

**City Council Regular Session
November 27, 2017**

The City Council of the City of Elizabeth City met in regular session on Monday, November 27, 2017 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker
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
Payroll Analyst Monica Cole
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
Planner Kaitlin Alcock
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 provide 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.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Rickey King, to approve the agenda with any necessary adjustments.

Councilman Brooks requested that Consent Agenda Item 8(i) be moved to the Regular Agenda. Mayor Peel re-labeled the item as 10(b) 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:

Mayor Peel advised the Council that the large number of retiree presentations was due to the meeting being the final regular meeting of the year; and all retirees through January 1st, 2018 would be recognized by the outgoing Council under which they had served.

a. Awarding of Gun and Badge – John Young Jr.

Mayor Peel recognized Chief Buffalo to present the resolution authorized the City Council to award Deputy Chief John Young Jr. the gun and sidearm he used during his time of service at the City of Elizabeth City.

Mayor Peel read the following resolution into the official record:

**RESOLUTION #11-01
AWARDING BADGE AND SERVICE SIDEARM
TO RETIRING POLICE OFFICERS**

WHEREAS, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, Deputy Chief John D. Young, Jr. served as a member of the Elizabeth City Police Department for a period of 30 years and will retire from the City of Elizabeth City on January 1, 2018; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City, North Carolina that the badge and service weapon worn and/or carried by Deputy Chief John D. Young, Jr. be awarded to him on the occasion of his retirement.

ADOPTED this 27th day of November 2017.

Joseph W. Peel
Mayor

April D. Onley
Interim City Clerk

Mayor Peel called for a motion by the Council to approve the resolution.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Rickey King to award Deputy Chief John Young Jr. his badge and service sidearm. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.

Mayor Peel congratulated Deputy Chief Young on his retirement and thanked him for his years of service. Deputy Chief Young thanked the Council, the City, his colleagues and the citizens of Elizabeth City for supporting him. He stated, "I couldn't have done it without such a great City."

b. Recognition of Retiree – Clinton Alexander

Mayor Peel recognized Mr. Clinton Alexander; and thanked him for his 40 years of service to the City of Elizabeth City.

c. Recognition of Retiree – Ellen Cameron

Mayor Peel recognized Mrs. Ellen Cameron; and thanked her for her 24 years of service to the City of Elizabeth City.

d. Recognition of Retiree – Ava Goodwin

Mayor Peel recognized Mrs. Ava Goodwin; and thanked her for her 30 years of service to the City of Elizabeth City.

e. Recognition of Retiree – Christopher Lambert

Mayor Peel recognized Mr. Christopher Lambert; and thanked him for his 25 years of service to the City of Elizabeth City.

f. Recognition of Retiree – John Young Jr.

Mayor Peel recognized Deputy Chief John Young Jr.; and reiterated his thanks for his 30 years of service. He noted that on July 12th, history was made when John Young was appointed as the City’s first Deputy Chief. He presented the Deputy Chief with a plaque commemorating his retirement.

g. Recognition of Retiree – Karl Clow

Mayor Peel recognized Electric Superintendent Karl Clow; and thanked him for his 39 years of service. He praised Mr. Clow’s work ethic and personality through the years, noting that he was even chosen by ElectriCities to teach classes for apprentice lineman.

Mr. Clow accepted his retirement award; and thanked all of his colleagues. He stated “it’s been an honor to serve here; it’s been a great career.”

h. Recognition of Retiree – Larry Mackey

Mayor Peel recognized Fire Chief Larry Mackey; and thanked him for his nine years of service.

Chief Mackey thanked the Mayor, Councilmembers and the citizens of Elizabeth City for allowing him to fulfill his dream. He expressed gratitude for City Manager Olson, stating, “He knows his job, and he knows how to treat his people.”

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. Upon the answer that there were none, Mayor Peel moved forward to the next item.

5. Consent Agenda:

(Note: Items “a” through “i” recommended for approval by the Finance Committee during their meeting of November 22, 2017)

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

BEGINNING OF CONSENT AGENDA:

- a. Consideration – Adopt a Budget Amendment for FY 2017-2018 Community Support Grants;**

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 Non-Departmental Albemarle Commission (106620.5862) be increased by \$2,000.

That the General Fund Non-Departmental Boys & Girls Club of EC (106620.5863) be increased by \$4,000.

That the General Fund Non-Departmental SOULS Feeding Program (106620.5884) be increased by \$3,000.

That the General Fund Non-Departmental Healthy Carolinians of the Albemarle (106620.5878) be increased by \$500.

That the General Fund Non-Departmental Kids First, Inc. (106620.5830) be increased by \$7,500.

That the General Fund Non-Departmental Pasquotank Library (106620.4540) be increased by \$2,500.

That the General Fund Non-Departmental River City CDC (106620.5840) be increased by \$6,250.

That the General Fund Non-Departmental Visions of Hope (106620.5887) be increased by \$2,750.

That the General Fund Non-Departmental Albemarle Family YMCA (106620.5820) be increased by \$1,500.

That the General Fund Community Support Grants (1066200.6000) be decreased by \$30,000.

(To allocate Community Support Grants to the applicable line item according to Council selection.)

ADOPTED, this 27th day of November 2017.

**Joseph W. Peel
Mayor**

Attest:

**April D. Onley
Interim City Clerk**

- b. Consideration – Authorize Purchase of iPads at Depreciated Value;**
- c. Consideration – Authorize Purchase of Capital Outlay Equipment – Crane Truck;**
- d. Consideration – Authorize Application for PAL Mentoring Grant;**
- e. Consideration – Authorize Application for Walmart Community Grant;**
- f. Consideration – Authorize Application for Bicycle Helmet Initiative;**
- g. Consideration – Accept Award and Adopt Budget Amendment for Firefighters’ Bulletproof Vests from Firehouse Subs;**

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 Fire Department Supplies (105300.3600) be increased by \$12,023.31.

That the General Fund Revenue (103490.5303) be increased by \$12,023.31.

(To amend budget for Firehouse Subs Public Safety Foundation Grant.)

ADOPTED, this 27th day of November 2017.

Joseph W. Peel
Mayor

Attest:

April D. Onley
Interim City Clerk

h. Consideration – Accept COPS Hiring Program Award;

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 COPS Grant Revenue (103490.5102) be increased by \$40,627, the General Fund Balance Appropriated (103990.0000) be increased by \$13,542.33, and the Police COPS Grant (105100.0201) be increased by \$54,170.

(To record COPS Grant.)

This amendment will decrease fund balance by \$13,542.33.

ADOPTED, this 27th day of November 2017.

Joseph W. Peel
Mayor

Attest:

April D. Onley
Interim City Clerk

i. Consideration – Authorize Charles Creek Educational Boardwalk Financing *(Removed from the Consent Agenda by Councilman Brooks – Item Becomes 10(b) on the Regular Agenda)*

END OF CONSENT AGENDA.

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

Motion was made by Councilman Rickey King, seconded by Councilwoman Jean Baker, 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.

6. 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 Text Amendment 02-17 – Non-Conforming Housing Units;

City Manager Olson advised the Council that Kaitlin Alcock from the City's Planning staff would be presenting the matter. Ms. Alcock stated that staff was requesting approval of an amendment allowing property owners with multiple housing units on a single parcel the ability to subdivide and eliminate nonconformity. She noted that a list of properties currently containing non-conforming housing units had been provided to the Council in the agenda packet.

Mayor Peel declared the Public Hearing open and inquired of the City Clerk if there were any speakers. Upon the Clerk's response that there were none, Mayor Peel declared the Public Hearing closed.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Rickey King to adopt Text Amendment 02-17 for Non-Conforming Housing Units. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker, Walton and Donnelly. Against: None. Motion carried.

**Ordinance # 11-02
Text Amendment TA 02-17
Unified Development Ordinance Article VI, Section 6-5 Miscellaneous
Nonconforming Situations**

WHEREAS, a number of parcels within the City of Elizabeth City contain multiple dwelling units on a single parcel; and,

WHEREAS, these parcels were created prior to the adoption of the Official Zoning Map of the City of Elizabeth City; and,

WHEREAS, these parcels do not meet the density and dimensional requirements to contain multiple dwelling units as required by Table 9-3-1 of the City of Elizabeth City Unified Development Ordinance; and,

WHEREAS, the Elizabeth City Community Development Department requests the following language be added to Article VI, Section 6-5 of the Unified Development Ordinance:

6-5.3 Multiple Detached Dwelling Units on a Single Parcel

The City recognizes that some historic development patterns are inconsistent with modern requirements, and that some of the existing development patterns are part of the historic character of the City. The City finds that when such historic patterns persist in a way that is consistent with nearby surrounding development, it may advance the City's interest in preserving its historic character to allow the inconsistent patterns to remain, but to regulate the inconsistent land use in a

manner as consistent with the modern requirements as possible to prevent unintended consequences.

Therefore, where 2 or more detached single-family residential structures existed on a single lot in the R-6, R-8, R-10, or R-15 zoning districts as of July 1973, the Community Development Director may approve a plat to place each residential structure on an independent lot provided the plat shows:

- (A) That all lots have a minimum of 25 feet of road frontage and access to a public road;
- (B) That no lot shall have more than one single-family residential structure;
- (C) That all lots provide for minimum side and rear yard setback of at least 2 feet;
- (D) The plat shall evenly divide the land area between the existing structures to the maximum extent possible and practical, as determined by the Community Development Director; and
- (E) No more than 10 lots may be created from a single parcel pursuant to this section.

WHEREAS, on October 3, 2017, the Planning Commission reviewed the proposed text amendment; and,

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request and received no public comment; and,

WHEREAS, the Planning Commission recommends approval of the text amendment request.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approved this request to amend the Unified Development Ordinance Article VI, Section 6-5 Miscellaneous Nonconforming Situations.

ADOPTED, this the 27th day of November, 2017.

Joseph W.
Peel Mayor

Attest:

April D. Onley
Interim City Clerk

b. Hold a Public Hearing – To Receive Public Comment on Conditional Use Permit 02-17 – NEAAAT School;

Mayor Peel disclosed that he was a member of the Board of Directors for the NEAAAT School; however, he received no monetary gains from doing so.

City Manager Olson recognized City Planner Kaitlin Alcock to begin the presentation. Ms. Alcock advised the Council that NEAAAT School was requesting approval of a Conditional Use Permit to utilize property located at 1409 West Ehringhaus Street as a permanent location for their STEM school. She noted that the school had previously requested use of the former T-COM building; however, they found the Ehringhaus Street

property to be better suited, due to its proximity to ECSU and COA. She added that the application satisfied all development standards found within the City's Code of Ordinances. She continued that should Council approve the school's request, a list of recommended conditions would need to be satisfied; and only one item was outstanding.

Mayor Peel declared the Public Hearing open and asked the City Clerk for the names of any speakers. The Clerk announced that there were no speakers; however, Mr. Jeff Dixon and Mr. Andrew Harris were present in the event that Council had any questions to ask of them. Mayor Peel declared the Public Hearing closed.

Councilman Horton asked whether the traffic analysis could affect the school. Ms. Alcock stated that NCDOT would simply evaluate the traffic generated by the school to determine if it warranted a signal, speed bumps or so on. She noted that since it was a school, the expense to conduct the analysis would be shouldered by NCDOT.

Councilman Walton advised the Council that he was a backer of the "traditional, public education." He asked whether the Planning staff had discussed the school's proposed location with property owners on Ehringhaus Street; and Ms. Alcock responded that they had. City Attorney Morgan noted that state law mandated that property owners within 100 feet of the boundary must be notified by the City and applicant.

Councilman Walton expressed concern that the application was not typed; and there was verbiage on the front of the application instructing that it be typewritten. He opined that the application had not been completed properly.

Motion was made by Councilman Johnnie Walton, seconded by Councilman Darius Horton to have the item brought back once the application was filled out according to the instructions on the front.

Councilman Brooks asked if everything aside from the typewritten portion was in proper order; and Ms. Alcock responded that it was. She noted that in the interest of being "customer friendly" as long as the writing was legible, the applications were generally accepted handwritten. She added that it was not written in the ordinance that the application must be typed; only the face of the application asked that it be done.

Councilman Stimatz offered that the UDO was the policy; and the application form was simply an administrative tool. He opined that if staff found it legible, it should be accepted.

Councilman Brooks asked if denying acceptance of the application until it was typed would cause delays. Mayor Peel advised him that it would put the project six weeks behind.

Councilwoman Baker asked when the application was developed. Assistant City Manager Cole advised her that she had created the application many years prior. Councilwoman Baker suggested that the wording be changed to allow for handwritten applications, provided they were legible. Mrs. Cole noted that generally the front page of the application was handwritten; only responses further in were required to be typewritten.

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

Councilman Walton asked for a roll call vote, which yielded the same results.

Councilman Brooks stated that a motion should have been made to make an exception to the application requirement. He noted that he would never disagree with the project moving forward; his disagreement was with going against policy.

Councilman Horton asked City Attorney Morgan if the new Council could halt the project later. Mr. Morgan stated that there would be a vested rights issue; and in his opinion, the writing on an application did not qualify as policy.

Motion was made by Councilman Michael Brooks, seconded by Councilman Rickey King to waive the typewritten requirement on the application in order

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

Mayor Peel called for the vote on the approval of the NEAAAT CUP.

Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Baker to approve the application made by the NEAAAT School to grant the CUP for utilization of property at 1409 West Ehringhaus Street.

A friendly amendment was made by Councilman Ray Donnelly requesting that the language be changed to indicate that the conditions and suggestions given by staff be listed as “required” instead of “recommended.” Councilman Stimatz accepted the friendly amendment.

Councilman Walton asked whether the school would be located in the spot currently occupied by the Customer Service satellite location. City Manager Olson indicated that it was the same location; and the City only had a verbal month-to-month lease with the owners of the mall.

Ms. Alcock stated that in her discussions with the mall owners, she was advised that all the current stores would be relocated to the front of the mall.

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

RESOLUTION #11-02

Conditional Use Permit CUP 02-17

WHEREAS, the City Council considered a request by the Northeast Academy for Aerospace and Advance Technologies for a conditional use permit to utilize 1409 W Ehringhaus Street as a permanent location for the STEM school. The property is further identified by Parcel Identification Number 891310360793.

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

WHEREAS, the Conditional Use Permit 02-17 was reviewed administratively by the Technical Review Committee; and,

WHEREAS, the Planning Commission considered and held a public meeting regarding Conditional Use Permit 02-17 on November 7, 2017; and,

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

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

- 1) All comments made by the Technical Review Committee shall be satisfied prior to commencing operations;
- 2) Continued compliance with the development standards for secondary schools found in Article 11, §11-4.67 of the Elizabeth City Unified Development Ordinance;
- 3) All renovations, excluding cosmetic work, shall require a building permit;
- 4) Any future signage shall be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and

- 5) The record owner of the property shall record the permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the permit has been recorded and indexed under the record owners name as grantor.; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that this request be approved this the 27th day of November 2017.

Joseph W. Peel,
Mayor

April D. Onley
Interim City Clerk

c. Hold a Public Hearing – To Receive Public Comment on the Lease of Walnut Street Park to New Calvary Missionary Baptist Church;

Mayor Peel recognized City Manager Olson to present the background on the matter. Mr. Olson reminded the Council that the Walnut Street Park item had been brought before them on a number of occasions, dating back several years. He stated that there were six different parcels, which made up the Walnut Street Park; and the property was of little value to the City. He pointed out that the reason the park was not leased to New Calvary Missionary Baptist Church when the item originally came before the Council in 2015 was due to an ongoing lawsuit regarding who the controlled the Church. He advised the Council that the lawsuit had been dismissed without prejudice; and could potentially be refiled by one or both of the respective parties. He emphasized the fact that the City was in favor of leasing the property to the Church, regardless of who controlled it.

Mayor Peel declared the Public Hearing open; and inquired of the City Clerk if there were any speakers who wished to be heard. The Clerk affirmed that there were speakers, and called the first forward to address the Council.

June Gibbs – 1918 Providence Road, Elizabeth City, NC- Ms. Gibbs questioned why the City “was giving anything to an organization that calls itself a church, but has done nothing for the community; how are we so sure that they’re going to do something now?” She indicated that litigation on who controlled the church was set to resume on Wednesday. She opined that the City was giving the park to the church “prematurely.” She stated that the church had no pastor, which was not a good sign.

Patricia Holloway – 715 Oakdale Drive, Elizabeth City, NC – Ms. Holloway opined that by leasing the property to a church embroiled in litigation, it appeared that “the City doesn’t care about New Calvary Baptist Church.” She added, “You’re our representatives, so you should care.”

Upon the Clerk’s declaration that there were no further speakers, Mayor Peel announced that the Public Hearing was closed.

City Manager Olson noted that the lease agreement was between the City and New Calvary Church; and that who controlled the Church was entirely between the congregation and the courts. He pointed out that the lease included a provision that would allow either the City or the Church to terminate the agreement with 180 days’ notice.

Councilman Brooks felt that it was “hurtful to have a church come before a secular body.” He stated that he believed the Baptist Association should have handled the matter. He

advised the Council that he would not vote on the item because he did not feel that it was the appropriate setting for such a discussion.

Councilwoman Baker inquired as to who would sign the lease on behalf of New Calvary if there was no pastor in place. City Attorney Morgan responded that he felt it would be one of the trustees; however, he added that he was unsure of the internal makeup of the church. City Manager Olson stated that whoever signed the lease would be required to provide documentation indicating that they had the authority to do so.

Councilman King questioned how the church would have trustees without a pastor to ordain them. Mr. Olson explained that the discussions that they had told a bit of a different story.

Mayor Peel asked whether Reverend Caison was in attendance; and upon finding that she was, asked her to approach the podium. Reverend Caison stated that one of New Calvary's trustees would sign the lease agreement. She advised the Council that trustee Augustus Sutton was present in the audience. Councilman King asked whether Reverend Caison was the pastor of New Calvary; and she confirmed that she was. Councilwoman Baker asked if Reverend Caison had written proof declaring her the pastor and listing the trustees; and she confirmed that she did.

Councilman Horton pointed out that it a church's bylaws generally stated that a trustee and not a member of the clergy would handle these type of transactions.

Councilman Stimatz questioned what would be done with any improvements made to the park by the church after the lease was terminated. City Attorney Morgan noted that an article within the lease declared that any modifications must be removed.

Councilman King inquired how New Calvary intended to utilize the park. Reverend Caison explained that the church planned to create a community garden and conduct several youth activities.

Councilman Walton expressed concern that the conversation was beginning to mix church and politics and advised against continuing it.

Councilman Horton asked the City Attorney if there was a way to give the property to the church without leasing it. Attorney Morgan cautioned that such an action would be risky from a liability point of view, if nothing else. He reminded the Council that even if the lease was approved, due to the courts dismissing without prejudice, the item could return to litigation.

Councilman Horton asked Reverend Caison if there had been a requirement for mediation with both sides following the case's dismissal; and she replied that there had not been.

Councilman Donnelly noted that article six of the lease called for upholding legality. He reiterated City Manager Olson's statement that the Council was only making a lease with an entity; it would be the decision of the court to decide or otherwise change who controlled that entity. City Attorney Morgan pointed out that should the trustees of the church change, the lease may have to be re-executed.

Councilman Horton asked whether one of the previous speakers, Ms. June Gibbs could return to the podium to answer another question. He questioned if Ms. Gibbs had documentation that stated the case was dismissed upon both sides agreeing to arbitration. Ms. Gibbs advised him that she did; and that they never would have agreed to dismissal without believing that mediation was in order. Councilman Horton asked whether it was the intention of Ms. Gibbs to renew litigation; and she advised him that it was.

Mayor Pro Tem Hummer asked if the City could legally execute a lease with an entity in litigation. City Attorney Morgan reiterated that there was no litigation happening at this moment, and that had been ascertained; however, it could always be brought back before the court.

Motion was made by Councilman Walton to table the item until the pending litigation was complete. Councilman Donnelly seconded the motion.

City Attorney Morgan pointed out that the Council may want to amend the motion to table the item through both litigation and subsequent appeals to prevent it returning before it was fully settled.

Councilman Walton amended his original motion to reflect that the Walnut Street Park lease with New Calvary Missionary Baptist Church would be tabled until pending litigation and any subsequent appeals had been exhausted. Councilman Donnelly seconded the amended motion. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Walton and Donnelly. Against: Baker. Motion carried.

d. Hold a Public Hearing – To Receive Public Comment on the Naming of the Boardwalk at Charles Creek Park;

City Manager Olson reminded the Council that during its November 13, 2017 meeting, Councilman Walton recommended naming the educational boardwalk at Charles Creek Park after Dr. Martin Luther King Jr. He noted that the naming policy the Council had adopted in 2012 required several steps, including holding a public hearing and adoption of a resolution. He added that since “Charles Creek Park” was already outlined in the City Code, the name would need to read “The Martin Luther King Boardwalk at Charles Park.”

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

Motion was made by Councilman Rickey King, seconded by Councilwoman Baker, to name the boardwalk “The Dr. Martin Luther King Educational Boardwalk at Charles Creek Park.”

Councilman Donnelly wondered if the Council would reconsider naming the boardwalk after a female, such as Harriett Tubman or Rosa Parks, instead.

Mayor Pro Tem Hummer suggested calling the boardwalk the “Dr. Martin Luther King Jr. Educational Boardwalk for the Children at Charles Creek Park.”

Councilman King accepted the friendly amendment to modify the name, as did Councilwoman Baker. Those voting in favor of the motion were: Brooks, Stimatz, Horton, Hummer, King, Baker and Walton. Against: Donnelly. Motion carried.

Resolution # 2017 – 11-03

**Officially Naming the Educational Boardwalk at Charles Creek Park
“Dr. Martin Luther King, Jr. Educational Boardwalk for the Children at Charles Creek Park”**

WHEREAS, a long-time goal of the City Council had been to provide an active and educational recreation area for the enjoyment of the City’s children, and that goal will be achieved during Spring 2018; and

WHEREAS, policy dictates that the City Council will consider the naming of a public property for an individual or an organization only when the individual(s) or organization has made exceptional contributions to the City and/or the community at-large in the form of money, land, time, or overall service to the community; and

WHEREAS, Dr. Martin Luther King, Jr., was a notable humanitarian and social activist who led the civil rights movement in the United States from the mid-1950s until his death by assassination on April 4, 1968, was a champion of equal rights under the law through education; and

WHEREAS, in keeping with the City of Elizabeth City Public Property Naming Policy adopted on April 23, 2012, the City Council held a Public Hearing to gather citizen input regarding the official naming of this property as “Dr. Martin Luther King, Jr. Educational Boardwalk for the Children at Charles Creek Park.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the educational boardwalk at Charles Creek Park is hereby officially named “Dr. Martin Luther King, Jr. Educational Boardwalk for the Children at Charles Creek Park” effective immediately in honor of Martin Luther King, Jr. and his significant contributions to the nation.

ADOPTED, this 27th day of November 2017.

Joseph W. Peel
Mayor

April D. Onley
Interim City Clerk

7. Regular Agenda:

a. Update – Utility Billing;

Mayor Peel recognized City Manager Olson to provide the Council with an update on the City’s utility billing. Mr. Olson informed the Council that all work orders were processed; cash balances were in a normal range; the back log of utility adjustments were complete; and all new construction orders were up to date. He stated that the call volume utilizing TASCOS was steadily dropping; and only about 25 calls a day were averaged. He added that the City had reduced its plan with TASCOS from \$1,475 per month to \$577 per month. He noted that 147 agreements had been paid in full, totaling \$53,955.24. He pointed out that the accounts receivable funds totaled \$4,921,922 as of today; and a considerable amount of headway had been made in collecting outstanding balances.

Councilman Walton questioned whether 45-50 was a correct estimation for the number of customers who had been disconnected for non-payment. Mr. Olson agreed that it was likely correct.

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

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 27th day of November 2017.

Joseph W. Peel
Mayor

April D. Onley
Interim City Clerk

7. 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 coming 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 generate 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, it 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.

8. 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 before entering closed session.

The Council returned from closed session at 9:35 p.m.

10. Adjournment:

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

Joseph W. Peel
Mayor

April D. Onley
Interim City Clerk