented the same situation – that the committee was micro-managing the Council, since they could only make a

recommendation to the Council. He stated that he felt the committee served no purpose and should be disbanded.

**Motion was made by Councilman Michael Brooks, seconded by Councilman Johnnie Walton, that we disband the Finance Committee and eliminate the middle man so we can stop micro-managing ourselves.**

Councilman Stimatz asked if the recommendation to keep the committee, which was made by the Finance Committee, was a unanimous decision. Councilman Donnelly responded that the Finance Committee did make a unanimous recommendation to retain the Finance Committee intact. He stated that he personally felt the Finance Committee did a good job at streamlining information by working closely with staff in order that the full Council has all the information that it needs to make decisions. He said that otherwise, the information would be presented by staff to full Council and Council would ask for more information, resulting in the tabling of items more often.

Councilwoman Baker stated that she agreed with Councilman Donnelly. She noted that she appreciates the information provided by the Finance Committee. She said that she thought it might be wise to table consideration of this matter for consideration by the new Council since it would affect everyone going forward.

**Councilwoman Baker made a motion to table the matter until the next meeting. The motion died for lack of a second.**

Councilman Walton stated that he concurred with Councilman Brooks and noted that he was not a member of the Finance Committee. He pointed out that the Finance Committee was formed in 2010. He said that there had been different Council members to leave; and the new ones “don’t know how to pick up the play from where it started and continue the play.” He said “it seem like you call your own plays, you know? And I said way back in time that whatever you bring to City Council as a full body – how can it pass 100% of the time? What happens is when you get into those Finance Committee meetings, you make a decision - and then you think we got to follow whatever you say. It’s an issue. If we come up with a bright idea – I don’t think you all think we can, because you have already come up with the bright ideas in the Finance Committee meeting – you still don’t go along with us. Just because we’re so stubborn, we feel like we know all the answers and we gonna go the route that we want to go. We gonna go the route we want to go. How in the world can you – you say you had a unanimous decision about the Finance Committee to continue? That’s not what the Finance Committee is about. I thought the Finance Committee was about talking about finance – not about continuing the Finance Committee. That’s what we supposed to be talking about. But you done made up your decision already. That’s the point of reference.”

Councilman Donnelly stated “that’s our recommendation.”

Councilman Walton stated “recommendation for what? We not spending no money.”

Councilman Donnelly stated “so you can make a decision.”

Councilman Walton stated “it’s not about that though. That’s not the way the democratic process supposed to go. That’s not the way it’s supposed to go. You said there’s a policy and a rule. The policy say the Finance Committee discuss money matters – not if we’re going to continue. They micro-managing, Mike. They – hey, you can talk about anything in that meeting and then when you bring it to us it doesn’t matter because you don’t need but one more vote and you gonna pass it anyway. That’s not right.”

Councilman Brooks said that some of the ones who originally fought against the Finance Committee were now fighting to keep it. He surmised “so there’s something else to it.” He reiterated “you’re micro-managing the rest of the Council.” He said “any information that the staff give the Finance Committee they was giving it to the full Council, so I don’t understand how that can be a standing argument.” He read

from the staff memo the information regarding the original formation of the committee in 2010 and its stated purpose. He made the point that the duties of the committee are really what the Council does. Councilman Brooks stated “I don’t go along to get along. If it doesn’t make any sense, it doesn’t make any sense.”

Mayor Peel called for a vote on the motion to discontinue the Finance Committee.

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

- i. Consideration – Award of Demolition/Asbestos Abatement Bids for 215 N. McMorrine Street Property:

**(CLERK NOTATION:** The Finance Committee discussed this matter during their meeting of November 19, 2015 and recommended approval. Councilman Donnelly requested that the funding source be discussed by the full Council.)

Mayor Peel recognized Mr. Olson for his report on this matter. Mr. Olson stated that the property in question was owned by Dr. Harold Turner and that the Council had voted to accept a donation of the property to the City contingent upon the property passing all environmental tests.

Mr. Olson stated that the City had received an estimate to demolish the building in the amount of \$5,000 from Rick Bostic, as well as a bid to abate the asbestos in the building in the amount of \$3,055 from AB Control Inc. He advised that the landfill tipping fees would be in addition to the amounts of these two bids. He stated that staff’s recommendation is to award the bids to Rick Bostic and AB Control, Inc. with the funding for the project to come from the Downtown Improvement Grants line item. He noted that the funding for Downtown Improvement Grants comes from the Aviation Park revenue and is slated for economic development purposes. Mr. Olson suggested that staff felt this to be a sound way of paying for the project without tapping into the City’s General Fund balance.

Councilman Stimatz asked if the City would gain in parking at the Turner property. Mr. Olson responded that the entire area will be considered greenway or park property under the Master Plan for Elizabeth Street that had been presented previously. Mr. Olson pointed out that the area does have flooding-related issues.

Councilman Donnelly noted that with the demolition of the old fire station and this building, Elizabeth Street would be enhanced. Mr. Olson stated that DOT’s beautification project would not begin until February of March 2016. He noted that some of the nursery stock may not be installed until the fall of 2016 for enhanced survival rate purposes.

**Motion was made by Councilman Kem Spence, seconded by Mayor Pro Tem Anita Hummer, to award the demolition and asbestos abatement bids for the 215 N. McMorrine Street property. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- j. Report/Discussion – Downtown Maintenance Code and Nuisance Motor Vehicles *(Item brought forward from Work Session Agenda):*

Mayor Peel recognized Mr. Olson for his report on this matter. Mr. Olson stated that this discussion had been requested during the last City Council meeting by Councilman Donnelly. He stated that Angela Cole would provide the staff report.

Ms. Cole reported that the City Council adopted the Downtown Maintenance Code ordinance in 1998, which represents the policies currently being enforced. She advised that this ordinance is reflected in Section 10-87 of the current Code and describes a two-tenet policy that requires property owners in the downtown to maintain exterior walls “so as to not detract from the aesthetics and value of adjacent property.” She

pointed out that the code section also stipulates a measure to determine when exposed walls must be repainted in their entirety. She stated that this is the only section of the City Code of Ordinances that is exclusive to the downtown area, except for Section 42-14, which was adopted in January 2007 and established a Downtown Garbage District directing the use of a trash compactor for garbage collection.

Ms. Cole stated that all other sections of code regulating health and sanitation, community appearance, signage, dumpster screening, and other development standards apply uniformly citywide. She said that it is the responsibility of the Code Enforcement Division to put into effect these sections of code.

Ms. Cole reported that more recently, City Council has made steps toward downtown revitalization through its creation of the Downtown Improvement Grant Program in 2013. She said that the grant program was restructured in 2014 adding specific renovation targets and goals. Ms. Cole stated that one community-suggested initiative as a result of the Vision 2020 Strategic Plan is to expand the nonresidential building maintenance regulation affecting downtown.

Ms. Cole stated that before her departure, former ECDI Director Rebecca Cross worked with City Administration, Code Enforcement and Inspections staff to draft a code section that would regulate maintenance standards for commercial structures. She said that the draft Maintenance Code for Downtown Elizabeth City is pending and additional editing and presentation would take place with the new ECDI director and City Administration.

Ms. Cole advised that she had provided in the agenda packet a summary table that showed the enforcement activity in the downtown area for the time period January 1, 2015 to the present. She noted that all corrective actions except one had been undertaken by the property owners or tenants. She said that boats and other aquatic vehicles are cited as other motor vehicles and the Code Enforcement Division has cited three boats since May 2015. She said that two of the violations had been owner corrected and the final violation was pending resolution at the current time. Councilman Stimatz asked how boats in the water were treated. Ms. Cole stated that they were cited just as other vehicles.

Councilman Stimatz stated that the downtown had had a number of torn awnings for some while and requested that enforcement be addressed for those situations. He asked about the boarding up of buildings and stated that it would be preferable aesthetic-wise if the boards were painted either to match the trim or siding color or be black, white or gray. He suggested that suggestion be considered when crafting the ordinance revision. He suggested that in situations like the Southern Hotel window paintings, any deviation from the color scheme should come to City staff for approval. He asked that the proposed revisions come to the Council "sooner rather than later."

Mayor Peel thanked Ms. Cole for her report.

k. *Committee Reports (Item Brought Forward from Work Session Agenda):*

- a) EC-PC Economic Development Commission: Mayor Pro Tem Hummer, Councilwoman Baker, Councilman Donnelly and Mayor Peel

Mayor Pro Tem Hummer stated that there was no EDC meeting held in November.

- b) Central Communications Advisory Board: Councilman Spence

Councilman Spence had no report.

- c) Fireman's Relief Fund Board: Councilman Brooks

Councilman Brooks had no report.

- d) NC Eastern Municipal Power Agency: City Manager Olson and Mayor Peel

Mr. Olson stated that the budget for the next fiscal year had been approved and two persons were appointed to the ElectriCities Board of Directors. He stated that the Rate Committee would meet in January to look at proposed rate increases or decreases proposed by Duke Energy Progress. Mayor Peel stated that the projection had been for a 3% rate increase by Duke.

e) Elizabeth City Downtown, Inc.: Councilman Donnelly

Councilman Donnelly reminded everyone about the Grand Illumination Ceremony being held on the Friday after Thanksgiving. He stated that ArtWalk would take place on December 4, 2015 and would include a boat parade. He invited everyone downtown to enjoy the events.

f) Elizabeth City Area Chamber of Commerce Board: Mayor Peel

Mayor Peel stated that the Chamber continues to do well and is adding new members monthly. He said that Chris Purcell of Firehouse Subs will be the new Chairman of the Board for the coming year.

g) Finance Committee: Mayor Pro Tem Hummer, Councilman Donnelly, Councilman Horton and Mayor Peel

Mayor Pro Tem Hummer stated that the Finance Committee had quite a lengthy discussion on a number of items. She thanked Councilman Stimatz for attending and taking part. She reminded the Council that everyone is always welcome to attend. She stated that the Finance Committee had directed the City Manager to work on the budget cuts that were presented earlier in the evening to the Council. She advised that everything that had been discussed by the committee appeared on the City Council agenda.

h) Parks and Recreation Advisory Board: Councilman Horton

Councilman Horton stated that the last meeting had been cancelled since the committee was working on the Parks and Recreation Master Plan. He said that a stakeholders meeting is planned to be held on December 1 at 7 p.m. at the Knobbs Creek Recreation Center. He invited the community to participate.

i) Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz

Councilman Stimatz stated that things are going well at the airport and that the ramp project is coming along nicely. He said they were looking to add a wash rack in order to keep the US Army DOD business coming in. He said that the finalization of the sale to the Coast Guard should take place by the end of January 2016.

j) Storm Water Advisory Board: Councilman Stimatz, Councilman Donnelly and Councilman Brooks

Councilman Stimatz stated that the Board would meet on December 9, 2015 with the main focus being the outreach campaign to keep citizens from placing yard waste in the gutters.

k) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker stated that the November and December meetings were being combined and the Authority would meet the following week.

l. Consideration – Approval of a Downtown Improvement Grant application submitted by Zack Robertson for The Arcade building in the amount of \$4,888.50 (*removed from Consent Agenda by Councilman Walton*)

**(CLERK NOTATION:** This item was recommended for approval by the Finance Committee during their meeting of November 19, 2015):

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton asked the City Manager the number of DIG grants that had been received by Mr. Robertson previously. Mr. Olson responded that he thought there had been two.

Councilman Walton said “we continue to give the same people money, ya’ll. You know, I feel like we need to leave nobody behind and the income gap in Elizabeth City is terribly, tremendously low for some people and high for other people. I feel like the people that can take care of themselves – that’s what they need to do. We keep giving the same people funds to fix up what they should be fixing up anyway. You know, it just doesn’t add up to me. We need to revisit that policy because, you know, we make policies and that’s why I don’t like a lot of local policies because local policy can get all tied up in the politics like what we do here. And like the Finance Committee do, you know? All you need is one more vote than the other person. That’s why the state level say ‘hey, wow, we got a policy – everybody must follow it.’ What we want to do is make local policies and it benefit us. That’s not right.”

Mayor Peel requested the Council’s pleasure regarding this consideration.

**Motion was made by Councilman Kem Spence, seconded by Councilman Ray Donnelly, to approve the Downtown Improvement Grant application submitted by Zack Robertson for the Arcade Building in the amount of \$4,888.50. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: Brooks and Walton. Motion carried.**

- m. Consideration – Rescind the authorization to execute the Agreement for Contractor’s Services with Skinner’s Home Energy Conservation Service; and Authorize Mayor Joseph W. Peel to execute an Agreement for Contractor Services with Martin Community Action, Inc. to provide weatherization services for the City (*removed from Consent Agenda by Councilman Walton*)

**(CLERK NOTATION:** This item was recommended for approval by the Finance Committee during their meeting of November 19, 2015.):

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated “well that proves my point. I know who’s going to vote for it and not vote for it already. But my point is, half of the year has gone by hasn’t it Mr. Olson? So, it’s not mandatory that we put money into this operation, ya’ll. We don’t have to give money to Williamston Inc. We have two people that’s doing it – right Mr. Olson? Am I correct or wrong? “

Mr. Olson stated that during the September 14, 2015 meeting the City Council awarded contracts to three groups to do weatherization services. He said that Skinner’s Home Energy had declined the contract because the company has a large project with Roanoke Electric. He said all the City is doing is replacing Mr. Skinner to allow the City to have three vendors to do the work.

Councilman Walton said “do we have to? I mean what have we lost by not having the third person? Have we lost anything?”

Mr. Olson stated that to ensure that the City can accommodate all the homes to be weatherized, it is staff’s opinion that the City needs three vendors to do the work.

Councilman Walton stated “that’s why you need to send us information earlier so we would know - because there was a Finance Committee meeting. And in that meeting it was stated ‘with numerous unanswered questions, the Finance Committee forwarded the proposed spending cuts to the Council’s Monday Work

Session for discussion.’ I got mine today. You want us to do – you want me to do more for you than you can do for us. That’s not right.”

Mayor Peel stated “Mr. Walton, there were no cuts presented to anybody at the Finance Committee meeting. We told the City Manager at the Finance Committee meeting he needed to come with specific cuts so we knew what we were going to be talking about – what the impact was going to be on the current operating budget. That’s what Ms. Hummer referred to just a minute ago.”

Councilman Walton stated “but ya’ll did have questions and Mr. Stimatz had questions because he was there. We don’t have to go to those meetings and we should be afforded the same information ya’ll get. And we should have gotten them before today. I don’t think that you concluded this morning – you said you worked on it over the weekend. So you presented it to the staff – the staff didn’t present it to you.”

Mr. Olson stated “staff provided me the information; I basically evaluated it over the weekend and prepared the memo that was sent out to you at 11:57 this morning.”

Councilman Walton stated “from now on, if you possibly can get it to us earlier please do so. But I still say because Skinner Improvement withdrew, that doesn’t mean that we just got to push ourselves to spend more money when money should be left right in this City. These people are coming from Williamston Inc. They gonna come here as I said previous to tonight – if you divide the \$360,000 three ways, you get \$120,000. I don’t think you can do that many houses until June. And when they do homes, they going to leave here, go back to Williamston, stop in Edenton and get some hamburgers or whatever, shop in that area. They not going to shop here in Elizabeth City. We taking our dollars that completes our economy and giving it to somebody else just because we need three people to do something that’s not mandatory that needs to be done? That’s why the audit tonight said we spending too much. Everybody talking ‘bout spending too much, but you still don’t mind spending. Something not right with that picture.”

Councilman Horton stated “Mr. Olson, now that’s one of the three, correct?”

Mr. Olson stated “yes it is. The Council authorized three contractors to do this work. One of the contractors dropped off, so we are just replacing it with another third party.”

Councilman Horton asked “how does the work get done?”

Mr. Olson advised that the City’s Energy Officer Dennis Gordon prepares a Scope of Work to determine what work needs to be done on each house. He stated that the City pays for the cost of materials and pays each contractor a set hourly rate.

Councilman Horton asked how it is determined which contractor will be used. Mr. Olson responded that it is determined by the contractor that is available and who can get the work done the fastest.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to rescind the authorization to execute the agreement for contractor services with Skinner’s Home Energy Conservation Service and authorize Mayor Joseph W. Peel to execute the Agreement for Contractor Services with Martin Community Action, Inc. to provide weatherization services for the City.**

Councilman Walton stated “I knew it would go that way anyway and I’m still thinking that I do have logic in it because why are we doing something that only a few people benefit from? And we don’t have to. You look at Williamston Inc. - that’s a non-profit right? See, ya’ll don’t even look at what you voting on, you just vote because if Johnnie Walton said it, I’m going against it. Non-profit corporation, isn’t it Rich? They got about 32 board members.”

Mr. Olson stated that the City has used Martin Community Action previously and had been impressed by the quality of their work.

Councilman Walton stated “yeah, and they do work in six other counties. So, why are we giving money to people that already is making money and we are here – we’re a poor county – the economy is not that good to be giving away money, ya’ll. We just had the audit – they say we spending too much. That’s what they said. We didn’t hear that part of it. Just want to continue to spend. And I think we need to table it because if the first two options don’t go through – nah, don’t even think about the second option – but if that first option don’t go through dealing with the Penny’s building, we may need that money, wouldn’t you think? I mean we discussed it earlier.”

Mr. Olson stated that the City cannot spend Electric Fund revenue to buy the building, because it would be against state law. He said that the Council had authorized \$360,000 for weatherization and staff was trying to fulfill the obligation to the City Council to weatherize the homes. He pointed out that the budget document reflects \$360,000 for weatherization in the current fiscal year.

Councilman Walton said “yeah, you can change documents. You told us one time before – say, if ya’ll want it, I’ll find it. That’s what you said.”

**Councilman Walton stated that he wanted to make a motion that the Council table action on this matter “until after this process with the other building.” The motion died for lack of a second.**

Councilman Brooks stated that three contractors will do the weatherization projects based on the premise that the City will spend all \$360,000. Mr. Olson responded that was the desire, based on what can be done during the fiscal year. He said staff is looking at weatherizing 90 homes.

Councilman Horton asked if there were many local contractors that bid to become a contractor for the weatherization services. Mr. Olson responded that Riddick Homes was the only local contractor to apply.

Councilman Stimatz stated that this matter is no more than a pre-approved bid list that authorizes the contractors to do the work.

Mayor Peel called for a vote on the motion.

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

n. Elizabeth City State University Town Hall Meeting (*added to agenda by Councilman Brooks*):

Councilman Brooks stated that he had attended the recent ECSU Town Hall Meeting. He stated that he thought the students had good input, but was unsure how it was received. He stated that he had concerns regarding the response from ECSU leadership regarding a suggested nursing program. He stated that a question had been posed during the event regarding how the “new” would be integrated with the “old.” He suggested that “traditional” was probably a better term to use than “old” and advised that he thought the question had been evaded during the meeting. He suggested that as the university moves forward, it should not abandon the traditional studies or exclude anyone from the process.

Councilman Brooks suggested that the City Council should consider a Town Hall Meeting to include all four wards to hear from the citizens.

o. Article The Daily Advance Wrote on the Number of Residents Leaving Elizabeth City (*added to agenda by Councilman Brooks*):

Councilman Brooks stated that he had addressed the issue of residents leaving Elizabeth City during the last meeting in the Council comments section of the agenda.



He noted that someone had commented on his remarks during the meeting; and he was unable to respond at that time, which had been troubling him.

He reiterated that The Daily Advance had written an article that reported that Pasquotank County had lost 680 people. He stated that Councilman Stimatz had responded that the loss was due to student decline at ECSU. He said that had aggravated him and he had taken it upon himself to ride around Elizabeth City to see that homes are for sale across the City – even in “elitist” neighborhoods.

He noted that the newspaper had written another article on November 3 that reported a decline in school enrollment entitled “Pasquotank County Enrollment Drops.” He read the article aloud to explain why the matter had “festered” in him and to support his contention that the loss of ECSU students was not the root problem with the population loss.

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

Councilman Donnelly stated that he was impressed with the survey about downtown that had been reported by Stacey Hickman at the beginning of the meeting. He stated that a lot was going on in the downtown area and he was enlightened by her statistics. He stated that there would be one more meeting with the current Council, but he wanted to take an opportunity to commend Councilman Spence for his hard work and commitment he has given the City. He said Councilman Spence brought a level head to the whole process and he had enjoyed working with him.

Councilman Spence commended the Police Department for the event they held to feed the needy and homeless. He thanked Mr. Rodney Walton for attending the meeting and speaking during Public Comments. He said his comments were very relevant and appreciated.

Councilwoman Baker stated that she also wanted to thank Rodney Walton for his comments and suggested that he needed to run for Council because he was the kind of “thinker” the Council needs. She stated that she had also attended the ECSU Town Hall Day and was impressed with some of the new degree programs that would be offered. She stated that she had learned about a program through Habitat for Humanity whereby they were using companies to de-construct homes for salvage. She stated that she would find out more information and provide it to the City Manager.

Councilman Walton stated that he did not know how many people knew about the Prosperity Index, which he advised is used to rank cities, states and countries on how well their economy is doing. He provided his opinion regarding how the City of Elizabeth City is doing on the various facets of the Prosperity Index. He stated that the City Council needs to work together in order to move Elizabeth City forward.

Mayor Pro Tem Hummer thanked Dan Serik and his team of volunteers who put together the wonderful Veterans Day Ceremony. She stated that the US Coast Guard rescue demonstration was awesome and made her proud to have them in our community.

Councilman Horton asked to receive information regarding the number of minority-owned business that the City is utilizing. He announced the annual Thanksgiving Dinner being sponsored by Amen Ministries at Holy Trinity Church.

Councilman Stimatz stated that he was surprised that there is no repository for Central Business District information such as Stacey Hickman spoke of earlier in the meeting. He stated that he thought the information should be maintained by ECDI. He thanked Councilman Spence for his service.

Councilman Brooks commended citizens who come before the Council to state their concerns and noted that everyone is not going to agree all the time. He said if the Councilors follow the charter, ordinances and policies, they will be fine. He suggested that those citizens with hard comments about the Council should run for Council. He stated that all wards don't have the same needs and it is difficult for Councilmembers to

represent their people with differing needs. He stated that the people living in low income housing are still complaining about how they are being treated.

Mayor Peel stated that he wanted to thank Councilman Spence for his service. He said that he was a person of integrity and he had enjoyed working with him. He thanked the speakers who attended the meeting for their thoughts and care for the City. He announced that he would be out of town for the Grand Illumination Ceremony and would be represented by Mayor Pro Tem Hummer.

**9. Closed Session – As Allowed By NCGS 143-381.11(a)(3) Consultation with City Attorney regarding the Pasquotank County Water Dispute Lawsuit:**

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to go into Closed Session as allowed by NCGS 143-381.11(a)(3) Consultation with City Attorney regarding the Pasquotank County Water Dispute Lawsuit. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

Mayor Peel declared a five minute recess at 9:13 p.m. after which the Council retired into Closed Session.

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

The Council returned to regular session at 9:39 p.m.

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:40 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk