

**City Council Regular Session  
November 9, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, November 9, 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 Darius Horton  
Councilman Johnnie Walton

MEMBER ABSENT: Councilman Kem Spence

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Police Chief Eddie Buffaloe  
Assistant to the Manager Angela Cole  
Human Resources Director Katherine Felton  
Public Utilities Director Paul Fredette  
Deputy Fire Chief Timmy Chesson  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
Parks and Recreation Director Bobbi White  
City Clerk Vivian White

The City Council regular session was called to order by Mayor Joe Peel at 7:00 p.m. Mayor Peel welcomed everyone to the meeting and gave the invocation, after which he led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

Councilman Stimatz requested to add "CRC By-laws changes."

Councilman Walton requested to add "education" and "water dispute."

Councilman Brooks requested to add "South Road Street" and "EIC anniversary/weatherization."

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, 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. Presentations/Proclamations:**

- a. Mayoral Certificates of Recognition to Housing Authority Commissioners Geraldine Reid and James Turner:

Mayor Peel announced that Ms. Geraldine Reid and Mr. James Turner had served on the Elizabeth City Housing Authority Board of Commissioners for fifteen years by serving three five-year terms. He stated that he wanted to publicly express his personal appreciation and the appreciation of the City Council for their dedicated service to the City. He announced that a letter and Certificate of Appreciation had been prepared in recognition of their faithful service to the City's citizens who live in public housing.

Ms. Reid was present to receive her Certificate of Appreciation and expressed her gratitude for the opportunity she had been given to serve the Housing Authority and its residents.

b. Proclamation – Elizabeth City Morning Rotary Club:

Mayor Peel read and presented a proclamation to Jan Riley proclaiming Friday, November 13, 2015 as Elizabeth City Morning Rotary Club Day in Elizabeth City in celebration of 30 years of dedicated service to our community and in recognition of the installation of a Peace Pole by the Club in Waterfront Park.

Ms. Riley presented a replica of what most of the Peace Poles in the world resemble to the City Council and thanked Mayor Peel and the City Council for the part they played in making the Peace Pole project possible.

c. Proclamation – Veterans Day 2015:

In recognition of Veterans Day, Mayor Peel read a proclamation calling upon the citizenry of Elizabeth City to participate in services and to observe the eleventh hour of the eleventh day of the eleventh month with expressions of gratitude to all veterans known to them and to further extend this gratitude to the families of deceased veterans who fought so valiantly on the seas, in the air, and on foreign shores to preserve our heritage of freedom.

**4. Comments from the Public:**

Joan Ellis, 1301 S. Williams Circle, Elizabeth City, NC expressed her concerns regarding statements made during a previous Council meeting by three Councilmembers who said that they did not intend to forgive or forget harsh words spoken during the recent election campaign. Quoting scripture, she encouraged the Councilmembers to "return evil for evil to no one."

Jackie Latson, 1305 S. Williams Circle, Elizabeth City, NC expressed her support for the Fourth Ward Quality of Life Group and its mission in response to negative comments spoken during a previous Council meeting by the Fourth Ward Councilmembers. She noted the importance of the information provided to the community by the various speakers that had been featured by the group in months past.

Otis Floyd Gordon, Jr., 703 Southern Avenue, Elizabeth City, NC stated that he wished to advise the Council of two concerns: the needed repair of the basketball court at Dog Corner Park and the non-working traffic signal at Shepard Street-McMorrine Street-Herrington Road. He noted that the traffic signal issue was causing a problem for the school bus stop.

At the request of Mayor Peel, City Manager Olson responded that NCDOT is currently performing a traffic study on the Shepard-McMorrine-Herrington intersection to remove the traffic signal and install a four-way stop.

**5. Approval of Minutes:**

Mayor Peel called for the Council's pleasure regarding approval of the minutes.

a. City Council Work Session of October 26, 2015:

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to approve the Work Session minutes of October 26, 2015.**

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

b. City Council Regular Session of October 26, 2015:

Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to approve the Regular Session Council minutes of October 26, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.

**6. Consent Agenda:**

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 – Change in Location for December 14, 2015 City Council Incumbent and Organizational Meetings to Museum of the Albemarle, 501 S. Water Street and direct staff to advertise meetings as required;
- b. Consideration – Adoption of the following Resolution directing the City Clerk to Investigate the Sufficiency of a Petition for Voluntary Annexation of 34.44 acres, more or less, received from Jacque S. Pagels, Executor for property located off Halstead Boulevard, Millbrooke Circle and Body Road.

**RESOLUTION #2015-11-01  
DIRECTING THE CITY CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G. S. 160A-31  
JACQUE S. PAGELS, EXECUTOR FOR RALPH O. AND PRECILLA S. DAVIS  
34.44 ACRES**

**WHEREAS**, a petition requesting annexation of an area described in said petition has been received on October 26, 2015 by the City Council; and

**WHEREAS**, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

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

**THAT** the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this the 9<sup>th</sup> day of November 2015.

\_\_\_\_\_  
Joseph W. Peel  
Mayor

\_\_\_\_\_  
Vivian D. White, CMC/NCCMC  
City Clerk

**End of Consent Agenda.**

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

**7. Public Hearing:**

- a. Consideration – Hold a public hearing to receive comment regarding the proposed closure of an alley located between Ashe Street and Hughes Boulevard; and adoption of Resolution Ordering the Closing of said alley:

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

Mayor Peel recognized City Manager Olson to provide the background for this consideration. Mr. Olson stated that this matter represented a “housekeeping” procedure. He explained that the City’s Sanborn maps, which date back to the 1930’s, show this particular alleyway; however, the Pasquotank County Tax Map from the 1950’s indicates that there was no alley at the location. He noted that sometime during the period of 1930 to 1950, the City Council either abandoned the alleyway or it was an error on the tax map. He stated that staff had researched the minutes of City Council meetings from that period of time and found no mention of official action being taken to close the alleyway.

Mr. Olson advised that a resident, who is considering the purchase of parcels adjacent to the alley, had brought the public record inconsistencies to staff’s attention and requested resolution of the discrepancy. Mr. Olson advised that all provisions required by NCGS 160A-299 in order to close the alleyway had been followed.

Councilman Stimatz noted that the description of the alley in the Closing Order referred to a location between Ashe Street and Hughes Boulevard, but did not reference the north or south boundaries. Upon the City Attorney’s suggestion, Councilman Stimatz requested that the words “approximately 120 feet south of Maple Street” be added to the description to further identify the location.

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to adopt the following Alley Closing Order and Resolution (with the noted correction) ordering the closing of that alley running between Ashe Street and Hughes Boulevard effective immediately. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. Motion carried.**

**ALLEY CLOSING ORDER  
RESOLUTION #2015-11-02  
ORDERING THE CLOSING OF THAT ALLEY  
LOCATED BETWEEN ASHE STREET AND HUGHES BOULEVARD**

**WHEREAS**, on the 5<sup>th</sup> day of October, 2015, the City Council of the City of Elizabeth City directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing that alley located between Ashe Street and Hughes Boulevard in The Daily Advance newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC on November 9, 2015; and

**WHEREAS**, the City Council, on the 5th day of October, 2015, ordered the City Clerk to notify all persons owning property abutting on that alley located between Ashe Street and Hughes Boulevard as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

**WHEREAS**, the City Clerk has advised the City Council that she sent a copy of the Resolution of Intent to each of the abutting property owners advising them of the day, time and place of the Public Hearing, advising the abutting property owners that the question as to closing that alley located between Ashe Street and Hughes Boulevard would be acted upon, said letters having been sent by registered or certified mail; and

**WHEREAS**, the City Clerk has advised the City Council that adequate notices were posted on the applicable alley as required by G.S. 160A-299; and

**WHEREAS**, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said alley in the Public Hearing held on November 9, 2015; and

**WHEREAS**, it now appears to the satisfaction of the City Council that the closing of said alley is not contrary to the public interest, and that no individual owning property, either abutting the alley or in the vicinity of the alley or in the subdivision in which the alley is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property.

**NOW, THEREFORE**, be it resolved that the alley located between Ashe Street and Hughes Boulevard approximately 120 feet south of Maple Street is hereby ordered closed by the City Council of the City of Elizabeth City, and all right, title, and interest that may be vested in the public to said area for alley purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

Further, be it Resolved that the Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alley in accordance with the provision of G.S. 160A-299.

Further, the City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Pasquotank County, NC a certified copy of this resolution and order.

---

Joseph W. Peel  
Mayor

ATTEST:

---

Vivian D. White, CMC/NCCMC  
City Clerk

**8. Regular Agenda:**

- a. Consideration – Appointment of Nancy Lamb to serve as the SPCA’s representative on the Joint Animal Control Board:

Mayor Peel called for a roll call vote on the appointment of Nancy Lamb to the Joint Animal Control Board as presented. The vote is recorded as follows:

**Brooks – yes**  
**Stimatz – yes**  
**Horton – yes**  
**Hummer – yes**

**Walton – yes**  
**Baker – yes**  
**Donnelly – yes**

- b. Consideration – Appointment of Deborah Regal to complete the unexpired term of Peggy Watts to June 25, 2016 on the Joint Animal Control Board:

Mayor Peel called for a roll call vote on the appointment of Deborah Regal to the Joint Animal Control Board as presented. The vote is recorded as follows:

**Brooks – yes**  
**Stimatz – yes**  
**Horton – yes**  
**Hummer – yes**  
**Walton – yes**  
**Baker – yes**  
**Donnelly – yes**

- c. Consideration – Amendment to Rule 21 of the Council Rules of Procedure:

Mayor Peel recognized City Manager Olson to provide background information regarding this request. Mr. Olson explained that this request for action could be considered a “housekeeping” measure to bring the City Council Rules of Procedure into compliance with a recent change in state law. He stated that NCGS § 160A-75 previously stated that if a member of the City Council failed to vote on a matter, the abstention was recorded as an “aye” vote; and he noted that Rule 21 of the Council’s Rules of Procedure currently made the same provision.

Mr. Olson stated that Session Law 2015-160 now made an important exception to this rule and amended NCGS § 160A-75 to say that a member’s unexcused failure to vote on a proposed amendment to repeal a zoning ordinance will not be counted as an affirmative vote, provided the zoning ordinance change was initiated on or after August 1, 2015.

Mr. Olson advised that City staff recommends that Rule 21 of the Council’s Rules of Procedure be amended as follows in order to comply with state law. (*Clerk Notation: The addition to Rule 21 is presented in red.*)

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote, **except for those votes taken pursuant to NCGS 160A-385 to amend or repeal zoning ordinances. Failure of a member to vote on zoning ordinance matters pursuant to NCGS 160A-385 shall be officially recorded in the minutes of the meeting as an abstention.**

Councilwoman Baker asked for clarification regarding how a non-vote would be recorded. City Attorney Morgan advised that the vote would be recorded as an abstention and represented the only situation whereby a Councilmember was allowed to abstain from voting.

Councilman Stimatz noted that the measure was a way to establish if a Councilmember had an interest in a land use issue, they would not “get to slide by by not saying anything and therefore having it count as a yes.”

Councilman Brooks inquired what the penalty would be for violating the law. City Attorney Morgan responded that he was unsure if there was a penalty since he did not find reference to a penalty in the statute. He said his default answer would be that it

would be considered a minor misdemeanor. Councilman Brooks stated “if there’s no penalty, it’s really moot.” City Attorney Morgan responded that the point being made is that even if the Council takes no action on the Rule 21 change, the City Clerk would still be duty-bound to follow the statutory law. He suggested that the Council’s rules should match what the law requires.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to approve the suggested amendment to Rule 21 of the Council Rules of Procedure to be effective immediately. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

- d. Consideration – Adoption of Ordinance to amend Sections 42-45, 42-46, 42-50 and 42-59 and create 42-62 of the City Code relating to Abandoned, Nuisance and Junked Motor Vehicles:

Mayor Peel recognized Assistant to the City Manager Angela Cole for her presentation on this matter.

Ms. Cole stated that during the October 26, 2015 Regular Council Meeting, the Council held a public hearing concerning amendment to sections of the City Code relating to Abandoned, Nuisance and Junked Motor Vehicles. She reported that at the conclusion of the public hearing, the City Council realized that the proposed amendment did not lend opportunity for vehicle restoration enthusiasts with limited means for storing vehicles in a permanent enclosed structure or garage so they could initiate or resume their hobby without undue hardship. She stated that the proposed ordinance revision had been updated to include language addressing a “special interest restoration vehicle.”

Ms. Cole said that Section 42-46 of the Code has been updated to include definitions of a “special interest restoration vehicle” and a “parts vehicle.” She advised that the special interest restoration vehicle is the automobile that is being refurbished or reconditioned and that the parts vehicle will serve as a source for elements, components, or other car parts needed to re-establish the hobby vehicle. She stated that these two vehicles must be of similar make and model.

Ms. Cole stated that Section 42-59 creates the opportunity for exception for the special interest restoration vehicle, whereas Section 42-63 explains the special interest restoration vehicle allowances. She pointed out that as proposed, a person will be able to maintain one special interest restoration vehicle and one parts vehicle in an outdoor storage location provided there is no hazard to health and it is screened from view. She reported that staff is recommending 80% opaqueness.

Ms. Cole explained that the parts vehicle must be stored on the same lot as the restoration vehicle. She stated that the maximum time to maintain both vehicles is one year – an initial six months and then one additional six-month renewal. She pointed out that progress on the restoration vehicle will be measured before an extension is granted; and that at the time of permit expiration, the vehicle must be operational, holding current plates and decal, removed, or placed inside a fully enclosed building.

Ms. Cole stated that all permitted special interest restoration vehicles will maintain a decal issued by the City. She advised that if the person working on the vehicle restoration is not the owner of the property where the vehicle is situated, the property owner must authorize the permit application.

Ms. Cole said that City staff is proposing a twenty-five dollar permit fee, with the application and permitting process being administered by the Police Department, similar to the Taxicab Franchise process.

Ms. Cole advised that because Council rules require a public hearing before adopting fees and the recommendation represents a substantial change to the ordinance as originally presented, staff requests that after adopting the Ordinance to amend Abandoned, Nuisance, and Junk Motor Vehicles, the Council call for a Public Hearing to

amend the City Fee Schedule to include a permit fee for the Special Interest Restoration Vehicle Permit.

Councilman Stimatz thanked staff for their good work on this proposed ordinance amendment, especially the special interest restoration vehicle category.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to adopt the following ordinance amending Article II Abandoned, Nuisance and Junked Motor Vehicles, Sections 42-45, 42-46, 42-50, and 42-59; and creating 42-62 as provided; and further, by motion, call for a Public Hearing to be held on Monday, November 23, 2015 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, to gather citizen input for the amendment of the City of Elizabeth City Fee Schedule to include a permit fee for the Special Interest Restoration Vehicle Permit.**

Councilman Brooks inquired how the ordinance amendment would impact salvage yards and how it would impact a vehicle stored in a screened back yard. Ms. Cole responded that the ordinance only applied to residential property owners and would not affect the operation of a commercial salvage or junk yard. She said that as far as being able to screen a vehicle on residential property, if Code Enforcement has cause to inspect the property for a violation and discovers the vehicle, then it would trigger the need for the permit.

Councilman Stimatz noted that the word “restoration” needed to be added to the words “special interest vehicle” in Section 42-59, part 5.

Mayor Peel called for a vote on the motion:

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

#### **ORDINANCE #2015-11-01**

### **TO AMEND CHAPTER 42 HEALTH AND SANITATION, ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTIONS 42-45, 42-46, 42-50 42-59 AND 42-62 IN THE CITY OF ELIZABETH CITY CODE OF ORDINANCES**

**WHEREAS**, the City Council finds that from time to time would-be chronic violators of the City of Elizabeth City Code of Ordinances regulation involving abandoned, nuisance, and junked vehicles circumvent correction of the violation by relocating the vehicle from one section of a property to another (within the same lot) and/or from one section of the right-of-way to another (on the same named roadway); and

**WHEREAS**, the intent of the Ordinance by way of Code Enforcement is to improve the safety, health and welfare of all citizens within the city’s jurisdiction; and

**WHEREAS**, the City of Elizabeth City Code of Ordinances should be revised to most-effectively close the loophole on owner compliance with abandoned, nuisance and junked vehicle regulation; and

**WHEREAS**, the activities of code enforcement are no longer executed by the inspections department; and

**WHEREAS**, the City Council finds that constructive leisure pursuits by Elizabeth City citizens is important, and encourages responsible participation in the hobby of preserving, restoring and maintaining motor vehicles of historic and special interest, which contributes to the enjoyment of citizens; and

**WHEREAS**, the City Council hereby adopts revisions as noted by deletion and addition in the following Chapter 42 Health and Sanitation, Article II Abandoned, Nuisance and Junked Motor Vehicles of the City of Elizabeth City Code of Ordinances:



**SECTION I. ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTION 42-45**

**Sec. 42-45. Administration.**

(a) The city manager of the city shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the city, and on property owned by the city. The ~~inspections department~~ **code enforcement officer** shall be responsible for administering the removal and disposition of "abandoned," "nuisance," or "junked," "special interest restoration," or "parts car" motor vehicles located on private property.

**SECTION II. ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTION 42-46**

**Sec. 42-46. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Abandoned vehicle* means a motor vehicle, as authorized and defined in G.S. 160A-303, and one that:

- (1) Is left upon the right-of-way of a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on the right-of-way of a public street or highway for longer than seven days;
- (3) Is left on property owned or operated by the city for longer than 24 hours; or
- (4) Is left on private property without the written consent of the owner/occupant or lessee thereof, for longer than two hours.

*Junked motor vehicle* means a vehicle that does not display a current license plate lawfully upon that vehicle, as authorized and defined in G.S. 160A-303.2, and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100.00.

*Nuisance vehicle* means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrefied matter of any kind;

- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard by the city council.

*Open places* means areas of properties or portions thereof that are open to the exterior, including building openings, such as carports, or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

*Parts vehicle* means a motor vehicle that is owned by a person to furnish parts for restoration of a special interest restoration vehicle, thus enabling a person to preserve, restore, and maintain a special interest restoration vehicle.

*Special interest restoration vehicle* means a vehicle of an age that is unaltered from the manufacturer's original specifications and, because of its significance, including but not limited to, an out-of-production vehicle, is collected, preserved, restored, or maintained by hobbyist as a leisure pursuit.

**SECTION III. ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTION 42-50**

**Sec. 42-50. Pre-towing notice requirements for removal of abandoned, nuisance or junked motor vehicles.**

(a) Except as set forth in section 42-51, an abandoned, nuisance or junked vehicle that is to be removed shall be towed only after notice to the registered owner ~~or and~~ any person entitled to possession of the vehicle **that can reasonably be identified**. Notice shall be given by affixing a notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than 15 days after the notice is affixed or mailed, unless the vehicle is moved **to a garage or other appropriate enclosed storage place or depository** by the owner or legal possessor prior to that time. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail **to both the owner of the vehicle and the land owner where the vehicle is located, in the event that can reasonably be ascertained**. The person who mails the notice shall retain a written record to show the name and address to which **the notice was** mailed and the date mailed.

(b) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles ~~to regarding which notice is required to be~~ **for which notice has been** given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of ~~removing~~ **retaining** the vehicle outweigh the burdens **of removal**, such appeal shall be made to the board of zoning adjustments in writing prior to the applicable date of abatement and heard at the **earliest next** regularly scheduled meeting of the board of zoning adjustments. Any further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided. (Code 1993, § 10-61; Ord. of 5-3-1999, § 4; Ord. No. 02071, 7-15-2002)

(c) **It shall be unlawful for the registered owner and or any persons entitled to possession of a motor vehicle that can reasonably be identified, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to just**

relocate the abandoned, nuisance or junked motor vehicle to another portion of the same property, another real property location in the city, or section of right-of-way. The owner or persons entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located shall correct the abandoned, nuisance or junked vehicle violation by, 1) obtaining the written consent of the owner/occupant or lessee thereof to keep the vehicle at the location, if the vehicle is classified as abandoned; 2) correcting the health and safety hazards as defined in Section 42-46 if classified as a nuisance vehicle; or 3) permanently relocating the vehicle to an enclosed building or an appropriate storage place or depository maintained in a lawful place and manner (i.e. automobile junkyard).

#### **SECTION IV. ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTION 42-59**

##### **Sec. 42-59. Exceptions.**

Nothing in this article shall apply to any vehicle which:

- (1) Is located in a bona fide "automobile graveyard" or "junkyard" as defined in G.S.136.143, in accordance with the "Junkyard Control Act," G.S. 136-1141 et seq.;
- (2) Is in an enclosed building;
- (3) Is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) Is in an appropriate storage place or depository maintained in a lawful place and manner by the city.
- (5) Is determined to be and registered with the city as a *special interest restoration vehicle or parts vehicle*, as defined in Section 42-63.

(Code 1993, § 10-70; Ord. of 5-3-1999, § 4)

#### **SECTION V. ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES SECTION 42-63**

##### **Sec. 42-63. Special interest restoration vehicle.**

Except as otherwise provided by state statute, a person may maintain one special interest restoration vehicle and up to one parts vehicle as defined in Section 42-46, whether operable or inoperable, in outdoor storage on private property, if both such vehicles are registered with the city and the outdoor storage area is maintained in such manner as not to constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of an 80% opaque fence, maintained vegetation, or other appropriate means.

Persons storing a special interest restoration vehicle for more than 10 days outside a fully enclosed permanent structure or garage for the purpose of restoration shall obtain a Vehicle Restoration Permit from the Elizabeth City Police Department:

- (a) The permit shall allow for one special interest restoration vehicle and up to one parts vehicle that must be compatible to the vehicle being restored.
- (b) The parts vehicle must be stored on the same lot as the special interest restoration vehicle.
- (c) The permit allows for outdoor storage of the vehicle(s) for a period of up to six (6) months.

- (d) A maximum of two (2) six (6) month extensions for the life of the project may be granted upon request, provided substantial progress can be proven in the restoration of the vehicle at each extension interval.
- (e) Progress shall be measured by receipts for the purchase of parts or services or visible reconstruction or deconstruction.
- (f) At no time shall the vehicle(s) become a public health nuisance by collecting water to breed mosquitoes, losing fluid to contaminate the soil or becoming a harborage for vermin.
- (g) Upon permit expiration date, the vehicle shall be removed or placed inside a fully enclosed building as required by this Ordinance.
- (h) The permit shall be placed in the vehicle in a location viewable from the outside of the vehicle
- (i) The owner of the property where the vehicle(s) is located, if different from the owner of the vehicle, shall authorize the permit application.

The Special Interest Restoration Permit shall be subject to a fee established by the City Council, which may be amended from time to time.

**SECTION VI. EFFECTIVE DATE:** This Ordinance, as revised herein, shall take effect on November 23, 2015 upon adoption of the fee established by the City Council for the Special Interest Restoration Permit.

**SECTION VII. CODIFICATION.** The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable after its adoption.

**SECTION VIII. 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.

**SECTION IX.** All ordinances and sections of the Elizabeth City Code, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

**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 9<sup>th</sup> day of November, 2015.

---

Joseph W. Peel  
Mayor

*Attest:*

---

Vivian D. White, CMC/NCCMC  
City Clerk

- e. CRC By-laws Changes (added to agenda by Councilman Stimatz):

Mayor Peel recognized Councilman Stimatz for his comments. Councilman Stimatz stated that he had attended the Community Relations Commission (CRC) meeting

earlier in the evening and learned that the CRC is proposing a number of changes to their by-laws.

He noted that any changes to the CRC by-laws must be approved by both the City Council and the County Commission; and he introduced the following proposed changes for discussion and possible action after an add-delete copy of the by-laws document can be provided to the Council:

1. To hold officer elections in April in the concluding year of a term. Terms to begin in May;
2. To nullify the three term limit for membership;
3. To add the words “sexual orientation or identification” after the word “sex,” in the mission statement; and
4. To redefine a quorum as “at least eight members present regardless of residency.”

Councilman Stimatz noted that the problem being experienced by the board is that the current by-laws require a quorum of those members appointed by the City and a quorum of those members appointed by Pasquotank County in order to conduct business. He said that the suggested change of making the quorum requirement a simple majority of the entire membership would assist the board in being able to take action.

Councilwoman Baker questioned the proposed absence of term limits for board members. Councilman Stimatz stated that the board is requesting that a no term limit policy be adopted in order to allow those members who wish to stay on after three terms to be able to do so.

**Motion was made by Councilman Ray Donnelly, seconded by Mayor Pro Tem Anita Hummer, that the Council accept the recommended changes.**

**Councilman Stimatz offered a friendly amendment that the Council request City staff to bring the matter back to Council for formal action at the Council’s next meeting in an add-delete format. He said that he did not have the exact wording of the by-laws at the present time.**

**Councilman Donnelly withdrew his motion and Mayor Pro Tem Hummer withdrew her second.**

- f. Education (added to agenda by Councilman Walton):

Mayor Peel recognized Councilman Walton for his comments.

**(Clerk Notation:** Most of the following dialog is provided in a modified verbatim format.)

Councilman Walton said that he placed this matter on the agenda because he felt “we are not supporting the public school system the way we should.” He noted an article that had been published in The Daily Advance on October 30, 2015 regarding improvement plans that had been approved by the Board of Education for five local schools. He said that the five schools mentioned in the article were elementary and middle schools and were the only schools needing improvement. He stated “the high schools must be doing pretty good, some kind of way.” He said “I’m just trying to show you the big picture and I’m trying to make it as crystal clear as I can.” He noted another newspaper article published on November 5, 2015 about a local art teacher seeking donor help to purchase a sink for his classroom. He referred to additional articles published on November 7, 2015 entitled “Group Tackles Achievement Gap” and again on November 8, 2015 entitled “Acknowledging Racial Achievement Gap First Step.”

He stated “I read all these articles and I’m trying to tie it in. So, because it is important in education - because, you know, if people are saying they want to help out and then all of a sudden you read in the paper that a teacher can’t teach elementary school kids because they’re in a trailer that doesn’t have running water? Anybody can tackle that problem and solve it, seem like.” He continued “but we have a School Board, we have a community of hospitality ya’ll, and we haven’t tackled that problem yet? I got a problem with that. People are trying to confuse people thinking they are trying to do

something, but they really not. Got elementary kids – elementary kids - and they can't get water in a trailer at Sheep-Harney School. We can do better than that. We can do better than that. Then we say we bring together – okay, this group that tackled achievement gap – that group are the same people – want to take one, or two or three more – that goes to Fourth Ward Quality of Life meetings – same people. And the only reason that they use those people is because The Daily Advance will say 'I guess we need a group – we got to put something in the newspaper to make the school system look bad' – so they show up. Now, I was invited to the meeting. I didn't go. I told you I don't follow stupid – I don't do that. But, in that same meeting they said the superintendent went, three other Board of Education members went. Now, I'm not going to follow somebody that's never been in education. I could see it if Mr. Perry was invited, Buck Jolly was invited – those were not the people invited. They said they invited the NAACP – the president told me he was not invited. Now I went to that meeting that superintendent Cartner attended and gave us that information. Black males are still the ones that's achieving less. But they had one stat in there said people that's – the students that's graduating the most would be the black males. But stats can be misleading. They say the ones that's completed a four-year schooling – the black male was the highest. But they not telling you the black males that started in the same freshman class that does not graduate in four years – let's say you have 50 black males – and in that fourth year, only ten of those graduate. That would be a high percentage. But really it's a low percentage – it's according to how you look at stats. So, they're trying to dismantle the public school system, ya'll. We can do better than that. Now, they said that the first step is acknowledging the racial achievement gap. That should not be the first step. It might be the second step. The first step ought to say acknowledging racial values of this community – because we do have a race problem. Now I wish everybody could react to each other like this young lady here and Jackie – J and J. Joan and J. They made for each other. But it's not that way in the rest of the community. Lot of us don't get along. But a person shouldn't get along by just getting along with you. You got to give some too. People want you to be the one that's gonna say I'm going to cooperate – I'm gonna compromise. When you compromise, ya'll – let me tell you this – when you compromise you lose something. You lose your standards and you lose value. I will not compromise the right thing to do. I will not do that. With all that being said, because what they trying to do ya'll, they trying to have a takeover of a new school system – not being the public school system. But the public school system has done good, because resources are what you need to make anything work. If you don't have the resources – if you don't have the right tools you can't fix a car. You can't do it. You got to have the right things to make it work. Some kids don't get water, some kids got new buses. Is that fair in this school system? And we supposed to be doing things the fair way. It's not fair. It's not fair. And when kids look at the top, they need to see people that look like them. In this school system, probably two people at the top that are black. One of them work with the garage, Mr. Parker; the other one is the nutritionist. He cooks food. He has to make sure the food is prepared. That's not a good model for kids. That's not a good model. We should show better signs than that and we should be bigger than that because if we don't take care of the kids, ya'll...Joan read a chapter in the Bible – I know she know a lot of them. But some of those things in there tell you if you don't look out for children you doing the wrong things. And we not looking out for them. We don't care nothin' about them – we say we had a group that met. They had three Board of Education members – they couldn't have four – they had to be pre-planned because they couldn't have four because it would have been a quorum. So they let three go and the superintendent. But they can't raise \$1,900 to get water in a trailer? Man, it's sad and we can do better than that. With that said, I would like to make a motion that we – I checked by there today – they need like 700 more dollars to complete that task. He put out a request for people to give – Mr. – what's his name? Jason Miller I think it was. 700 dollars, ya'll. Now I'm willing – and we have done it before – I'm willing to take at least a hundred dollars out of my travel expenses and give toward that event. I make that motion – that I give that amount – and if anybody else want to be included they can do the same thing.”

Mayor Peel stated “correct me if I'm wrong Mr. Morgan, but that's a motion that's not allowed by law. We can't give money to public schools. We can't give money to any institutions of education, because we are not authorized through state statutes to do that.”

City Attorney Morgan stated “that is correct, Mr. Mayor. Not as a City, we cannot. That’s not to say individuals could not on their own make a donation such as that.”

Councilman Brooks stated “that’s kind of disturbing – it’s very disturbing – not kind of disturbing to hear that we have our children – they are our children – that’s in a trailer that don’t have running water. This is 2015. And the problem I have with it, we talking about STEM curriculum – science, technology, engineering and math. And we got children that don’t even have running water in their trailers. This is a no-brainer. You know, I want to know instead of – now that the problem have been recognized – I want to know is there anything – because we talk about if we partner – we talk about partnering with – is there any way we can partner – any way that the Council can partner in any way to help them with 700 and some dollars left? Because, it has to be – I refuse to believe with all the argument and disagreement that we have on this Council – I refuse to believe and I will not believe that anybody on this Council that has the means to help our children – elementary school children - seven hundred and some dollars – you know? I don’t think no one would close their heart of compassion and not help if there’s a way to help – even out of your own personal monies – there’s eight of us – it’s under \$100 apiece. I mean, I’ll be more than happy if it’s going to help our children – it shows that we can do more on Council than just argue and sit here and listen to people come up here and attack us for what we’re not doing. We can do better than this. And everybody know we can. You know? So, I don’t know. Mr. Peel or Mr. Morgan or anybody got any ideas on how we can help in any way? Open for ideas.”

City Attorney Morgan stated “if I might add, Mr. Mayor. Mr. Olson has gotten a text message from a local attorney who’s indicated that he and his law partner are going to donate the money so that the trailer will have running water, as I understand the text message.”

Councilman Brooks said “thank you. We really appreciate that.”

Councilwoman Baker stated that she happened to have the newspaper article of Mr. Miller’s situation. She stated “it isn’t that they don’t have running water at S. L. Sheep. It’s that in the art class that he teaches grades K – 5, he wants a portable sink so he won’t have to - so the kids can have a better place to wash their brushes. That’s what he wants.” She stated that in the first couple of days, Mr. Miller had already raised over \$700. She said that she was certain the community would make sure he reached his goal. She pointed out that the article was timely, being published during the recent Splash Week.

Councilman Walton stated that he was not finished. He continued “it also stated that at that meeting - the group to tackle the achievement gap – Ms. Warden, she said (*quoting from the newspaper article*) ‘the meeting set up a plan for positive movement to better support local schools, but noted many organizations including school parent-teacher organizations, the Education Foundation, the Pasquotank Ministers’ Council for Education and personnel with the US Coast Guard based in Elizabeth City already do a lot for the local schools. Reading comprehension helps in every aspect of learning, she said.’ So, you know, people know what we need, but it doesn’t get put in the paper the way it should be put in the paper many times. Like I said, the big picture is out there. When you don’t get the right stakeholders, you can’t come out with the right answers. 2020 Vision is something that this – I don’t even remember the board okaying it – but is doing some things that’s positive and other things that’s not being as positive. I think we need to revisit that group to see can’t they do things better. Because, you know, the people that was facilitating this thing – Sutton he was a retired criminal justice, I guess. He managed young men at the prison – that’s what he did. Hezekiah Brown, he’s a mediator. Now, let me tell you about Mr. Brown. I’m not putting him down, I’m just telling you my relationship with him because everything is built on relationships. Everything is built on relationships. He was asked to come over to H. L. Trigg to talk to some young men one early morning. He was over there and he was explaining to them that he had four ways that he could tell them of how to become successful. And in his presentation, he gave three items. So after the meeting, after the boys had to go back to the classroom, I said ‘Hezekiah, wait a minute man, you told them you had four things to make them successful.’ I said, ‘what was the fourth one?’ He said, I don’t know – he said but it sounded good, didn’t it? It sounded good? Come on, now. We just using

words to make things happen or we going to use action to make them happen? We just don't do things to make it sound good or make it look good. They didn't have 50 people at this meeting, unless they had them all stacked like over in a corner. I counted 25 – 25 is half of 50 in my math census. And some of the same people, like I said before at the Quality of Life meeting. Pretty much all of them. With that said, and I know we can do this one, on our grants – the non-profit grants – the lady from the library came here and asked for \$1,200 to get some videos – yeah some books, that would – and it cost like \$1,200 and we deleted one third of that down to \$800. I think if \$400 gonna hold us back we got big problems, ya'll. I like to bring up that we give the library that balance of that \$400 so they can continue with what they trying to do. It's for tutoring kids. Same kids we talking about.”

Councilman Brooks stated “I second it.”

Councilman Stimatz stated “point of order. It has to go to the Finance Committee for consideration before it comes to Council.”

Councilman Brooks stated “every time we try – and this is – it's getting – it becomes an irritant. Every time we try to do something for the kids that don't have, we go back to the finances. And I go back to this, Councilman Stimatz. Mayor Pro Tem Hummer - one time we was bringing up something and she said the same words you just said – ‘we need to go through the Finance’ – and you were the one that said specifically – not with this. And it didn't go through the Finance. So, and I don't want to go pull the minutes up because it's not necessary right now. But what I'm saying is we got to have some consistency. Believe it or not, the people that's out there listening – and I know they listening because tomorrow morning when I go walk they be stopping me and doing the same thing. We can do better than this. We might not know, but you got some people out there that understand some of the inconsistent things that we're doing. And, it goes throughout the whole Council. They don't look at things the way that we think they should be from this Council. So, what I'm saying is that, we talking \$400 and we got to wait and send it through the Finance and come back through the Finance and then they bring – they decide whether it go to Council. And then, that's too much stuff. I'm almost at the point where we need to do away with the Finance Committee. The reason why I say that is because we had a Personnel Committee and what we did, we did away with the Personnel Committee. We had a Personnel Committee and the Finance Committee the same time.”

Mayor Peel stated “Mr. Brooks, we can – that is the rule. Now, you can by two-thirds majority, vote to set aside the rules. That's a way around the issue. That's something you could do.”

Councilman Brooks stated “what do they take to disband the Finance Committee?”

Mayor Peel stated “that's a different agenda item right now. But if you are wanting to give money towards the kids and the library – our rule is it goes to Finance. So if it goes to Finance, it will be back here at the next meeting for the recommendation or we can vote as a Council – if you have two-thirds of the vote – to set aside that rule and we can vote on it tonight.”

Councilman Brooks stated “well, do I do a friendly amendment to Councilman Walton's motion or make one?”

Mayor Peel stated “it's two separate motions. This will be a procedural motion. Your motion would be to suspend the rules.”

**Motion was made by Councilman Michael Brooks, seconded by Councilman Darius Horton, to suspend the rules from taking it to the Finance Committee so we can vote on giving the library \$400 that they requested at the beginning.**

**City Attorney Morgan stated that the vote would require an affirmative vote of five Councilors.**

**Mayor Peel requested the vote by the raising of hands. Those voting in favor of the motion were: Brooks, Horton and Walton.**



**Mayor Peel announced that the motion did not carry. He stated that the matter would be referred to the Finance Committee and brought back to the Council at the next Council meeting.**

Councilman Brooks stated “so we have to put it on the agenda to eliminate the Finance Committee?”

Mayor Peel stated “yes, that is what we would need to do.”

g. Water Dispute (added to agenda by Councilman Walton):

Mayor Peel recognized Councilman Walton for his comments.

**(Clerk Notation:** Most of the following dialog is provided in a modified verbatim format.)

Councilman Walton stated “being a citizen of Elizabeth City – and everybody out here probably is – and up here probably – we can’t win anyway. If the County lose, we pay the taxes. If the City win, we lose taxes. But we need to meet to talk about it. I’m not talking about a select group of people to meet. I’m talking about all of us as a body. And there’s a way it can be done so that what we have been told does not occur. It’s as simple as have a public meeting – a joint public meeting. At the end of that meeting, correct me if I’m wrong Mr. Attorney, can’t each chairperson call for a closed session discussing contract?”

City Attorney Morgan stated “I believe that would be proper, yes sir.”

Councilman Walton stated “that’s all we have to do. But right now we are letting the community look like things are not being transparent. It needs to be transparent. We need to get this behind us because we talked about water – we can’t win. Why not discuss it with them? They might want to tell you something you want to hear. When you don’t discuss something, it don’t look good.”

**Motion was made by Councilman Johnnie Walton, seconded by Councilman Michael Brooks, that we reconsider having a joint meeting with the County Commissioners.**

Mayor Peel asked Councilman Walton if the meeting was for the purpose of discussing water. Councilman Walton responded that it was.

Councilman Stimatz stated that he would not vote for the motion because the City has taken numerous opportunities to go to the County and discuss the issue. He said it was his understanding that the problem involves how the debt service for the RO plant is distributed amongst the County’s customers. He stated that the City has a very strong position based on previous documentation that says the debt was to be calculated a certain way. He said that there were other areas of the contract that have not been executed – specifically an appendix that is supposed to lay out how the charges are made. He pointed out that arbitration has already been held, that several meetings have been held and that other meetings were rejected by the County. He reiterated that the issue remains how the debt is to be calculated and stated that it is not an inconsequential number at \$120,000 annually. He advised that \$120,000 per year would yield the City about \$1 million in borrowing power. He advised that the point is that the issue represents about \$1 million in infrastructure needs that the City has and does not want to relinquish. Councilman Stimatz stated “my experience with the County has been - the ten years I have been on Council – they don’t want to talk to you if they have the winning hand. It took me five, maybe six years to finally get the County working with staff and Council to get the County to even agree to discuss an Interlocal Agreement for contractual services over \$300,000 per year. They didn’t even want to talk to us. They had a resolution from 1993 and they thought that was enough. So, at this point, there is no real purpose because we are at loggerheads on this specific issue. And that’s it – we think it’s “a” and they think it’s “b” and there’s no middle ground in my mind. So, I would vote against it. It serves no purpose.”

Councilman Donnelly stated “I totally agree with Councilman Stimatz but at the same time, I believe that this discussion belongs in closed session and should not be discussed here in the open forum.”

Councilman Walton stated “we ain’t talking about no contract. Have we done anything wrong?”

City Attorney Morgan stated “nothing has been done wrong yet to the best of my knowledge, but I’m listening very carefully because we are treading on thin ice. And if I may just add this, there are depositions scheduled in the case for this Friday. There will be a hearing in all likelihood sometime in December or January depending on the availability of a Superior Court Judge, so progress is being made in the lawsuit. Yes, expenses continue to add up, but I think if Council would like to discuss this, it would be proper to have a closed session discussion maybe at the next meeting. I am not prepared tonight, because I did not bring any of my materials, but certainly would be happy to report to Council during our next meeting; and maybe we should handle it that way.”

Mayor Pro Tem Hummer stated “I hope this isn’t revealing anything, but Mr. Stimatz is correct. We made numerous attempts to have a joint meeting and it’s my recollection that they only wanted to meet with certain members of Council, not the full body. And I’m not meeting with anybody who just wants a select few. Speaking of transparency, that certainly isn’t transparency.”

Councilman Walton stated “I’m contrary to that because sometimes when you send a select few to a meeting all of the information is not brought back to you. That’s why I would like to hear it myself. Because that even happened on this Council. We just asked for something to be explained to us and it was withheld to us. The knowledge was there, so we pick and choose what we want to be transparent on – pick and choose on it. I want to hear it myself because you know, you say the Mayor and a representative of City staff will meet with your Chairman and City staff. Suppose the information doesn’t come back to us the way it’s supposed to? That means we don’t hear it. All I want to have things is transparent and I think that’s the only way to get that is through us having a meeting with everybody present. Now, Rich, now Tanglewood got exemptions from taxes for 20 years.”

City Manager Olson stated “no, twelve years Councilman.”

Councilman Walton stated “that’s still a long time. Is those other businesses that’s coming out there, do they get the same rights?”

City Manager Olson stated “no, they are all given to Thompson Thrift.”

Councilman Walton stated “they got a different timeframe?”

City Manager Olson stated “no. Thompson Thrift is the individual that developed the property and are the ones that get all the tax exemption.”

Councilman Walton stated “that’s what I thought. Good time I day. They gettin’ it. Now we think that’s a good deal for us? Thompson Thrift getting the taxes. And we think we gettin’ a good time at Hobby Lobby buying a Christmas tree for \$1,000. Wow. Man, my ears didn’t hear that good. My ears didn’t hear that good at all. That’s why Thompson Thrift didn’t trust us, I guess, and said they would not sign the papers until you turned it over to them – or something like that. Possibly. They said something like that.”

City Manager Olson stated “Councilman Walton, there was a detailed economic analysis provided to both members of the City Council and the Board of County Commissioners indicating that the sales tax earned off the Thompson Thrift development would equal roughly \$6 - \$7 million over a ten year period. The only thing we are doing is granting back to Thompson Thrift the amount of property taxes they are paying over a given period of time. That is basically, in essence, a tax abatement, but the State of North Carolina does not allow tax abatement under the State Constitution.”

Councilman Walton stated “they would have to pay more than \$6 or \$7 million over ten years.”

Councilman Stimatz stated “point of order. Could we stay on RO water? You are drifting.”

Councilman Walton stated “let me finish my conversation.”

Mayor Peel stated “we are talking about the water dispute.”

Councilman Walton stated “yeah, but this - all this is combined with it.”

Councilman Stimatz stated “no it’s not.”

Councilman Walton stated “but, Rich, how much property tax – clear your throat Tony? You don’t want him to talk now, right? I’ll leave it alone Mr. Inner Banks. You know everything about everything and in to everything.”

Mayor Peel stated “okay, Mr. Walton, do you have anything else about the water dispute?”

Councilman Walton stated “what I want you to do Mr. Olson is to bring me back the tax value on each one of those buildings out there and how much would have had to be paid in property taxes each year. Can I have that at the next meeting, sir?”

City Manager Olson stated “yes, be happy to.”

Councilman Walton stated “okay, thank you.”

Councilman Brooks stated “Mr. Mayor, I had my hand was up. Yes, I listened at when we’re talking about the water dispute between the County – doesn’t matter. You know, we said, I heard someone say it was – he said ‘we decided.’ Well, the County Commissioners and the City Councilors – all this mediation we can kill it in one meeting just like that. Just like we hearing our side – I hear what – I haven’t even heard the whole - the whole picture that we’re painting in our favor. And I’m sure when the County Commissioners get together, they paint a different picture towards their people. The way we keep going on all this litigation the only ones that’s suffering is the citizens. I don’t know who we think we are - we’re playing hardball with citizens’ lives. We talking water again – we going back and messing with water. We don’t need to do that. Now, I don’t know what we would have to hide by meeting with the County Commissioners in a closed session. We probably could rectify this situation in one meeting. It’s been going on for how long now?”

City Manager Olson responded “since August or September of last year.”

Councilman Brooks continued “that’s a long time. That’s a long time. You can’t – I can’t even imagine that the County Commissioners that were elected to represent people and the Councilors that were elected to represent people – we can’t do any better than this. It’s two governments coming together. We used to have a meeting with the County Commissioners – a joint meeting – ever so often. I haven’t seen them in so long unless I’m passing down the street. I know – I believe – now, I don’t know why we not agreeing with each Councilmember like – okay I agree with this one and I will vote against them. That’s moot. All I want is all the information. If you give me all the information, you know, and have something to work with, because the mediation – who’s paying the – who’s taking the – who’s paying the legal fees?”

City Attorney Morgan responded “the City is paying its legal fees and the County is paying its legal fees at this point. May I ask that we just stop this conversation tonight and we pick it up during a closed session discussion at the next meeting?”

Councilman Brooks stated “have we got any – wait a minute – because it was talked extensively. We haven’t got in any murky area. What we talking about ‘dis and ‘dat – I just asked that we come together and have a meeting. We haven’t went into the part where it curtails. We haven’t went in that area yet, so we still in the safe mode. And we can do it in a closed session, but in a closed session it will end up just like we said – I agree with this one - and I agree with this one - and we do the same thing over again. So I think it’s best to have a closed session with the County Commissioners and the City Councilors – knowing that all the other stuff – we paying litigation that we can stop. We got other needs for money than deal with something that it’s possible that the County Commissioners and the City Council can handle in one session – or two. But if we have to call a special joint meeting behind it, we can do this. Now I don’t, I mean, I’m not saying that the City is right or the County Commissioners are right. I’m not

there. What I'm saying is that I want to hear all the information to see why we're paying all these legal fees for something that could have been handled inside of a year ago while the citizens suffer. Thank you Mr. Mayor."

**Mayor Peel stated "we have a motion and second on the floor – and the motion is to hold a joint meeting with the County Commissioners to discuss the water."**

**Councilman Walton requested that the vote be taken by a show of hands.**

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

h. South Road Street (added to agenda by Councilman Brooks):

Mayor Peel recognized Councilman Brooks for his remarks.

Councilman Brooks stated that he had put this item on the agenda because half of South Road Street is in the Third Ward and half is in the First Ward. He said that every time he walks the area, citizens stop him to complain about the condition of the street.

He stated that he wanted to make sure that the citizens receive the information that the South Road Street paving project from Ehringhaus Street to Herrington Road has been expedited by NCDOT to be completed sometime between April and September of 2016.

Mayor Peel stated that he wanted to make sure citizens were aware that the work planned by NCDOT does not include the portion of South Road Street from Ehringhaus Street to Elizabeth Street. He noted that the design work had been done to repair the infrastructure in that section of the road, but the cost is \$1.4 million to the City, before NCDOT would be able to repair that section of the road.

Councilwoman Baker stated that the section from Ehringhaus to Elizabeth is "getting worse day by day." She asked if there was any relief in the foreseeable future. City Manager Olson stated that the City does not have \$1.4 million to do the infrastructure work. He reiterated that the underground utilities have to be repaired before the state will repair the street.

Councilman Donnelly asked how much of a tax increase would be required to do the project. Mr. Olson responded that the funds would come out of the utilities funds, which would mean that the water and sewer rates would have to be raised to pay for it. He estimated it would cost about \$120,000 per year. He noted that was the amount of money currently involved in the water dispute.

Councilman Stimatz noted that was why the water dispute litigation is so important.

i. EIC Anniversary/Weatherization (added to agenda by Councilman Brooks):

Mayor Peel recognized Councilman Brooks for his comments.

Councilman Brooks stated that he had attended the EIC 50<sup>th</sup> Anniversary Celebration and he wanted to make it known that EIC has dedicated people working, some who have been employed for 45 to 50 years. He stated that he was impressed with the services offered by EIC, one of which is weatherization. He inquired of the City Manager why the City stopped using EIC for its weatherization program.

Mr. Olson responded that the EIC Weatherization Program is a federal program, which covers a ten-county area. He noted that the City spends as much on its weatherization program as EIC does on ten counties.

Mayor Peel stated that during the City's Weatherization Committee's work, it was determined that EIC's weatherization funding had been cut back dramatically. He said their available funding would not have made a dent in the City's needs.

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

Councilman Brooks read from a Daily Advance editorial and stated that it appeared to him that the newspaper was trying to divide the City Council before the newly elected

Third Ward Councilman had taken office. He referred to a March 2014 newspaper article that reported that Pasquotank County had lost 680 residents. He stated that was not a good situation. He said that it was time for people to “stop throwing darts” at the Councilmembers, instead bring forth ideas for consideration. He said he was tired of people using the term racism; and stated that there was no such thing as reverse racism, only racism. He stated that the last thing he wanted was for a citizen to come to the podium and quote scripture to him, because “the devil also knows scriptures.”

Councilman Stimatz stated that he had requested a population update; but could explain the 680 resident loss. He pointed out that approximately 1800 students were lost at ECSU; and noted that they were counted in the official population figures. He stated that if the students are taken out of the equation, there is actually a net growth in the County. He asked for the data to be provided to the Council. He reminded everyone about the Veterans Day Celebration at Waterfront Park. He asked when the City’s traffic management plan was last updated. He noted reports of speeding on Charles Street. He posed the question about reducing the City’s speed limit City-wide to 25 mph unless otherwise posted and asked if it was feasible to reduce the speed limit on Hughes Blvd. to force use of the bypass. He urged citizens not to place leaves in the gutters so they would not wash down the stormwater drains.

Councilman Horton stated that he had attended the 50<sup>th</sup> Anniversary Celebration for EIC and brought words of welcome on behalf of the City. He stated that he was excited to learn about the programs offered by the organization for low income families and encouraged citizens to contact the EIC office to determine if they qualified. He saluted all veterans for the upcoming Veterans Day Celebration.

Mayor Pro Tem Hummer requested that the full Council be provided three sets of minutes: one, the discussion of the community support grants; secondly, the vote on the electric decrease after the merger; and thirdly, how the full Council voted on the budget. She said that she wanted to point out that the full Council has an opportunity to vote on anything and everything that comes out of the Finance Committee.

Councilman Walton stated that he would like for Councilman Stimatz to stop “butting in” when he was trying to express himself. In referring to a recent Daily Advance article, he asked why Councilman Stimatz would want to re-brand Elizabeth City. He said that “people come here with great ideas, but think nobody from Elizabeth City has any ideas at all.” He said “I found out something tonight I never knew - that Thompson Thrift is doing for these citizens what they think we’re doing. They thought we brought in Hobby Lobby and TJ Maxx and they’re the ones – they like the big dog. Come down here and took over. And the only thing we getting out of it is sales taxes? Man, it’s a brighter future, but it’s a now future for Thompson Thrift. And people think we been doing it. I’m going to let everybody out there in the audience know the money is not coming to US! It’s going to Thompson Thrift. Slick Thompson Thrift. So thank them for them 14 jobs that – what’s the last steak house brought here? It’s not happening, ya’ll. We putting trust in people that’s not doing what they supposed to do. Man, I wish I was a part of Thompson Thrift stock market. And we think it’s coming to us. Wrong. Thank you, Mayor.”

Councilwoman Baker stated that she would be providing flags to the first 100 or so people attending the Veterans Day Ceremony. She stated she had received a call from a downtown business owner confused about the Business Registration Program letter they had received. She requested that the City Manager review the letter for inconsistencies. She asked if the required ethics training would be available online.

Councilman Donnelly asked for an update on the Dog Corner basketball court. He stated that he had attended the grand opening of the new SOULS location and complimented the job that had been done on the new location. He requested information about the nuisance and abandonment of boats and buildings in the downtown area to be presented at the Council’s next work session.

Mayor Peel complimented the recent art Splash Week and personally thanked Zack Robertson for loaning his space in the old Super 10 building to the initiative. He stated

that the participants come from all over the country and filled up the City's B & B's and restaurants. He noted that this event was particularly exciting because of student participation from ECSU and COA. He thanked members of the community for raising the money to sponsor the downtown banners for the recent Kids Splash. He said he looked forward to seeing everyone on the waterfront for Veterans Day. He said he wanted to mention that the Thompson Thrift project had already created about 250 new jobs in addition to the \$7 million in sales tax revenue that would be received over the next 10 years.

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:55 p.m.

---

Joseph W. Peel  
Mayor

---

Vivian D. White, CMC/NCCMC  
City Clerk