

**City Council Regular Session
October 10, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, October 10, 2016 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Planning Director June Brooks
Police Chief Eddie Buffaloe
Assistant City Manager Angela Cole
Human Resources Director Katherine Felton
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
ECDI Director Deborah Malenfant
IT Director Matthew Simpson
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 the Council's pleasure regarding adjustments to and approval of the prepared agenda.

Mayor Peel requested to add a proclamation honoring the electric linemen of Wilson Energy for mutual aid response in helping to restore power after Hurricane Matthew.

Councilman Walton requested to add "Rivers Landing discussion."

Councilman Brooks requested to add "South Road Street."

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman Rickey King to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

2. Statement of Disclosure:

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

3. Proclamation:

a. Pharmacy Week in Elizabeth City:

Mayor Peel read a proclamation declaring October 16-22, 2016 as Pharmacy Week in Elizabeth City and urged all citizens to acknowledge the valuable services

provided by pharmacists and pharmacy technicians in helping patients to make the best use of their medicines.

(Clerk Notation: The intended recipient of this proclamation was unable to attend the meeting due to flooding from Hurricane Matthew.)

b. Honoring the Electric Linemen of Wilson Energy for mutual aid response to the City of Elizabeth City (added to agenda by Mayor Peel).

Mayor Peel announced that members of the Wilson Energy team were unable to accept this proclamation in person since they were still out working on the City's electrical lines. He advised that the proclamation would be forwarded to the City of Wilson. In reading the proclamation, Mayor Peel expressed, on behalf of the City Council and all citizens, sincere gratitude to the City of Wilson and the line workers of Wilson Energy for helping the City's line crews restore power in Elizabeth City in the aftermath of Hurricane Matthew.

4. Comments from the Public:

Barbara A. Baxter, 1699 Weeksville Road, Apt. 109A, Elizabeth City, NC stated that she was a resident of Rivers Landing Apartments. She said that she wished to bring to the Council's attention "some major community issues" at the apartment complex. She stated that a fence, which had been installed by the owners of the apartment complex, was causing great inconvenience to the residents by restricting foot travel to an adjacent church and store, creating congestion for school buses and restricting access for public safety responders. Ms. Baxter advised that the residents could not reach a resolution with the apartment complex manager and requested that the Council look into the matter to determine if any assistance could be provided to the residents.

Otis Gordon, Jr., 703 Southern Avenue, Elizabeth City, NC 27909 stated that he had received a letter from City Manager Olson after he first appeared before the Council in November 2015 regarding the issue of the basketball court at Dog Corner Park. He reported that he had seen City engineers on site but nothing else has been done. He requested an update on this matter. He also requested an update regarding flooding issues on Southern Avenue.

Winfred Foster, 106/108 Rosewood Avenue, Elizabeth City, NC 27909 stated that he was appearing before the Council to represent the residents of the Rosewood neighborhood. He provided a petition that had been signed by 61 residents of the neighborhood, which requested that concrete gutters be replaced in the subdivision. He stated that there had been ongoing issues with drainage after a recent street project was completed by the City. He requested that the City Council look into the issue on behalf of the residents.

5. Approval of Minutes:

Mayor Peel requested the Council's pleasure regarding approval of the draft minutes.

a. Amended Minutes for the Regular Session of August 22, 2016:

Motion was made by Councilman Rickey King, seconded by Councilwoman Jean Baker to approve the amended minutes for August 22, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

(Clerk Notation: Councilman Walton requested clarification on the proper procedure for amending previously approved minutes. The City Clerk stated that she would provide a written response to the Council.)

b. City Council Special Meeting of October 3, 2016:

Motion was made by Councilman Rickey King, seconded by Mayor Pro Tem Anita Hummer to approve the Special Meeting minutes of the October 3, 2016.

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

(Clerk Notation: Items "a" thru "c" were recommended for approval by the Finance Committee during their meeting of October 6, 2016.)

Beginning of Consent Agenda:

- a. Consideration – Adoption of the following Budget Ordinance Amendments required for accounting purposes;

BUDGET AMENDMENTS

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for fiscal year ending June 30, 2017:

SECTION I. That the General Fund Miscellaneous Revenue (103550.0000) and Non-Departmental Leadership Programs (106600.4101) be increased by \$500.

(To record leadership program fees received from non-city residents.)

SECTION II. That the General Fund South Park Revenue (103650.0061) and Parks & Recreation Capital Outlay (106200.7400) be increased by \$3,400.

(To record purchase of spreader that was not budgeted to be purchased with South Park revenue.)

SECTION III. That the Water and Sewer Retained Earnings Appropriated (313990.0000) and Water and Sewer Maintenance Payment to the Department of Transportation (318280.7311) be increased by \$92,287.46.

(To record third and final payment to Department of Transportation (DOT) for relocation of water lines for Knobbs Creek bridge project. Funds were budgeted in prior year but DOT did not invoice the City until last month.)

ADOPTED, this 10th day of October 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- b. Consideration – Authorization to Accept 2016 COPS Hiring Program Grant and Adoption of the following Budget Amendment for Accounting Purposes;

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, 2017:

SECTION I. That the COPS Grant Revenue (103490.5102) be increased by \$40,628, the General Fund Balance Appropriated (103990.0000) be increased by \$13,542, 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.

ADOPTED, this 10th day of October 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- c. Consideration – Acceptance of Piano Donation from Berea Baptist Church for Senior Center;
- d. Consideration – Adoption of the following Resolution Amending Records Retention and Disposition Schedule;

**RESOLUTION # 2016-10-01
ADOPTING THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES
MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE
AMENDMENTS DATED October 1, 2016**

BE IT RESOLVED, by the City Council of the City of Elizabeth City that the Council hereby adopts the North Carolina Municipal Records Retention and Disposition Schedule amendments as published by the North Carolina Department of Cultural Resources in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, dated October 1, 2016, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, this schedule is to remain in effect from the date of approval until it is reviewed and updated.

ADOPTED, this 10th day of October 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- e. Consideration – Approval of Execution of Agreement for Emergency Assistance August 1997 Amendment with ElectriCities of North Carolina, Inc.

End of Consent Agenda.

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

7. Regular Agenda:

- a. Consideration – Designation of voting delegate for Advocacy Goals Conference and voting delegate and alternate for 2016 NCLM Annual Business Meeting.

Mayor Peel requested those members of Council who would be attending the NCLM Annual Business Meeting to raise their hands, resulting in Baker, Donnelly, Stimatz, King and Peel as the attendees. It was noted that Councilman Stimatz was the only member registered to attend the Advocacy Goals Conference. Mayor Peel opened the floor for nominations.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to nominate Councilman Rickey King as the voting delegate and Councilman Ray Donnelly as the alternate voting delegate for the NCLM Annual Business Meeting. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Rickey King to nominate Councilman Tony Stimatz as the voting delegate for the Advocacy Goals Conference. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

- b. Consideration – Four-way Stop Signs at the Herrington Road, McMorrine Street and Shepard Street Intersection:

Mayor Peel recognized Mr. Olson to provide background regarding this request. Mr. Olson stated that the City Council had instructed staff during a previous Council meeting to explore the possibility of installing a four-way stop at the intersection of Herrington Road, McMorrine Street and Shepard Street. He reminded the Council that a very old traffic signal had been removed from the intersection and replaced with a two-way stop east and west on Shepard. He stated that City staff had conducted a traffic count and found that the number of vehicles traveling east/west and north/south at the intersection was approximately equal. Mr. Olson explained that the geometry of the intersection was not perpendicular, which posed a slight problem; but he pointed out that the traffic count did justify making the intersection a four way stop.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly, to recommend a four-way stop sign at the intersection of Shepard/McMorrine/Herrington. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

- c. Consideration – Renaming Request for Pool Street Park:

Mayor Peel recognized Mr. Olson for his comments on this matter. Mr. Olson stated that during the August 22, 2016 Council meeting, Miss Emily White made a request for the City Council to consider renaming Pool Street Park for local deceased entrepreneur, Miles Clark. He stated that the park was constructed in 1978 with a Land and Conservation Trust Fund Grant on the former right of way of Pool Street. He said that City staff had not been able to determine the exact "Pool" for which the street and park were named, but had come across several possibilities.

Mr. Olson noted that the City Council had adopted a specific policy on April 23, 2012 regarding the naming of City facilities. He pointed out that the policy provided the guidelines for renaming the park. He stated that a provision of the adopted policy prohibited the renaming request. He read that provision as follows: "Current names for property belonging to the City shall remain the same unless changed by the City Council upon relocation or change in function of the property."

Mr. Olson reported that the matter had also been referred to the Parks and Recreation Advisory Board by email and a recommendation was sought from each member by poll. He stated that four members of the seven member board responded to the poll and indicated that they did not believe it would be appropriate to rename the park.

Mr. Olson advised that although the Miles Clark Estate had donated funds to place a fountain in Pool Street Park, staff believed the local school system was the primary beneficiary of his benevolence due to Mr. Clark's support of the high school band. He stated that staff thought a more appropriate facility to bear Mr. Clark's name would be located in the school system. He suggested that the City Council not rename the park, but instead, send a letter to the school system requesting their consideration of the matter.

Councilman Stimatz stated that he thought staff's logic was "flawless." He asked if there was a marker in place designating the fountain as having been donated by the Clark family. Mr. Olson responded that there was not, but staff would be happy to pursue placing a nameplate on the fountain.

Councilman Stimatz suggested that the Council consider two things with regard to this issue: first, to place a nameplate on the fountain acknowledging the donation; and secondly, determine the "Pool" for which the park was named and place a new sign at the Park to denote that. He opined that the present sign was too large for the Park and should be tailored to a more appropriate size to include HPC approval.

Mayor Peel inquired if Councilman Stimatz wished to make his suggestions into a motion.

Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker to "1. Mark the fountain; 2. Mark the street after the appropriate Pool; and 3. Redo the sign with HPC approval."

Councilman Donnelly stated that for the most part he agreed with Councilman Stimatz, but at the same time, he suggested that the Park needed to be beautified. He said that any sign erected should include Mr. Clark's name as well as having it on the fountain.

Councilman Donnelly stated that he would endorse, as a friendly amendment, sending a letter to Elizabeth City-Pasquotank Public Schools to name some facility within this community for Mr. Clark.

Councilman Stimatz stated that he would accept the friendly amendment to "punt the issue to the School Board."

Mr. Olson stated that mention of Mr. Clark could also be placed on a new Park sign as well as the fountain.

Mayor Pro Tem Hummer asked if there was a need for a new small park somewhere in the City. She stated that she felt Mr. Clark was a wonderful benefactor and pointed out that his money lives on today for the school bands. She said that she did not think a plaque on the fountain was sufficient. She asked if there was some portion of the former middle school property that the City could approach the County about a new park.

Councilman Donnelly responded that a possibility would be to have an open house or ceremony where the high school bands could come and play during the dedication. He said he thought that would show the City's appreciation for Mr. Clark's generosity and also support beautification of the Park.

Councilman Walton stated that he agreed with Councilman Stimatz. He said that all stakeholders should be involved because the school system may already have something in place.

Mayor Peel responded that staff would contact both the County and the school system regarding this matter.

Hearing no further discussion, Mayor Peel called for a vote on the motion and the friendly amendment.

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

Mr. Olson stated that the Parks and Recreation Department had placed funding in the budget to redo the Park several years running but he had deleted the requests. He said he would see what he could do about improvements to the Park.

d. Consideration – FY2016-17 Community Support Grant Awards:

Mayor Peel requested that the City Manager lead off the discussion of this matter. Mr. Olson stated that the current fiscal year budget includes \$50,000 for Community Support Grants. He advised that a Special City Council meeting was held on October 3, 2016 whereby members of the Council received presentations by each of the applicants. He noted that the Finance Committee met on October 6, 2016 and formulated a recommendation of funding. He referred members of the Council to the spreadsheet provided in the agenda packet, which detailed the individual applicants, their prior year funding amounts and the Finance Committee's current recommendation.

Councilman Walton stated that he had reviewed the recommendations and felt that the Pasquotank Library should have received more than the recommendation made by the Finance Committee. He requested the reasoning of the Finance Committee in cutting the requested amount. Councilman Donnelly stated that although the Finance Committee wanted to "contribute something," the fact is that the library is a County facility and the Committee's belief was that the County should be more active in funding its activities. Councilman Walton pointed out that the current recommendation was less than the previous year's award. He suggested cutting Arts of the Albemarle as a source for the additional funding.

Councilman Horton stated that he was a member of the Finance Committee and had a chance to visit the library after the recommendations had been made. He said that Pasquotank County pays for the library building; and he recommended that the Council provide the additional \$1,000 to enable the proposed online tutoring program to take place.

Councilman King pointed out that the tutoring program offered by the library helps a lot of children living in the City, as well as the County. He stated that participant use could not yet be measured because the program had not existed for a year. He said that he was in favor of providing the application's total amount of \$2,000. He suggested that the Council could reduce the amount for the NC Blazers from \$3,000 to \$2,000 to fund the library. He pointed out that Councilors had used excess travel funding in the past to fund community support grants and could do that for the Blazers if needed.

Councilman Brooks stated his support for providing an additional \$1,000 to the library. He noted the proposed sales tax increase for the school system would provide additional computers for children at school, but many children did not have computers at home. He suggested taking \$1,000 from the River City CDC Walker Shelter Renovation application to fund the library. He said that he was not in favor of taking the funding from the NC Blazers.

Mayor Peel stated that the money being requested by the NC Blazers is to support tournament play that will not occur until mid-2017. He said that the team does not yet know how many players they will have; and since the City usually provides \$100 per player, he thought Councilman King's suggestion to use travel funding to provide for any deficit would be workable.

Mayor Pro Tem Hummer reminded the Council that by awarding the entire \$50,000 at this time, there would be no funding left in reserve for later requests.

Councilman Walton inquired if the Council had to vote on the matter at this time. Mr. Olson advised that the Council is required to hold a Public Hearing before approving the

awards; and the Public Hearing advertisement needed to include the amounts being recommended for funding. He pointed out that after the Public Hearing is held, the Councilors would be free to make any decision they wished.

Councilman Walton reiterated his desire to fully fund the library's request and noted that many children do not have internet access at home, which is a need that can be filled by the library.

Mayor Peel stated that he had not heard anyone opposed to giving more funding to the library. He suggested that since the NC Blazers do not need their money until June 2017 and any deficit could be taken from Council travel, he thought that proposal would be a good source.

Councilman Donnelly agreed with Councilman King that the additional library funding could come from the NC Blazers. He stated that he would be willing to give his travel money to the Blazers program if additional funding is needed. He said that he was still bothered by the fact that Pasquotank County does not do more to help community organizations.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Rickey King to take \$1,000 from the NC Blazers to fund the Pasquotank Library at \$2,000.

Councilman Brooks suggested taking \$100 from each applicant rather than the NC Blazers team. He stated that he preferred to take care of the Blazers team at this time, rather than waiting until June 2017 to "scramble" to find the money. Councilman Brooks commented that the Council was "making it too difficult."

Councilman Horton stated that as he understood the motion, \$1,000 would be taken from the Blazers at this time, with all intention that when they come forward later, the Council would give them the additional \$1,000 out of travel. He stated that he was fine with that approach.

Councilwoman Baker pointed out that the Council does not yet know how many players will need money for the Blazers team. She stated that she agreed with Councilman Horton's and Councilman King's recommendation.

Mayor Peel called for a vote on the motion.

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

City Manager Olson stated as clarification that staff will bring the following funding recommendations forward to the City Council's Public Hearing on October 31, 2016.

Organization	Funding Request	Council Recommendation
Arts of the Albemarle	2,000.00	1,000.00
Boys & Girls Club of EC	5,000.00	4,000.00
Food Bank of the Albemarle	30,000.00	10,000.00
Healthy Carolinians of the Albem.	500.00	500.00
Kids First, Inc.	10,000.00	8,000.00
NC Blazers (*)	3,000.00	2,000.00
Pasquotank Library	2,000.00	2,000.00
Port Discover	7,500.00	7,500.00
River City CDC Juneteenth	5,000.00	**
River City CDC Walker House	7,500.00	5,000.00
Northeast Coalition End Home.	3,000.00	3,000.00
Visions of Hope	5,000.00	5,000.00
YMCA	2,500.00	2,000.00
12 Organizations/	\$83,000.00	\$50,000.00
13 Program Requests		
* Award \$100.00 per player.		
** Send Application to Tourism Development Authority for \$2,500		

e. Consideration – Compensation for Mayor and City Councilors:

Mayor Peel recognized Mr. Olson to begin the discussion of this matter. Mr. Olson stated that during the September 26, 2016 City Council meeting, Councilman Brooks requested that members of the City Council be given a \$500 per month increase in salary. He advised that currently the Mayor receives \$8,400 per year, the Mayor Pro Tem receives \$7,800 per year and each Councilor receives \$7,200 per year.

Mr. Olson reported that annually the North Carolina League of Municipalities provides a salary survey for elected and non-elected positions. He noted that staff had provided in the agenda packet the results of that survey for the City's peer group population between 10,000 and 24,999. He pointed out that the average salary paid to mayors in this category is \$7,905; to mayors pro tem is \$5,233; and to councilmembers is \$5,323. Mr. Olson reported that the proposed increase would raise the Mayor's salary to \$14,400; the Mayor Pro Tem's salary to \$13,800; and a Councilmember's salary to \$13,200. He stated that this increase would have an annual budget impact of roughly \$58,000 including the required FICA contribution. Mr. Olson requested that the members of the Finance Committee provide information to the Council with regard to their discussion.

Mayor Pro Tem Hummer stated that the Finance Committee forwarded this matter to the full Council for discussion without a recommendation. Mayor Peel pointed out that the Committee requested additional information to be considered by the City Council.

Councilman Stimatz stated that when he first became a Councilmember a pay raise was put through, which resulted in a great outcry from the public. He pointed out that the Council's salary had not been increased since 2008. He said that there was also an earlier discussion of maintaining parity with the COLA that is given to City employees. He pointed out that if the employee COLA is calculated into the Council's present salary, it would work out to about a 10% increase. Councilman Stimatz stated that he had reviewed the League salary survey that had been provided and noted that if the top 20 municipalities are used as a comparison, the increase would not be disproportionate.

Mayor Pro Tem Hummer stated that she was not in favor of a raise in the middle of a budget year. She said that it is not the time to provide a salary increase to Council because the City had increased fees and taxes to the citizens during the current fiscal year. She stated that this issue should be discussed along with annual budget deliberations.

Councilman Donnelly stated that he agreed with Mayor Pro Tem Hummer. He noted that the Elizabeth City Council is paid above average within the state and he viewed the position as a public service activity to which the members are elected. He said that if money was available for the Council to receive a raise, he thought it should be redirected to provide services to the citizens of the community.

Councilman King stated that he agreed with both Mayor Pro Tem Hummer and Councilman Donnelly. He said that he felt during budget deliberations for fiscal year 2017-2018, the Council should discuss providing a COLA to the Council as the employees receive. He pointed out that had that had been done over the years, the situation would not be what it is now.

Motion was made by Councilman Rickey King, seconded by Mayor Pro Tem Anita Hummer, to let it go until next year's budget and put it in as cost of living.

Councilman Brooks stated that he would not "fight" Council to get a raise if they did not want one. He stated that he simply made the option available. He said that he did not believe employees' salaries could be compared to the Councilors' salaries because Councilmembers are not City employees. He stated that he had seen the Council previously give two employees raises of \$54,000, which is more than the other City employees combined. He said that he also did not agree that taking this matter up in the middle of the budget year was worthy as an excuse, because he had witnessed the

Council do other things such as this during a budget year. He opined that he did not believe Elizabeth City could be compared to some of the cities listed in the League salary survey, because of the institutions located in the City such as the US Coast Guard Base, two universities and a junior college. He noted that to re-brand Elizabeth City, the Council needed to lead and not follow. He reiterated that he would not fight against the Councilors to find ways not to give themselves a raise. He stated that a raise did not matter to him personally.

Councilwoman Baker stated that when she first ran for Council, she did not know Councilors were paid. She said that she was surprised to receive a paycheck because she thought the position was a volunteer position. She stated that she was not in favor of a large increase, but said she felt the cost of living adjustment may have merit.

Councilman Walton stated that there was no need to have the Council conversation on this matter, because the Finance Committee had discussed it and it was a “done deal.” Mayor Pro Tem Hummer pointed out that the Finance Committee had not made a recommendation.

Mayor Peel called for a vote on the motion.

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

f. Discussion – River’s Landing (added to agenda by Councilman Walton).

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that since the Council does not discuss matters brought up during public comments; he placed this matter on the agenda because he felt it was worthy of discussion. He said that he thought the issues brought up by Ms. Barbara Baxter earlier in the meeting were a “good complaint.” He asked the City Manager if he was aware that the fence had been installed.

City Manager Olson responded in the affirmative and provided a little history concerning the matter. He stated that when the owners of the former Herrington Village, now River’s Landing, wanted to do some improvement work, they submitted plans approximately three years ago to the City’s Technical Review Committee for consideration. He said that originally, a gate was proposed to be installed on the west side of the property rather than the current east side location. He said that the west location could not be allowed because of an existing cross-access agreement with Viking Village to use the signalized, protected intersection at Weeksville Road. Therefore, the TRC rejected that request. Subsequent to that, he said the owners of the property had concerns about non-residents in the complex and the east side fence was installed on their private property to limit access to one central point. He stated that there was no reason to deny placing the fence on the eastern property line. Mr. Olson stated that there had also been concerns by law enforcement regarding the ability of non-residents to come in one side of the complex and exit the other side of the complex and he provided a drive-by shooting incident as an example.

Councilman Walton stated “if you can’t have an entrance and an exit, you’re wrong.” He said “you have 400 people over there trapped because they can’t get out.” Mr. Olson responded that the issue was one that should be taken up with the property owner, because the property owner was well within rights to install the fence and gate.

Councilman Walton stated that “we cannot let it be as convenient as he’s been having it.” He asked the City Manager “Do they buy electric from us?” Mr. Olson responded that they did. Councilman Walton asked “Do they buy water from us?” Mr. Olson stated that they did. Councilman Walton responded “well they need to do some of the things we want them to do, too. Why put a fence up?”

Councilman Horton stated that he had received some phone calls about this matter being a problem as well. He asked the City Manager if there was any recourse the City had to accommodate the many residents that feel the fence is a problem. Mr. Olson

stated he believed that to be a legal question for the City Attorney; and would require a conversation with the property owner.

City Attorney Morgan stated that this was his first knowledge of the situation and he was not familiar with the property layout. He said that if it could be shown that the fence somehow impedes the ability of fire protection or police protection to serve the property, his opinion was that would be the City's only recourse against the property owner - or at least to help convince the property owner to remove the fence.

Councilman Donnelly asked if staff would look into the matter. Mr. Olson responded that staff would be happy to do so.

Councilman Walton requested that the Council allow Ms. Baxter to speak on the matter again. Mayor Peel agreed and called her to the podium.

Ms. Baxter stated that in her earlier years as a tenant in Herrington Village, she remembered a lot of violence there, but could not recall violence occurring since the complex had been remodeled. She said that there was a bigger issue than just the installation of the fence and advised the Council that the property manager had implemented a curfew in 2014 for everyone living at the complex. She said that the residents sought help from the NAACP with that issue. She stated that it was her opinion that when the police are called by the property manager "it is for petty stuff." She accused the property manager of being controlling, manipulative and scary to the residents. She stated that some residents would not sign a petition out of fear of retaliation. She reiterated that the issue goes beyond the fence and is more about "social injustice."

Councilman King stated that he was concerned about having a curfew for adults. Ms. Baxter responded that the property manager also targets felons and people that "have a past" by banning them from the property. Councilman King inquired if the curfew was still in place. Ms. Baxter responded that the curfew had been lifted when the residents had a meeting with the property owner.

Councilman Brooks stated that he was the head of the Legal Redress Committee for the NAACP when the curfew issue was going on. He said that he remembered the case very well and advised that the tenants refused to participate in a civil suit at that time. He advised that he reached the conclusion at the time that the people over the property manager did not know she was taking those actions. He said that the problem he has with the issue now is if there is an emergency, response vehicles cannot gain access when needed. He stated that the City should get involved in some way. Councilman Brooks said that he agreed with Councilman Walton in that if the complex is paying for City services they should not be able to "run an Indian Reservation" in the middle of Elizabeth City.

Councilman Horton asked the City Manager if there was a sidewalk along Weeksville Road and Rivers Landing. Mr. Olson responded that the complex was constructed before the City required sidewalks and noted that the sidewalk is across the street on the ECSU side of the highway. Councilman Horton stated that he would like to know why the gate was installed, since that had been the route residents used to walk to the convenience store. Mr. Olson responded that the owners had already stated the fence and gate were installed for security reasons. Councilman Horton made the point that every second counts in an emergency situation and he thought the matter needed to be looked into right away.

Mayor Peel stated that the City Manager and City Attorney would look into the issue and bring it back to the Council during the October 31, 2016 meeting.

Mr. Olson stated that most of the tenants in the complex receive HUD assistance; and he suggested that they could also write a letter to the Inspector General of HUD to have an investigation performed. Councilman Walton responded that the residents were afraid to do that. Mayor Peel stated that he would be happy to write a letter to HUD if provided the information to do so.

Councilman Stimatz suggested that he thought the first step would be to have a stakeholders meeting with residents of the property to find out exactly what they are looking for. He said that there should also be a determination made whether or not there is a public safety issue that has not been addressed. He pointed out that currently DOT would be hard pressed to find funding to install a sidewalk along Weeksville Road. He stated that it is his opinion that direct action against the land owner or the property manager is very limited, unless a public safety issue can be shown. He agreed with Mr. Olson that HUD would be happy to do their part, since it is a subsidized housing development.

Councilman Walton stated that it would all boil down to a meeting with the regional person. He stated that the City Manager “has been fighting their battle before they even go to the table.” He stated “Mr. Olson, when you go to the table, you got to be hardcore trying to get it done rather than make excuses for them by why they don’t want to do it. We need you to go there and fight hard for these people.”

Mr. Olson stated “Councilman Walton, you always negotiate from a strong point of view and the City’s position is very weak. First of all, we don’t have the legal authority to do anything and the compelling public safety interest – we’ve had 287 calls for service in the last year within that development and we’ve had one shooting in the last year within that development. Those are the CAD facts and that’s probably why the manager did what she did.”

Councilman Walton reiterated that the fence is an inconvenience for those residents who do not have a car.

Councilman King recommended that before the next Council meeting, the City Manager, Councilman Horton and Councilman Walton should meet and formulate some idea of what the issues are in order for the Mayor to write a letter to HUD. He also requested that additional crime statistics be placed in the letter.

Councilwoman Baker complimented Ms. Baxter for her bravery in speaking for the other residents.

g. Discussion – South Road Street (added to agenda by Councilman Brooks).

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks requested an update from the City Manager regarding when South Road Street would be paved. Mr. Olson explained that Barnhill Contracting Company had overscheduled their work, thus delaying the project. He said that DOT can now assess liquidated damages because the project has not been completed. He said that the completion date was originally October 15, 2016, but the project will not be complete by then. He said that City staff is now concerned that a number of DOT roads damaged by Hurricane Matthew will take precedence over other pending projects.

Councilman Brooks stated that the residents of South Road Street were getting “the nasty end of the stick.” He encouraged Councilman Donnelly and Councilwoman Baker to fight for South Road Street as adamantly as he does, since half the street is located in their ward. He encouraged Councilman King to also get involved. He pointed out that the project keeps being delayed and he felt it was unfair to Elizabeth City.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Brooks brought up the condition of Brooks Avenue and stated his frustration that it had not yet been repaved. He stated his support for Mr. Otis Gordon who spoke during public comments regarding the fact that no movement had taken place at the Dog Corner Basketball Courts. As an example of continuous delays, he stated that the Council had voted unanimously to close the ditch at 1165 US Highway 17 South for Mr. and Mrs. Barclift and it was still open. He noted that the vote was 8-0 on that motion and stated that as he understood the City Charter, when the Council votes unanimously, the project is supposed to get done. He said it appeared to him that

staff's mind was already made up not to do it, so it just didn't get done. He said he could name a number of similar examples, but his concern now is South Road Street, Brooks Avenue and Southern Avenue.

Councilman Stimatz stated that he did not remember voting on the Barclift ditch issue and would like to see the minutes. He stated that it was his memory that the Barclift ditch was a DOT ditch for which the City had no responsibility or authority. He thanked City staff for picking up storm debris so quickly after Hurricane Matthew. He said that if the City had not made the stormwater drainage improvements that had been made in recent years, the City would have experienced much worse flooding during the recent 500 year storm event.

Councilman Brooks asked to respond to Councilman Stimatz' remarks about the Barclift issue. He said that the minutes would show a unanimous vote on the Barclift issue. He acknowledged that the property was the responsibility of DOT, but stated the Council conversation was "why couldn't we close it up and send DOT the bill." He continued "we have done that in the past."

Councilman Horton thanked City staff and Wilson Energy for helping the City get through Hurricane Matthew. He requested that the City Manager review the policy regarding responding to citizens who have locked their keys in their vehicles. He stated that he had been told that the City did not assist in those circumstances due to liability issues. He suggested that the City could design a form to be signed waiving liability.

Mayor Pro Tem Hummer thanked City employees for their long hours and hard work during Hurricane Matthew. She noted that citizens must try to understand the often difficult and dangerous situations involved in storm recovery.

Councilman King thanked City staff for their efforts during Hurricane Matthew. He asked the City Manager if a problem existed with pot holes and bad road conditions on West Main Street. Mr. Olson stated that he was not aware of any issues but would take a look at the situation. Mr. Olson noted that there was some sewer work that needed to be done along the entire street.

Councilwoman Baker stated that she had noticed that the whole section of West Main Street was unusually rough. She announced the upcoming 20th annual Ghostwalk and invited everyone to attend.

Councilman Walton stated that he had received a citizen complaint and inquired if the Herrington Road Pump Station was working during the storm. Mr. Olson responded that the pump station was working, but was unable to keep up with the volume of water. He said that the City had rescued several residents and transported them to the shelter from that area. Councilman Walton inquired about progress on constructing the new City entrance sign. He said that the Council had decided on the wording for the sign and he did not want the delay to cause that to change. Mr. Olson responded that Hyman and Robey had drawn the specifications and the sign was out for bid. He stated that there was a need for additional permits from NCDOT and perhaps CAMA but he hoped construction would begin before the end of the year. Councilman Walton stated that he did not believe the Council could wait 21 more days to address the situation at Rivers Landing Apartments. He stated that it was "drastic that we get that done." Mr. Olson responded that City staff is still in recovery phase from Hurricane Matthew, but he would try to work on the Rivers Landing matter in the coming week.

Councilman Donnelly stated that he would like to reiterate everyone's positive comments regarding the City's response to the storm. He expressed support for those citizens still struggling to recover. He commented on the stickers being placed on residents' 90 gallon roll-out garbage cans to "keep clutter out of the gutter." He stated that it is a serious message, especially during times when storms come through. He noted that clutter in the roadway adds to the problem of drainage. He invited everyone to attend the ECDI dinner fundraiser being held in conjunction with Ghostwalk. He inquired of the City Manager a status update on the Road Street Utility Project. Mr. Olson responded that the project is on schedule. Councilman Donnelly inquired about

the issue with the Rosewood neighborhood, which was brought up during public comments. Mr. Olson responded that the project has been designed and the City Council had budgeted \$50,000 to do the work as part of the Stormwater Utility budget, but the City was having a difficult time securing an easement from a property owner.

Mayor Peel stated that the City is fortunate to have so many good people working hard for the City and he thanked the employees for their hard work during the storm. He requested that the City Manager advise Mr. Winfred Foster that the City Council had budgeted \$50,000 to do the drainage work in Rosewood and also to convey the holdup with the easement. Mayor Peel inquired about the flooding on Shepard Street and asked if there was a possibility of installing a pump valve to help with the issue. Mr. Olson stated that he did not believe there was enough head pressure to open the valve because the terrain was so flat.

9. Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Rickey King, to go into closed session as per NCGS 143-318.11(a)(3) for consultation with the City Attorney. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Mayor Peel declared a five minute recess at 9:20 p.m., after which the Council reconvened in Closed Session.

Motion was made by Councilman Darius Horton, seconded by Councilman Tony Stimatz, to come out of closed session. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

The Council returned to open session at 10:04 p.m.

10. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 10:05 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk