

**City Council Regular Session  
October 26, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, October 26, 2015 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Rich Olson, City Manager  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Captain John Young  
Electric Superintendent Karl Clow  
Assistant to the Manager Angela Cole  
Human Resources Director Katherine Felton  
Public Utilities Director Paul Fredette  
Fire Chief Larry Mackey  
ECDI Director Wade Nichols  
IT Director Matthew Simpson  
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 recognized Councilman Darius Horton to give the invocation, after which Mayor Peel led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

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

Mayor Pro Tem Hummer announced the need to add an additional Closed Session discussion as allowed by NCGS 143-318.11(a)(3) for Consultation with the City Attorney regarding the Pasquotank County Water Lawsuit.

Councilman Walton requested to remove from the Consent Agenda four items for discussion: (1) the transformer replacement, (2) modification to the Parks and Recreation Master Plan, (3) the traffic signal at Tanglewood Parkway North, and (4) the traffic study to evaluate the conversion of Water Street to one-way travel.

Councilman Horton requested to add discussions of "elections" and "community meetings."

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

**2. Statement of Disclosure:**

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

**3. Comments from the Public:**

Alice Redding, 914 Riverside Avenue, Elizabeth City, NC stated that she recently ran for office as a First Ward Councilor because she was not happy with the general “status quo attitude” displayed by her First Ward representatives as well as the Council, Mayor and City Manager toward downtown development. She said that she had reached out on numerous occasions to the Mayor and City Manager to try to get assistance and input regarding the development of her property on the waterfront without success. She alleged that the response she received should have resulted in legal action. She stated that she had learned that most of the Council members were unaware of her negotiations and she contended that discussions and negotiations regarding “many other” decisions involved in City development “have resulted in very negative actions” most of which are never conveyed to the City Council. She promised that she would continue her quest for changes in City government and encouraged the Council to be cooperative as she goes forward with her developmental plans.

**4. Approval of Minutes:**

Mayor Peel requested the Council’s pleasure regarding approval of the prepared minutes.

- a. City Council Regular Session of October 5, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker, to approve the Regular Session minutes of October 5, 2015. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton, and Walton. Against: None. The motion carried.**

- b. City Council Special Meeting of October 9, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker, to approve the Special Meeting minutes of October 9, 2015. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton, and Walton. Against: None. The motion carried.**

**5. Consent Agenda:**

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

*(Clerk notation: Items “b” and “c” were recommended for approval by the Finance Committee during their meeting of October 23, 2015.)*

**Beginning of Consent Agenda:**

- a. Consideration – Acceptance of Abstract of Votes for the October 6, 2015 Municipal Election;
- b. Consideration – Adoption of the following Ordinance Ordering Condemnation and Demolition of Structure located at 608 Factory Street;

**ORDINANCE #2015-10-04  
CONDEMNATION AND DEMOLITION**

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**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE**

**SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.**

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

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

**WHEREAS**, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on July 26, 2015 and the owner has failed to comply with said order;

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

**Section 1.** The Building Inspector is hereby authorized and directed to place on the house at 608 Factory Street (Map 39, Block C, Parcel #4 and Tax I.D. 891419627051) a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated July 26, 2015 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 26<sup>th</sup> day of October 2015.

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Joseph W. Peel  
Mayor

Attest:

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Vivian D. White, CMC/NCCMC  
City Clerk

- c. Consideration – Adoption of the following Resolution authorizing financing for various equipment with BB&T at a rate of 1.86% for five years.

**Resolution #2015-10-02  
Approving Financing Terms**

**WHEREAS:** The City of Elizabeth City, North Carolina (the “City”) has previously determined to undertake a project for the financing of vehicles, (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated October 2, 2015. The amount financed shall not exceed \$415,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.86%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City’s general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 26<sup>th</sup> day of October, 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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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 amended. Those voting**

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

**6. Public Hearings:**

1. Consideration - Adoption of a resolution authorizing the filing of an application for approval by the Local Government Commission of a financing agreement authorized by North Carolina General Statute 160-20 for property located at 305 E. Main Street.

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons had registered to be heard. The City Clerk called Mr. Sam Davis to the podium.

Sam Davis, 501 Continental Drive, Elizabeth City, NC stated that he wanted to express his interest as the broker for the owner of the property located at 305 E. Main Street. He recommended that the Council favorably consider the application. He offered himself to answer any questions the Councilors had.

There being no additional persons wishing to speak, Mayor Peel declared the public hearing closed.

Mr. Olson advised that there was a companion to this item being discussed in Closed Session. He stated that action was not required until after the Closed Session was held.

2. Consideration - Adoption of a proposed amendment to Chapter 42 of the City of Elizabeth City Code of Ordinances, Article II Abandoned, Nuisance and Junked Motor Vehicles, Sections 42-45 and 42-50.

Mayor Peel declared the Public Hearing open. Upon advice by the City Clerk that no one wished to speak, he declared the Public Hearing closed.

Mayor Peel recognized Assistant to the City Manager Angela Cole for background on this consideration.

Ms. Cole stated that one of the primary ways that Code Enforcement Officers impact communities is by ridding the city of health and sanitation hazards. She said that municipalities adopt ordinances, rules and regulations that take into consideration the safety and well-being of the public. She noted that enforcement of these ordinances can be essential to the provision of safe and healthy living and working conditions for the members of the community. She stated that the request before the Council was for the amendment of Chapter 42 Health and Sanitation, Article II Abandoned, Nuisance and Junked Motor Vehicles, Sections 42-45 and 42-50 of the City Code.

Ms. Cole continued by reporting that abandoned, nuisance and junked (ANJ) vehicles have comprised a large number of all code violations in our community. She stated that when cited for an ANJ motor vehicle, oftentimes the vehicle or property owner will simply relocate the vehicle to another portion of the same lot or a few feet down the street. She said that as a result, code enforcement officers will have to cite and re-cite a vehicle or property owner multiple times for the same vehicle without the violation being rightfully abated voluntarily.

Ms. Cole stated that City staff is of the opinion that the intent of the Code of Ordinances is to rightly improve the safety and well-being of all citizens within the City's jurisdiction. She said that the effective correction and/or removal of ANJ motor vehicles are a part of this objective. She also acknowledged that in staff's opinion, 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.

Ms. Cole noted that additionally staff had noticed that Section 42-45 of the Code charges the inspections department with administering the removal and disposition of

motor vehicles located on private property; and pointed out that the activities of code enforcement are no longer executed by the inspections department, but instead the Code Enforcement Division of City Administration.

Ms. Cole said that the proposed ordinance revisions had been reviewed by the City Attorney and the appropriate revisions were made to the proposed ordinance text. She requested adoption of the Ordinance amending Article II Abandoned, Nuisance and Junked Motor Vehicles, Sections 42-45 and 42-50.

Councilman Stimatz stated that he did not see a definition for abandoned, nuisance and junked vehicles and inquired if the definitions were included elsewhere in the Code. Ms. Cole stated that the definitions were included in the Code section that immediately preceded the section proposed for amendment.

Councilman Stimatz stated that a constituent had raised a concern to him regarding his ability to restore classic vehicles on his property. He asked how the definition of an ANJ vehicle would impact vehicles being restored.

Ms. Cole said that she believed the Code regarding abandoned vehicles dealt with the placement of said vehicles, whether located on public right of way or in a public parking lot. She said junked vehicles were generally deemed to be on private property. She stated that nuisance vehicles generally were those with vegetation growing up around them. City Manager Olson retrieved a copy of the Code and stated that three lengthy descriptions were included in the City Code to define the three types of vehicles.

Councilman Stimatz reiterated his concerns that if someone is restoring a vehicle, it may not be licensed and it cannot be inspected. He stated that Code Enforcement could deem the vehicle to be junked. He asked how the City could be convinced that the vehicle is not a junked vehicle.

City Attorney Morgan stated that the Code's abandoned vehicle definition reads that the vehicle has been left in the public right of way in violation of law or ordinance or on private property for longer than two hours without the written consent of the owner, occupant or lessee. He proposed that if an individual was trying to restore a vehicle on his own property, he could obviously give himself consent for the vehicle to remain there. He stated that a junked motor vehicle is defined as one that is partially dismantled or wrecked and cannot be moved in the manner originally intended, among other requirements. He noted that the definitions follow directly from the North Carolina General Statutes. Mr. Morgan stated that his own personal opinion is that if the owner of the vehicle being restored showed some good faith effort to City Administration that he is making significant restoration progress, then he would be given leeway.

Councilman Stimatz asked if it would matter if the vehicle was out in the open or in a garage. Mr. Morgan responded that if the vehicle was in a garage, it would not fit the definition of the ordinance and could not be regulated. Ms. Cole noted that the changes being recommended included that if the vehicle was in an enclosed space, it would "be fine."

Councilman Stimatz asked if the Council was being asked to depend on staff taking vehicles on a case by case basis with the promise of being lenient. Ms. Cole stated that staff would take the vehicles on a case by case basis. Councilman Stimatz responded that was a problem for him, "because when things are left to discretion, they become an issue."

Mr. Olson stated that during his last tour of the City with Code Enforcement Officers, he noted over 320 vehicles that were either junked or abandoned in staff's opinion. He offered that restoration should be done in a timely, efficient manner. He posed the question "why should the neighbors living next door to it have to live with a partially disassembled vehicle?" He said that the Code doesn't allow for simply screening the vehicle in response to a question asked by Councilman Stimatz. Mr. Olson noted that generally this type of code violation is a complaint driven process.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to table action on this item until our next meeting pending a better sanction of the rights of people to restore a vehicle, under what conditions. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

3. Consideration - Adoption of an ordinance repealing Section 66-13 Political Campaign Signs of Chapter 66 of the City of Elizabeth City Code of Ordinances in its entirety.

Mayor Peel declared the meeting into Public Hearing and inquired of the City Clerk if persons were present who wished to be heard. Hearing none, Mayor Peel declared the Public Hearing closed.

Mayor Peel recognized Planning Director June Brooks to discuss this item.

Ms. Brooks stated that during the past couple of months, she had provided the City Council updates regarding the Supreme Court decision on the case, Reed vs. Town of Gilbert, Arizona and its impact on jurisdictions across the nation regarding sign enforcement. She stated that the decision basically ruled that a differentiation could not be made among political, ideological or religious types of temporary signs. She stated that the City's ordinance contained a definition of "temporary signs" that covers political campaign signs, special events, farm auctions, agricultural sales and the like. She stated those signs could be placed 30 days prior to the event and had to be removed 10 days after the event.

Ms. Brooks stated that in 2007 the Council adopted a special section of the City Code that allows political campaign signs only to be placed on fourteen City-owned sites. She noted that the recent Supreme Court decision had made this portion of the City Code unconstitutional. She pointed out that the City would either have to allow all temporary signage at those fourteen locations or none at all. She stated that at the Council's direction, staff had moved forward to repeal that section of the City Code.

Ms. Brooks reported that City staff had participated in two webinars and received legal opinions from the School of Government on the interpretation. She stated that it is staff's recommendation for the City Council to take action to repeal Section 66-13 of the City Code, which will eliminate anyone from posting a temporary sign on the City-owned sites. She noted that since there was no run-off election needed for the recent municipal election, the ordinance to repeal could be made effective immediately.

Councilman Walton asked what had brought the matter to staff's attention. Ms. Brooks stated that the matter was a Supreme Court decision that staff had received in late spring or early summer. She stated that the decision required staff to make sure that the City's temporary sign ordinance was not in conflict with the decision.

Councilman Spence asked for clarification that during campaign periods, candidates could no longer place campaign signs on City property. Ms. Brooks responded that candidates could no longer use the fourteen City-owned sites if the ordinance was repealed. She noted that signs could still be posted on private property and other allowable places, just not on the City-owned sites.

Councilman Horton stated that the Council would still have the option to open the door for others to place temporary signs on the fourteen City-owned sites; and if that was done, candidates could still place campaign signs on the sites. Ms. Brooks stated that would be correct. She stated that the question would be whether the Council wanted to allow everyone and every organization with a temporary event to post their signs on the fourteen City-owned sites. She pointed out that in that situation, there would be signs on the City sites every day of the year.

Councilman Walton asked to receive a copy of the Supreme Court decision. Ms. Brooks responded that she would be glad to do that the following day. Councilman

Walton asked “you can’t do it tonight?” Ms. Brooks responded that the decision was approximately 50 pages long. Mr. Olson suggested that staff could provide the School of Government brief on the issue that was received through the Coates’ Canons Blog. Ms. Brooks stated that the information had already been provided to the Council during a previous staff presentation. Councilman Walton stated “that’s okay, you can keep it. I don’t want it if it’s fifty pages.”

Councilman Stimatz stated “we can regulate time, place and manner – not content - and that’s what the Supreme Court ruled on.” He stated that the sites would not have to be opened up every day of the year, but the Council could specify that the only time there could be signs would be a certain period of time “which happens to coincide with elections.” He stated that as long as everyone is allowed to use the sites, the Council could pick the time. Ms. Brooks responded that was correct. Councilman Stimatz stated that he was simply clarifying a specific point of law in his own mind. He reiterated that the City’s designated spaces would have to be open to everyone and that content could not be regulated.

Councilman Brooks noted that even though a timeframe was established for putting signs on the fourteen City-owned sites, he did not believe it would be cluttered because he did not think “that many people will put their signs when they see a lot of election signs.” He stated “the mindset doesn’t work like that in this area.” He said it would not serve a purpose to have a temporary sign “selling soap” in the midst of all the election signs. He stated that it didn’t matter to him because “everything is going high-tech anyway.” He said “all the signs do is let people know you’re running.”

Councilman Horton said that he was interested in Councilman Stimatz’ comment about regulation of time, place and manner. He asked the City Attorney if it would be possible for the Council to allow signs on the fourteen City-owned sites during the election cycle. City Attorney Morgan responded “you could legally do that, but the point is, you would also have to allow any other sign to be placed there at the same time.”

Councilman Horton stated that he would argue that citizens would not even know that they could put signs on the City-owned sites. He said that he would not see anything wrong with them putting signs in those locations. He said that people know where they can go to look at the signs to see who is running for office.

Mayor Peel stated that he had a question for the City Attorney. He said “if from September 1 to October 10 every other year you can put signs on those fourteen spaces – and oh, by the way, that just happens to coincide with when the campaign is - that probably meets the letter of the law, but may not meet the spirit of the law. Would we be putting ourselves in any jeopardy?” Mr. Morgan said that it was not clear-cut to him that it would withstand challenge. Mayor Peel agreed and said “that would be my thinking.”

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to table action until staff comes back with an opinion about the possibility of just having a period with any signs on there that we want to let on.**

City Manager Olson requested of Mayor Peel the opportunity to make a comment. He stated that he would strongly encourage members of the City Council to look at the proposed ordinance. He pointed out that the current ordinance is unconstitutional. He said that the Council’s discussion reveals that there is a desire “to change the rules of the game to allow certain things to happen.” He said “that does not supersede that what you have is unconstitutional.” He stated that staff could come back with a wider scope definition if desired, but repeal of the current ordinance was still needed.

Councilman Horton pointed out that Ms. Brooks had stated that the decision came out “around the spring or summer.” He asked “how long have we had this?” Ms. Brooks stated that staff received the information in June or July and the School of Government issued its opinion in July-August after which two webinars were held. She said staff had moved forward from that point. She stated that she had given the Council two



presentations - one in early August and another in September.

Councilman Horton asked if staff could research the Council's questions by the next meeting. City Attorney Morgan stated that he would think an opinion could be obtained by that time; and he reiterated that what the City currently has on the books is clearly unconstitutional and illegal. Councilman Horton stated "but it's been unconstitutional." Mr. Morgan responded "for us to make the change, it had to go through certain processes, if you will."

Mayor Peel stated "you now know about it and so you would be in violation of the Constitution." Councilman Stimatz stated that he would take exception to that comment because the staff memo originally requested an effective date of January 1, 2016. He said "obviously, you were not worried about it being unconstitutional until 2016." He continued "the other flaw in your argument is this: it only goes into effect in 2017 – that's the next election at which somebody can put signs there – the period has passed."

Mr. Olson stated that the ordinance is not just about City elections, but includes national elections. He pointed out that there is a primary election scheduled for March 2016. He stated that the ordinance is about "political campaign signs" and does not refer to just City Council campaigns. Mr. Olson said that staff would be happy to address any issues the Council has. He reminded the Councilors that staff had brought the issue to them in a previous Work Session several months prior and had prepared the matter pursuant to Council's direction.

Councilman Brooks restated the issue as he understood it and questioned again if designating a particular time period would be unconstitutional.

Mayor Peel responded that was the question that staff has been tasked with determining.

Mr. Olson stated that the issue is that the City has differentiated regarding the types of temporary signs – political signs and all other temporary signs – which is now unconstitutional. He stated that the City's ordinance specifically allows only "political campaign signs." He said that if the Council would like staff to bring back a new ordinance that would allow all temporary signs on the City-owned sites, they could do so. Councilman Brooks asked what that would entail. Mr. Olson responded that staff could most likely have it completed by January. He noted that a public hearing would have to be held.

Councilman Stimatz asked "why? We're looking at changing this ordinance. We've had hearings and made changes to other things and it doesn't have to go back and do a second hearing." The City Clerk responded that the Public Hearing held was specific to the repeal of the ordinance.

Councilman Stimatz stated that he would hope that City staff could bring something back within 60 days. He said that he thought his motion to table was still valid.

Councilman Brooks stated that he thought the ordinance should be inclusive and allow any temporary signs to fall under the same category as political signs, but include a specific timeframe.

Mayor Peel stated that there was a motion to table the item. He stated that to summarize what he had heard, the Council wants staff to come back at the next meeting with some more information about what is possible as far as creating a time period for the space.

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

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

## **7. Regular Agenda:**

- a. Discussion/Consideration – Design of Proposed City Entrance Signs and Authorization to Submit Application for Funding to the Tourism Development Authority in the amount of \$25,000. *(TDA application recommended for approval by the Finance Committee during their meeting of October 23, 2015.)*

Mayor Peel recognized City Manager Olson to review this item for the Council. Mr. Olson stated that staff's request is for permission to submit an application to the Tourism Development Authority in the amount of \$25,000 to pay for the east entrance sign into Elizabeth City. He stated that the Finance Committee had requested the matter be placed on the Regular Agenda for discussion by the Council. He referred the Council to the PowerPoint image of the sign mock-up, which had been amended based on Council comments and recommendations during a previous meeting to remove the tagline for "Coast Guard City."

Councilwoman Baker stated that she felt it was important to place "Coast Guard City" on the new entrance sign. She pointed out that the Coast Guard is the City's biggest employer and that a lot of Coast Guard personnel retire to Elizabeth City. She stated that she had researched several other Coast Guard cities on the internet and found that they feature the fact that they are a Coast Guard City in their advertising. She cited several examples and showed pictures of welcome signs for those cities. She noted that the Coast Guard helps everyone in the Country and reiterated her support of having the tagline placed back on the City's new signs.

Councilwoman Baker stated that she felt it was also important to highlight the other things the community has to offer and suggested that those things could be placed on a different, additional sign such as the one presently on the Camden Causeway.

Mayor Pro Tem Hummer stated that being a Coast Guard City is such a "high distinction to have bestowed on us." She noted that the City had worked very hard to receive the designation and the Coast Guard men and women are here to save lives. She suggested that she did not see a reason why the City could not install two taglines on the entrance sign with one reading "Home of ECSU, MACU and COA" and the second reading "Coast Guard City." She suggested that would "tout everything we have." She said that to disregard the Coast Guard City distinction would be disappointing in her opinion.

Councilman Horton stated that he concurred with Mayor Pro Tem Hummer. He said that he did not think the sign should be "crowded" but did believe that the institutions of higher learning "bring a lot of people to our City on a frequent basis." He suggested that the Council should be open minded and not "slight anyone." He said that it had been brought to his attention as a Fourth Ward Councilor that ECSU students feel that they do not have a tangible, physical presence outside the University. He recommended that all three schools and Coast Guard City be represented on the sign, otherwise it should be left blank.

Councilman Walton stated that he would also agree with Mayor Pro Tem Hummer that all three schools with their logos should be shown along with "Coast Guard City" in order to "blend in and take care of everything."

Mayor Peel asked the City Manager if all the information could be accommodated on the signs. Mr. Olson responded that on some signs the additional information would work. He noted, however, that based on the speed limits and locations, staff may need to look at the font and other ways to make the information stand out. He suggested that plantings would need to be kept very low at the base of the signs.

Councilman Stimatz offered that the word "historic" could be removed from the sign because the date of 1793 that is included indicates that the City is historic. He stated

that he thought it was the right thing to do to show that the community is proud of its university and colleges and proud of the Coast Guard.

Mr. Olson responded that staff could work with the engineer to place taglines below the words “City of Elizabeth City” on the signs. Councilman Stimatz asked if staff would bring back another version of the design. Mr. Olson responded that staff’s only request at this time is to approve submission of an application to TDA for funding. He stated that staff would bring the design back at another time as a separate issue.

Councilwoman Baker noted that she had found that other Coast Guard cities have committees that serve to support Coast Guard members and their families throughout the year. She pointed out that the other cities “really take Coast Guard City seriously.” She noted that the City has to reapply for the Coast Guard City status every five years. She said that formation of a committee may be something the City would need to consider.

Councilman Donnelly stated that he thought the community has difficulty “branding itself.” He suggested that before anything else is placed on the sign, he thought more citizen input was needed to determine “what kind of City we want to be.” He stated that he also thinks about the importance of the waterfront and the intra-coastal waterway; and he noted that there is so much more that goes on in the community. He suggested it would need a long discussion to determine “who and what” needs to go on the entrance signs.

Councilman Walton stated that he did not think the City needed “so many committees.” He said that was a problem for him already; and he suggested that the Council should “take it and do what we supposed to do.”

Councilman Stimatz pointed out that the signs will be in locations with higher speed limits; and he stated “as you get closer to Medicare like I will be in two months, less is more. You put a lot on there; I don’t even know what you’re talking about.” He said the signs will be located on the outskirts of town, are not detailed information signs but are “impression signs.” He suggested that the Council should leave a simple impression.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to approve staff’s authorization to submit an application for funding to TDA in the amount of \$25,000 to fund the first Elizabeth City gateway sign. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

b. Consideration – Award of Bid to WESCO for the Perkins Road Single Phase Transformer Replacement Project in the amount of \$120,359.00: *(Recommended for approval by Finance Committee during their meeting of October 23, 2015. Removed from Consent Agenda by Councilman Walton for discussion.)*

Mayor Peel recognized Mr. Olson to provide the details of this request. Mr. Olson stated that on September 22, 2015, four bids were received for the Perkins Road Single Phase Transformer Replacement Project. He said the existing transformer is over 50 years old and its annual oil sample was not acceptable, which indicated the transformer needed to be replaced. He said the bids received for this project were as follows:

WESCO	\$120,359
WEG Electric	\$175,000
Pennsylvania Transformer	\$211,158
SPX	\$264,242

He noted that the City’s electrical engineer had reviewed the proposal and recommended that the bid be award to the low bidder, WESCO.

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton said that “anytime you spend \$120,000, you need to give us more information.” He stated

that the Council was not “privy” to the bid information. Mr. Olson noted that the bid tabulation sheet was provided as a part of the support documentation for the agenda item, which was provided to the Council. Councilman Walton responded that he “just wanted to be transparent and let the people out there know why we’re spending \$120,000.”

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to approve the bid award to WESCO for the Perkins Road Single Phase Transformer Replacement Project in the amount of \$120,359. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- c. Consideration – Authorization for the City Manager to enter into a contract with Benesch in the amount of \$29,250 to update the Parks and Recreation Master Plan: *(Recommended for approval by Finance Committee during their meeting of October 23, 2015. Removed from Consent Agenda by Councilman Walton for discussion.)*

Mayor Peel announced consideration of this matter and Councilman Walton stated “I think I put that one out there too.” He said, “\$29,000 - we’re still spending money.”

Councilman Walton asked Parks and Recreation Director Bobbi White if the City did not already have a Master Plan for Parks and Recreation. Ms. White responded that the plan runs out in 2016-2017. She said that if the City did not update the plan at the present time, the cost would be \$80,000 at the plan’s expiration. She also stated that the City would not qualify for any PARTF and CAMA grants unless the plan is updated.

Councilman Walton stated “like I say, transparency – that’s what I want to see.”

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to authorize the City Manager to enter into a contract with Benesch in the amount of \$29,250 to update the 2006-2007 Parks and Recreation Master Plan.**

Mayor Peel inquired if there was further discussion.

Councilman Stimatz stated that he wanted to go back to the Youth Task Force’s direction to City staff to do a biennial or annual survey of school students regarding what their recreational desires are. He pointed out that survey was also reiterated in Vision 2020. He said that he would hope that the school survey would be used in addition to the proposed phone survey to find out at least what the kids want. He pointed out that the advantage is that a school system survey would reach both City and County students, a plus for the joint City/County department.

Councilman Stimatz asked if the cost of the Master Plan update would be shared by the City and the County. Mr. Olson stated that the plan would be funded out of the Parks and Recreation Department budget and would be shared 55% County, 45% City.

Councilman Stimatz stated “that should soothe some of the ruffled feathers in the room, including mine.” He noted that the school survey was low cost - real cheap to do - and the data received from the school system was usable. He stated that he would suggest the plan update should include the school survey as part of the process.

Councilman Donnelly asked Councilman Horton, as a member of the Parks and Recreation Advisory Board, what he thought about the master plan update. Councilman Horton responded that he had not been to a meeting during which the update was discussed. Councilman Donnelly asked Councilman Horton if he supported the update to which Councilman Horton responded that he did.

Councilman Spence asked if the tennis court at Enfield Park would be included in the study. Mr. Olson stated that the update would take an inventory of the City’s existing

parks system and determine the elements in the City's recreational plan that are needed.

Councilman Spence stated that he had asked for the tennis court at Enfield Park to be turned into another basketball court a year earlier because citizens can normally be seen waiting in line to play. Mr. Olson stated that the suggestion would be evaluated. He said that he would verify something after the Council meeting and provide additional information for Councilman Spence.

Councilman Stimatz suggested that if the City were to put a splash pad in each ward, the City could somehow involve private industry and the public and do some sort of cost-share. He stated that he hoped that kind of thinking would be reflected in the update of the plan.

**Mayor Peel called for a vote on the motion on the floor:**

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

- d. Consideration – Authorization for the City Manager to enter into an agreement with Kimley Horn and Associates, Inc. to evaluate the need for a traffic signal at Tanglewood Parkway North and the cross drive accesses of Wal-Mart and Tanglewood Pavilion; and design the same if warranted: *(Recommended for approval by Finance Committee during their meeting of October 23, 2015. Removed from Consent Agenda by Councilman Walton for discussion.)*

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that he had pulled this item off the Consent Agenda for transparency purposes. He noted that Kimley Horn has another study on the agenda and said “we doing a lot of studying and costing us a lot of money. This study is for what - \$29,000?”

Mr. Olson responded that the cost of the study is \$27,950 for design work. He stated that the cost of the signal will be over \$200,000.

Councilman Walton asked if staff had received three “appraisals” for the work. Mr. Olson responded that staff did not request three bids because Kimley Horn is already in the process of doing final design work on the Halstead/Mount Everest Way signal. He stated that the company already has all the background traffic information concerning the entire Tanglewood corridor. He pointed out that information will help determine what the turning motions and timing needed for the signal will need to be.

Councilman Walton asked if the City had to install the signal. Mr. Olson responded that the City has an agreement with Thompson Thrift requiring installation of two traffic signals – one on Halstead Boulevard and the other on Tanglewood Parkway North. Mr. Olson stated that Kimley Horn is an NCDOT-approved signal design contractor.

Councilman Walton asked if the study was something the City “has to have done before you go forward - with what? Before you can put a light there?”

Mr. Olson stated that what happens with a traffic signal design study is that a company is engaged to go in and look at the width of the intersection, the turning motions and the count for the number of trips per day. He advised that using that information, the company will design a signal light configuration.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Kem Spence, to authorize the City Manager to enter into an agreement with Kimley Horn to evaluate the need for a traffic signal at Tanglewood Parkway North and the cross drive accesses of Wal-Mart and Tanglewood Pavilion and to enter into an agreement again with Kimley Horn to complete a traffic study to evaluate the conversion of Water Street to one-way travel.**

Councilman Walton asked “who will this be paid for by?”

Mr. Olson stated that Councilwoman Baker's motion included the next agenda item. Councilwoman Baker stated that she made the motion to include both items.

Councilman Walton said "oh no, I don't want both of them."

Mayor Peel reiterated that Councilman Walton had asked who will pay for the study. Mr. Olson advised that the study on Tanglewood Parkway includes an agreement with Pasquotank County to pay \$32,500 towards the cost of the traffic signal. He stated that the intersection is Powell Bill funding eligible and the City was also looking to developers in the area to share in the cost.

Councilwoman Baker asked if she needed to amend her motion, to which Mayor Peel responded in the affirmative.

**Motion was amended by Councilwoman Jean Baker, seconded by Councilman Kem Spence, to authorize the City Manager to enter into an agreement with Kimley Horn to evaluate the need for a traffic signal at Tanglewood Parkway North and design the same if warranted. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- e. Consideration – Authorization for the City Manager to enter into an agreement with Kimley Horn and Associates, Inc. to complete a traffic study to evaluate the conversion of Water Street to one-way travel: *(Recommended for approval by Finance Committee during their meeting of October 23, 2015. Removed from Consent Agenda by Councilman Walton for discussion.)*

*(Clerk notation: Due to the controversial nature of this item, most of the discussion is provided in a modified verbatim format.)*

Mayor Peel recognized Councilman Walton for his comments.

Councilman Walton stated "you know, as I said, seems like we giving all the work to the same people. And to me, if you don't have a lot of money – or would you all say we have a lot of money? I don't think we do. That's what we said during budget time. We don't have money for this – we don't have money for that. We put money in certain areas, but if you prioritize something – to me this study is not a prioritized study. I mean, I don't know what we going to gain from it. You know, you putting money out there, you should be gaining something. This is just another study that's going to cost \$29,000."

Councilwoman Baker stated "this study came out of a committee recommendation. It was a downtown committee and I was on that committee. There were several other people on that committee and there was a lot of discussion, a lot of maps and back and forth. This study is to make sense of making Water Street one-way or not." She stated that the committee thought making one-way travel on Water Street was very sensible and would open up a lot of parking spaces. She said that the biggest discussion by the committee was "which way to make it – coming in or going out." She said "you're not going to make everyone happy. But if you open up more parking places to account for the new businesses that will be coming with them, then you're not going to make everyone happy. That's why you take an uninterested third party and have them do the study."

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to authorize the City Manager to enter into an agreement with Kimley Horn and Associates to complete a traffic study to evaluate the conversion of Water Street to one-way travel from Main Street to Elizabeth Street.**

Councilman Walton stated "yeah, and I still feel like we're making parking spaces - for what. You know, I ride downtown all the time and I see cars, but I don't see people. I

mean, who's going to be the ones that's gonna' be using those parking spaces? And aren't' you gonna' – hasn't it been approved that they gonna' make apartments – condos or something over there on the waterfront?"

Mr. Olson responded that development had been approved for the former Hurdle Hardware building.

Councilman Walton stated "so you think the one-way parking is gonna' add to that or what? Because to me, it's just a waste of money."

Mr. Olson responded that the Hurdle Hardware project has adequate parking behind the building on site. He said that anywhere from 32 to 47 parking spots would be created on Water Street if the traffic pattern is changed to one-way, depending on the configuration of the spaces.

Councilman Walton stated "and you still don't' know which way is gonna' be one way, and which way is not going to be one way. You just want to give a design?"

Mr. Olson stated that staff plans to ask the engineer for his recommendation with regard to the one-way direction, either northbound or southbound. He said that there seems to be a difference of opinion on that matter.

Councilman Walton stated "I can give you an opinion - if you give me \$27,000 – I mean it's not a hard choice to me. That's a lot of money. That's all we do – study, study, study. I mean there's some things we need to do in other areas, too. A committee of downtown made this suggestion. There we go with another committee again. We got a lot of things in our – in my ward. In other wards, too. The way you just put the new bridge, they could have a study – a light there, too. Have you thought about putting a light at that bridge?"

In response to Mr. Olson's question regarding which bridge, Councilman Walton responded "the little small bridge that comes off of Herrington Road."

Mr. Olson stated that intersection did not warrant a traffic signal. Councilman Walton stated "why not? There's a lot of traffic comes through there. If traffic is the main course."

Mr. Olson pointed out that traffic signals and one way travel are used to direct traffic for specific purposes. He stated that the South Road Street Bridge does not justify a traffic signal or any type of one-way travel because the traffic counts are considerably less than on streets such as Water Street and Elizabeth Street.

Councilman Walton stated "that sounds good, but what justifies putting a one-way parking at that location? What justifies that? Thirty-two parking spaces?"

Mr. Olson stated that the issue is if the Council wants to further develop the downtown area more parking is needed. He said that over the last fifteen years, the City has had four separate parking studies performed concerning the downtown area.

Councilman Walton stated "cars got places to park. I don't see people. People is gonna' make downtown. People going other places. How can you – you trying to develop downtown. And now two guys trying to develop Southgate Mall; and then you got some people trying to develop Tanglewood. It's all not fitting. You just spending money just to be spending it. We got to be better stewards of our citizens' money than that. "

Councilman Horton asked who would make the decision to make Water Street a one-way street. Mr. Olson replied that it would be NCDOT. Councilman Horton pointed out that the City would pay to have the study done. Mr. Olson stated that the City was the entity making the request for a modification to the existing travel direction potentially in the downtown area. He stated that Water Street is a state street controlled by NCDOT.

Councilman Horton stated that he thought a vote should first be taken by the Council to determine if there was interest in making Water Street one-way before commissioning the study. He questioned if there was such an agreement among the Council. Mr. Olson stated that he could not agree more.

Mayor Peel noted that part of the study would determine if the proposal was even feasible.

Councilman Brooks stated that he did not see a need on Water Street and thought the Council was “putting the cart before the horse.” He said “I don’t know enough businesses on Water Street that you need 47 to 30-some extra parking spaces. If we had businesses come in, and we saw the need was there, then I think we in order – we doing things decent and in order – putting it in the right direction – putting the horse before the cart. So, my thing is that, during knock-off time and people trying to get across Camden Bridge back over there – that is a very – it’s very congested. So, whether you make it one-way going north or south – it’s still bad. That mean all the traffic will be backed up on South Hughes – it’s already bad there. I think it would only make traffic bad – worse on that street if you make it one-way going north or south. And, I would ask the Councilmembers – I understand the intent – we projecting that “if” this happens – we projecting on an “if.” I like to see something actually materialize before we go into that scenario of making a one-way street. I would like for Councilmembers to take their time and go during knock-off time and see how it looks down there. It’s very congested – people trying to get across the bridge, come across the bridge. And you make it one way just coming across the bridge and not turning on Water Street, you got another problem. So, I don’t think, I think I agree with most people on Council – I think the Council, we should – it might be a DOT street, but we can give our recommendation as to why. We don’t need a study to go out there and look at the traffic during knock-off time. We don’t need no one to tell us that – we can see that physically with ourselves. So, I think that as far as making a one-way street, it might be a good idea again if we already had the businesses growing downtown. But until that go into effect, we don’t need to put the cart before the horse.”

Councilman Donnelly stated “Councilman Walton, I would be glad to walk you around downtown so you can see some people.” Councilman Walton stated “walk me around there.” Councilman Donnelly said “we will set a date after this meeting.” Councilman Walton stated “you better get out from beneath that bus that you were put under during the election.”

Councilman Donnelly stated “I don’t know where you’re coming from.” He continued “the offer stands.” Councilman Donnelly stated “I also think we do have Veterans Park coming done to that area very soon and this will open up more parking for people to attend Veterans Park. Businesses are coming downtown. Wade Nichols is working to bring more businesses to the downtown area. Wayne Harris is working on businesses downtown. We have the “Jump Start Downtown,” which will most likely bring two more businesses within a short period of time after the application process is done. So, things are happening. I think it’s important that if you have a viable downtown, you’re going to grow and things are going to get better and the economic base will be much, much stronger.”

Councilwoman Baker stated that she agreed with Councilman Donnelly. She stated “if you’ve been downtown, not just at knock-off time, which is a half hour in the morning and a half hour at night basically – 45 minutes at the most. If you’re down there – and I don’t remember the last time I’ve seen many Council people at First Friday, which happens every month – every first Friday – or if you go say, next Monday, starting with Splash – take a walk down there then. Don’t just go down there during the day or during times when you know that there will be people and traffic. Go when there are events happening and there’s not a place to park in downtown without going for a ten minute walk. I do this often because I, and many, many hundreds of other people are working for the betterment of downtown – are working to promote the events we have downtown – to promote the people that are coming in to present these events. I was just reminded tonight of Rocky Horror Picture Show, which will be coming here Saturday night. There will not be a parking place to be had downtown because it’s the 40<sup>th</sup>



anniversary of Rocky Horror and people will be coming and filling up AoA – filling up the theatre - and they will be coming for all day and evening at the Museum that is introducing the Tiffany Exhibit and the word is getting out about how wonderful that is. You can just look around at people parking everywhere to go to the events and the excitement that is happening downtown. Go down there at night; go down there on a weekend night. There are people coming and they are bringing money and they are taking seats in our restaurants. We are getting more and more. But if you don't believe it's happening it will never happen in your minds.”

Councilwoman Baker stated “if you walk downtown with your blinders on, you're not going to see it. And that's how you walk downtown – if you go downtown at all. If you even know the names of the streets. Sorry, we're never going to progress if we don't get the blinders off.”

Councilman Walton stated “you know, being sarcastic Ray is not going to get you anywhere.” Councilman Donnelly responded “Excuse me, I was not being sarcastic.”

Councilman Walton continued “I walk downtown all the time and I don't see people. I'm just telling you what I don't see. An event, you're going to have people downtown. Potato Festival – yeah. You're not going to have parking spaces for just one event. You got 365 more days in the year. And people are not down there. You go to your house – the Bed and Breakfast – and walk down there are twelve o'clock in the day and count how many people you see and tell me about it. When you're finished doing that, turn back around and walk back down there.”

Councilman Donnelly said “I would invite you over for a cup of coffee.”

Councilman Walton continued “no, no, no, I don't do that. I don't want to take no drinks with you, man. But, we don't have people downtown. We don't need to keep putting spaces down there. Studies...it's not a – this is study. People getting credit for study ... study ECSU. Closing it down. You ain't closing it down if you just studying it. But people taking credit for that. We don't need a study to go parking - on one way or the other for just events. People are not downtown. And people are trying to say ‘hey, let's get Southgate Mall going’ – ‘let's have businesses coming here.’ People saying ‘no, let's leave Southgate and go to Tanglewood.’ Do we know what we want? We act like we working toward something, but we just spinning wheels – they talking about all these boaters coming in. I'm still looking for boaters. I don't see boaters. You might see a boat – a person - one or two every now and then – I don't see no boaters. We go out there and sit one week – a whole week Donnelly – and you count how many boats you going to see.”

Councilman Spence stated that it did not matter to him whether Water Street was made one-way or not. He commented that if the study is performed and a recommendation is sent to the state, the state would still not have to go along with the recommendation.

Mr. Olson stated that Councilman Spence was correct. He reported that he had sent an email to NCDOT asking if they would be willing to act if the study provided certain assumptions. He stated that NCDOT had agreed that they would. He said that he would agree that a study should not be performed without a reason. He stated that if the study is completed and a compelling case is made to the state, they would need to do something.

Councilman Spence inquired of the City Attorney if the City could hold NCDOT to the email response. Mr. Morgan responded that it would not be a binding contract, just one person's opinion.

Mr. Olson stated that the Councilors needed to realize that if the direction is changed on Water Street, it would force traffic onto other downtown streets. He explained that the traffic study would examine that issue and using certain models, determine if the adjacent downtown streets could handle the increased traffic.

Councilman Spence asked why NCDOT is not sharing in the cost of the study. Mr. Olson responded that the City is the party initiating the request. He said that NCDOT was happy with the status quo and pointed out that if the Council was happy with the status quo, the study did not need to be done. He said that the issue was something that had been brought up numerous times and the only way NCDOT would allow any type of one-waying of any street is to have an outside consultant to come in and make a series of recommendations that NCDOT will accept or reject.

Councilman Spence asked if it was the opinion of the City's Public Utilities Director, Paul Fredette, that the street should be made one way. Mr. Olson responded that he thought there was misunderstanding regarding the purpose of a traffic study. He said that counters would be placed on each street and turning motions would be evaluated. He said that you would have to look at the entire downtown area.

Councilman Spence pointed out that the Council would still have to vote on the recommendation to NCDOT; and he asked why the Council couldn't just make the recommendation from the beginning without a study. Mr. Olson stated that NCDOT would require the analyses to be provided that the Council used to formulate its recommendation. He pointed out that NCDOT is responsible for the roadway and would not make a change just because a majority of the Council requested it.

Mr. Olson advised that Kimley Horn had performed the traffic review for NCDOT prior to the recent bridge construction and already had the baseline data. He said that is one reason to use Kimley Horn. He also reminded the Council that until the bridge and Elizabeth Street are completely open, there will not be a normal traffic pattern.

Councilman Spence suggested tabling the issue until the normal traffic pattern resumed. Mr. Olson advised that NCDOT planned to reopen Elizabeth Street by mid-December resulting in normal traffic patterns.

Councilman Spence commented that he did not think there was a "big rush" to do the study. He asked where the money would come from. Mr. Olson responded that some funding would come from Powell Bill funding and some would come from the Street Department budget.

Councilman Horton stated that he agreed with Councilman Walton. He noted that when he goes downtown, he sees a lot of empty buildings and empty parking spaces. He reported that he had recently met with some ECSU students and told them that the downtown businesses offered discounts. He said the response was "oh, we don't go down there. Ain't nothing down there. We go up to Virginia and we go down to Tanglewood." He continued "I personally only go down there when I'm coming here or going to Rochelle Cleaners. I just don't see even African American businesses – I know there are some hair salons down there – but I just don't see the need to do this. And I would like to make a motion that we take no action on this item."

**Motion was made by Councilman Darius Horton, seconded by Councilman Johnnie Walton that we take no action on this item.**

Councilman Stimatz requested a point of order and noted that there was a motion already on the floor.

Councilman Horton stated that he would request an amendment to that motion that the Council take no action. Councilman Stimatz stated that he would not accept the amendment.

Councilman Brooks, in referring to Councilwoman Baker's comments, stated "it's not an event study, it's a traffic study. When you're talking about events, of course the traffic is heavier." He continued "I'm probably one of the Council people that frequent the downtown frequently. I walk through there, I jog through there. I'm down there all the time – not just knock-off time. But I be there in the morning when people going to work also. And I don't see the need." He said "if the growth was down there in businesses, I would agree with you wholeheartedly." He stated "that's not the case. The buildings

are empty. You know, what I'm saying is you have to take under consideration we have a wealth of young people in Elizabeth City. A wealth of them. You know? And you talk to the ones between the age of 18 and about 30, they don't go downtown. They have no reason to go downtown. I remember I heard a couple of Councilmembers say previous to that – they talk about the events – and they say there's no events downtown. We don't have no events downtown that would draw in that 18 to 30 age group. They're not there. The events you have don't draw the 18 – 30 age group. And what I'm telling you is that most of the people that I represent in the Third Ward – they will tell you quick – they try to avoid downtown like it's a plague. Because the only thing downtown to them is the police station and courts and banks. They don't have any money, they don't have any jobs, they ain't trying to go to the police station because they end up in court. And I'm just telling you the worldview that the people that I represent see things. And maybe your ward sees things differently, of course, that's why you have different people in each ward. I'm just sharing information with you. I'm not disputing anything anyone saying, I'm just telling the people I represent - how they see things through their lenses. And everything's not seen through one lense, that's why you have eight Council people, two in each ward, because we get a chance to not only see how you see it from the people you represent, but I'm trying to show you how I see it from the people that I represent. That's all we doing. You know? So, it's good, but if you have the opportunity – and I do it often – I do it often, more often than you think – that I see that one way, which way, ever way it's going, without the businesses down there, I think it's just - the study is - to me is moot.”

Councilman Spence asked to make an amendment to Councilman Stimatz' motion. He stated “if you get in touch with DOT and there's some way they can guarantee that if this study says it needs to be done – if they can some way guarantee and say if that study says we can do it without them backtracking out of it. You see what I'm saying? If they can tell us yes I can do it by email, if there is some way they can tell us after this study. Because I don't want to spend \$22,000 and they say I changed my mind, I'm not going to do it. If they can tell us yes I'm going to do – if you get that study done and the study says we need to go one way and we will go forward and they can sign it - yes they will do it – I'm with it. Because that's guaranteed that it's going to happen. I don't want to throw \$22,000 for the word – people's word. Now, I've learned, word of mouth is no good no more. Not everybody, but...”

Councilwoman Baker stated “all of the people in the Third Ward that you're painting with that same broad brush...do not go downtown except for the police station?” “These are not just events that we are talking about, not just an event study; it's a traffic study that counts all traffic. These events bring money into the City so we don't have to raise our taxes. These events are very important to our whole lifestyle - our whole life in this town...There are 3,000 boaters that we have in this town every year - 1,500 to 2,000 in the fall and 1,500 to 2,000 in the spring. I invited you down there to the Rose Buddies parties earlier and if you refuse to see that we have people coming to this town to enjoy us and citizens and to enjoy and spend their money in our shops and in our restaurants. There will be more. There are more that are looking at us right now. And if you don't believe it, I am very, very sorry for you. ”

Councilman Brooks responded “first of all I don't address ignorance because...”

Mayor Peel stated “Mr. Brooks that is not necessary.”

Councilman Brooks stated “wait a minute, wait a minute, wait a minute, Mr. Mayor, wait a minute, Mr. Mayor. She sit there and tongue lash me...”

Mayor Peel stated “no, she didn't tongue lash you...”

Councilman Brooks stated, wait a minute, wait a minute, Mr. Mayor, wait – I have the floor. I said I don't address ignorance. I didn't call her ignorant. The statement that she made that I said “all” – I didn't say “all” – I said the people I represent in the Third Ward. I'm telling you this. You make it hard – very hard – you are the same one during the election said that people in the Third Ward – you said that people in the Third Ward – shouldn't vote for Johnnie, Horton and Brooks. You don't have a clue to the barometer

that's happening in the Third Ward. And I'm tired of you running off at your mouth saying that I attacked you.

Mayor Peel used the gavel and stated "Mr. Brooks, calm down."

Councilman Brooks said "no, she did...no, no, no, no, no, Mr. Mayor. I got the floor. Wait a minute. I'm tired of you sitting there talking about how I attacked you because I gave you a worldview of what the people I represent see. You know, if they don't see it the way you see it that mean it wrong. That's not good. You did it. You the one did it. You know? And I'm trying to figure out what in the world wrong with you. Something has to be wrong with you. It has to be wrong with you because I did not....And I love what you did Mr. Mayor. And wait a minute because I've been pretty mellow the whole night when she attacked me. I didn't attack her. I gave her a worldview of the people I represent. And you did good. You told her that I didn't attack her. And I said it in a subtle voice. I gave you the worldview of the people that I represent. Now the ones you represent might see it the way she see it. I don't know. You know. And I can't....no, I still have the floor 'cause I'm appalled, I'm very appalled, that she would call me and call my name and attack something after I gave the worldview of the rest of Elizabeth City. That has been the problem in this City for a while now. We deal with the elitist. And you not going to tell me that the 18 to 30 year old blacks that I deal with in the Third Ward gonna' go down there to the downtown to the Police Station, the Courthouse and the whatever....they not going down there. And you can look at it any way you want to and try to dress up any kind of way. It's just not happening. You know? And we got to get to a point where we got to stop. If I give you a different worldview or opinion than yours, you can't say that mine is wrong. You can't say mine is wrong. My opinion is just as good as anybody else's."

Councilwoman Baker stated "but you can say mine is wrong."

Mayor Peel ruled Councilwoman Baker out of order.

Councilman Brooks said "normally, I've learned something while sitting on Council and that's why I have to agree with Councilman Spence - that in the first year it's a learning experience. See I learned how to ignore stupid statements and that's what I'm doing now. 'Cause normally, I can take it to the top to you, because a lot of stuff you have done in the last three months that have aggravated me and I just ain't addressed them yet. But they shall be addressed."

Mayor Peel stated that he would agree that there are no businesses on Water Street. He said it had been discussed about what comes first – the horse or the carriage. He said that if there are no parking spaces on Water Street, there will never be any businesses on that section of town, which is what led to the thinking of a parking study to see if it was feasible to create more parking for businesses along that corridor on Water Street.

Councilman Donnelly stated that he would like to point out that several businesses did exist on Water Street. He mentioned Cascade Financial, Edward Jones, a bead shop, Dockside, the ECDI headquarters, and Cypress Creek.

Councilman Stimatz stated that as the maker of the motion, he had the last word. He said that the issue at hand was about solving the parking problem. He said that he had read three of the four parking studies and they all went down the same path. He stated that business owners downtown are part of the problem, because they and their employees park in the spaces in front of their building. He said that it was such a problem at one point that the Council amended the ordinance and removed the requirement for businesses to have to prove they had parking in order to establish a business downtown. He said that as a result, those businesses in the Central Business District that pay the extra taxes did not have to meet the parking requirement. He said that the genesis of the problem was rather old and the issue is how to determine what can be done. He reminded the Council that DOT would not take any action without an engineering analysis. He stated that if nothing else, the study would close the door on the issue and pointed out that the majority of the money would come from Powell Bill

funding not from the General Fund or property taxes. He said the idea was to try to solve a long-standing parking situation in the downtown area. He pointed out that the Council could not afford for the City core to disappear because it would not be healthy in the long run. He stated that if the study returned showing the idea was not feasible, then the Council would know that they would have to go in another direction. He suggested that the Council should not walk into matters blind, but instead should do due diligence. He asked the Council to understand that it is a “big picture” issue looking at keeping the downtown viable, making it attractive for business development and settling the question of “should we or shouldn’t we” so a decision can be made in order to move on.

Councilman Spence inquired about the friendly amendment he requested. Councilman Stimatz denied the request.

**Mayor Peel called for a vote on the motion by a show of hands.**

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

f. Discussion – Elections: *(Added to Agenda by Councilman Horton)*

*(Clerk notation: Due to the controversial nature of this item, most of the discussion is provided in a modified verbatim format.)*

Mayor Peel recognized Councilman Horton for his comments.

Councilman Horton stated that he had asked to place “elections” on the agenda because it was a very critical issue. He said that the issue affects the body as a Council as well as how the Council moves forward.

He stated “we are quick to say that we are the Harbor of Hospitality. Quite naturally with any election, there’s always differences of opinion, there’s always tactics that any candidate would use to try to promote themselves and to assure re-election to any office.” He continued “you know, as a young man and as a new political person, you know, this past election really was an eye opener for me as a resident of this City and especially for many persons as it relates to attacks and as it relates to division. You know, scandalizing persons’ names, trying to pull people down, you know? I really have a problem with it.” He stated “if I was not a Christian, I’m not even going to say if I was not a minister, but if I was not a Christian, I really would have responded differently. You know, one thing that I really want to say – and the reason I brought it up – is because it has been asked of all of us on Council – it’s been ran in the newspaper the question – and I just want to publicly go on record – the question has been asked – how are we going to work together after this scandalous election, after all that was said, how are we going to work together.”

Councilman Horton continued “I thought about that thing as it relates to me being a Fourth Ward Councilperson. How am I going to work together? And, as a minister the Bible says - how can two walk together except they agree. And I want to go on record to state that I do not plan to work together with anybody who is critical of the constituents of the Fourth Ward. I don’t think it is my goal as a Councilperson to work together. My goal is to respect you. But it is also my goal to stand up for people’s rights and how they feel. And because all of us – we represent four different wards – we all represent different people, we all represent people that have different views, that have different expressions, they have different beliefs. So, I don’t have to work together with you, all I have to do is share what their voice is. This election told me a lot. It tells me that racism still exists in Elizabeth City. It tells me that we have people that are not concerned, that are not living practical character; they just want to pull people down. Even our own Mayor. I did not support our Mayor in this re-election and it bothered me. There was an article that was ran in the newspaper, and it said Joe Peel opponents did not support this, they did not support that, they did not do this. To my recollection, and I’m not the smartest person, but I thought the Mayor only had one opponent. I didn’t

know he had opponents that were on Council that were voting on different issues. To say that there were five good Councilors. Other people said that, you know, 'the committee against everything.' All these kinds of things – but the reality is you have no control over who people vote for and what they vote for. And I think the three of us – Councilman Brooks, Councilman Walton and myself, we were elected because that's who the people in the prospective wards wanted to represent them. And I do believe in respect. We should all respect one another, but just because I respect you does not mean that I have to agree with you or even work with you. I'm just going to share my opinion and how I feel the people in my ward would want me to vote and represent them. So I just want to say that this election was an eye opener. And I just hope we can move forward, but I just want to go on record that the only thing I'm going to do is respect people, but I do not plan to work with together with people. I'm going to respect people and let my voice be heard. Thank you."

Councilman Walton stated that he felt the same way as Councilman Horton. He stated "people attack, they right out attack. I mean, before the election the people were saying that Walton, Brooks and Horton - that was the bad guys. The newspaper made it look another way 'cause the attackers became the attacked. Something not right with that one, now. And they told the truth. They told the truth. The newspaper finally got it right yesterday – or was it today? They talked about Ms. Lena Hill-Lawrence – she had gone, she had gone, she had gone to – can you hear me back there? Okay. Well, you know I try to stand away from attacking also, but Ms. Baker attacked us on telling the Fourth Ward - on telling the people who to vote for. Tony Stimatz – I'm attack him tonight, because when I attack people, I do it in their face because I'm not going to let the newspaper do it – blogs and computers. But Tony, you on every committee that 20/20 Vision has. You started off with waterfront, then you ended up with family and then you went to education. You all over the place. Because one thing you can do – you's one of the most manipulative-est people I've ever met. You can manipulate an audience. Now, as we speak right now, because so many people buy into wrong - as we speak, the Board of Education is trying to put a mission statement together. Don't forget this, Jon. They trying to put a mission statement together. But that mission statement is only to allow charter schools to take over the area. I have investigated some things and that's what it's looking like. You know, when the superintendent came here - and I've been to a couple of his meetings - I always ask him a question about charter schools. He will come out with 'well Joe and I agree not to attack .... address each other in public.' You agreed? You working on the same...You trying to get the same product. You trying to get students, he's trying to get – he should be trying to get students. But charter schools is about to take this area over if people don't stand up and oppose it. That's why they put...."

Mayor Peel stated "Mr. Walton we're talking about elections, not charter schools."

Councilman Walton stated "yeah, but that's about...you let me... I got the... I got the... I got the floor."

Mayor Peel stated "you do, but you need to stay on topic."

Councilman Walton stated "well I'm attacking you. You attacked me in the paper."

Mayor Peel stated "you can attack all you want to. You need to stay on the agenda item, which is elections."

Councilman Walton stated "well let me do it then. Well let me do it. That's what I'm talking about – elections. And I'm moving around to it. That's what were put in the paper during the elections. Ray, don't laugh, because you were thrown under the bus. That's what I talked about earlier. Just because Mr. Rivers supported you, they took their signs out of their yard. And you had to go back and 'oh, no, I support you. I support you' and got back on the bus.'

Councilman Donnelly stated "get your facts straight."

Councilman Walton stated “you got off the bus. They kicked you out of the bus and you went right back to the bus. You’re a tough man and you want to walk the neighborhood with me? Now you want us to put it in the past. That’s what the newspaper said ‘they should put it in the past.’ Nah...I’m not gonna’ put it in the past. This cowboy was out there riding his horse, right? So when he lay down to go to sleep late at night, all of a sudden a snake came by and say it’s cold out here man, let me wrap up with you. Let me wrap up with you. Cowboy say, oh no, no no, you’re a snake. The snake kept begging him for ‘bout four or five efforts to get him to do it, right? All of a sudden the cowboy say okay, snake, lay over here now, I mean you say you weren’t gonna’ bite me. ‘Bout four o’clock in the morning, he had a sting on his arm, right? He woke up said ‘snake, you bit me.’ He said, ‘why not? I’m a snake ain’t I? I’m a snake.’ What you expect a snake to do? I’m not going to let people act like they’re one way and they’re another way.”

Councilman Donnelly said “did the snake win the election?” Mayor Peel ruled Mr. Donnelly out of order.

Mayor Peel stated “Mr. Walton, you need to talk about elections.”

Councilman Walton said “okay, elections. The people in the Fourth Ward, they selected who they wanted. They didn’t select – I was saying about the newspaper – they talked about Ms. Lena Lawrence. Before the election they wouldn’t say a word about her. She was doing everything right. She went to ECSU during a forum...”

Mayor Peel used his gavel and stated “Mr. Walton, she is not here and that’s not happening here.”

Councilman Walton stated “I’m talking about the election – it happened. They talk about me when I’m not there. Well, she confronted a student...”

Mayor Peel used his gavel and stated “did you hear what I said?”

Councilman Walton stated “she confronted a student...she confronted a student...”

Mayor Peel stated “Mr. Walton, you are out of order.”

Councilman Walton stated “I got order.”

Mayor Peel stated “you are out of order.”

Councilman Walton stated “I got the point of order.”

Mayor Peel stated “you are out of order.”

Councilman Walton stated “point of order.”

Mayor Peel stated “you are out of order.”

Councilman Walton stated “point of order. Like I said, I am not gonna’ sit around and take orders. I don’t follow stupid. I don’t follow people like that. I don’t follow crazy.”

Mayor Pro Tem Hummer stated “we need to call for something.”

Councilman Walton stated “call for what?”

Mayor Pro Tem Hummer stated “call for calm.”

Councilman Walton stated “nah, you look at the newspaper. You were calm. Donnelly and Kem was calm. But they were attacking. You can’t pick a time to attack me. I’ve always told people – I can take your punch, but can you take mine? I can take ten licks from you all – but can you take one of mine? That’s important. You think you can treat people any kind of way and then you come right back and laugh in your face. Not

gonna' do it. Forget it. I'm not gonna' do it. That's not in my DNA. Treat people just and fair and that's when I can give you respect back. If you don't respect me – that's one thing I'm going to do. I'm going to try to respect you. Ms. Baker. Carolina Avenue. A councilmember told me that you tried to influence them to change their vote on that issue. Yes mam."

Councilwoman Baker stated "what issue?"

Councilman Walton stated "Carolina Avenue - building condominiums over there a few years ago."

Councilwoman Baker stated "oh, seven or eight years ago?"

Councilman Walton stated "yeah, but they said you did it. You came to them and tried to influence them to change their ... I'm just telling you what happened. I tried to let it go - but no."

Councilwoman Baker stated "I don't' think you let it go if it's been seven years. You're hanging on to it Mr. Walton."

Councilman Walton stated "hey, it happened. I don't mind hanging on to it...I'm just telling them how you are."

Mayor Peel stated "let's get back in order. We're talking about elections, Mr. Walton, not something that happened on Carolina Avenue."

Councilman Walton stated "yeah, it happened man. People see - come out and vote for her by the big numbers – boy, people don't forget stuff, boy they forget it real quick. I'm not that type of guy. When you try to cut me down sooner or later it's going to come back around. I just don't think God meant for things - for the bad side to win all the time. If that's what you want, that's not what you gonna' get from me. I'm gonna' give transparency, when I catch you in doing something wrong, I'm going to tell it. I'm gonna' tell it. Thank you Mr. Mayor."

Councilman Brooks stated that he wanted to take the opportunity to thank everybody who went to the polls and voted. He said "you did a splendid job in proving those who said that Johnnie, Horton and I was the three stooges. You did a great job in proving them to be wrong. And as you see tonight, I tried to voice how you view things and then the same person that said that they don't need to vote for me, Johnnie or Horton – I was voicing what your sentiments are. And then we had a Councilmember that said that they shouldn't vote for us – she don't want to hear your opinion – she don't want to hear nothing what you represent. And it was great. Because it gave you a chance to see them in action. Again, I thank you for coming out and proving them wrong. And I want to thank Tony Stimatz, Mr. Peel and Jean Baker because, you must understand - the people that vote for us don't like ya'll. I'm being honest with you. Now I can be front up. The people that vote for us – the best campaign that was done was when Jean Baker went out and said don't vote for me. I think you kinda knew Mr. Peel. And Tony Stimatz? That was good – I didn't even have to campaign in 3-A. That's how good a job you did. Thank you very much. Thank you very much. I had - I admire the Daily Advance because the Daily Advance don't evidently have a feel of what's happening in the Third Ward – the part where I live in. I'm surrounded by low income. Their worldview is totally different. And they showed that during the election. So what we are faced with with the City is that everybody just want everybody to only look at – have tunnel vision – and look things they view the world. That's why you have eight Council people. We have to do this together. And it's a sad commentary when you have – they tell us to work together? I never heard.... During the elections, I went on vacation. I had to get away from this mess. You know? And, my phone was ringing off the hook while I was on vacation telling me the nasty things that Tony Stimatz, Jean Baker and Mr. Peel was saying about us in the.... What they thought when I came back, that I was gonna' address it. Well, there was no need to address it. If...I would have thanked them for doing that. So, what I'm saying is that we can't do that. It's a hard pill to swallow because I would have never told anybody in any ward – newspaper openly –



not to vote? I wouldn't do that – that's not good because we have to work together as a Council. And the whole thing is – not to – and I'm gonna' stick with elections Mr. Peel, so don't ... – we can't get to the point where we got a pull those that have down. We got to find a medium. We got to make sure that the ones that's have the economic means don't get pulled down and the one that don't, get pulled up. We got to find medium somewhere. That's not what's happening in this City. And I'll say this and I'll be quiet, 'cause there's something that I want to say so bad but I won't say it 'cause my sister told me not to say it. But, this was the most bitter, socially economic orientated and racially biased election I have ever seen in this City. I never seen so many lies, so many people attacking people instead of talking issues – I haven't seen that before. It's new to me. It's new to me. This is very new. I've been through special elections, I been through holdovers discussion – I been through it all. Relevance – I've been through it all. This beats the cake. This beats the cake. I never seen such racially divided, socially economic and bitter campaigners in my life. It's sad. It's really sad. We can do better. We can do better. But I tell you this, my consolation is there is a Word from the Lord – He said it's my people that were called by my name will humble themselves, pray and seek my face and turn from their wicked ways, then He will heal the land. Until we get back to that, you can forget it. There's nothing – man is not sovereign – and I'm gonna' get off this 'cause I done got preachy and got off the election thing – but man is not sovereign. Until you embrace the whole City – and when we get up talking about I pledge allegiance to the flag of the United States – talking 'bout one nation under God? Thank you Mr. Mayor.

Councilman Donnelly stated “I would just – since we're talking about elections – I would like to thank everyone that voted me back into office. Thank you Mr. Mayor.”

g. Discussion – Community Meetings: *(Added to Agenda by Councilman Horton)*

*(Clerk notation: Most of the discussion regarding this item is provided in a modified verbatim format.)*

Mayor Peel recognized Councilman Horton for his remarks.

Councilman Horton stated “those of you that read the paper recently are aware that there was a meeting – a biased community meeting – in the Fourth Ward. I wanted to deal with that because I feel like it is very important that persons know exactly how I feel about this biased group in the Fourth Ward. And I want to explain exactly why as a Fourth Ward Councilperson I do not attend those meetings.”

Councilman Horton continued “in that meeting, the main focus of that meeting seemingly was voter suppression. Voter suppression - it was the main focus of the meeting. I read in the newspaper that Mr. Steinberg was there along with several others and they talked about our university. And they talked about how our students should not engage in voting here in Elizabeth City. That they should rather go back to their hometowns and vote by absentee because that's where they're really from. I think it bothers me that we have a state representative that's ignorant of the law. First of all, because the law simply states that college students can vote where they reside at, you know, on campus. So I just want to go on record, you know? In that meeting, one of our community columnists - whose been calling the State Board of Elections trying to do things that just won't work – you know, indicated that there were voters that - 200 plus people - voted illegally and what not. But I just want to share these sentiments with the community being that the Fourth Ward – less than one percent attends those meetings. I just want to let the community know exactly why I don't support those meetings and why I will never will -as long as the Lord blesses me to be on Council - attend any one of their meetings because I feel like it is not a good representation of our community and of our ward. And I think that we need to hold Mr. Steinberg accountable for his actions. And that's my opinion. Thank you.”

Councilman Walton stated “And I don't support those meeting either. I didn't do it before the election and I don't – I didn't do it after the election. Reason being is that – that meeting supposed to be set up for a crime watch. It's not to bring crime in and then

watch it. Cause that's all they do. They want the newspaper to put something out there. They'll ask Ms. Latson or Hill-Lawrence to get some people together and discuss certain things and we'll write it up in the newspaper. Before the election – like I said, they was, they were letting Ms. Hill-Lawrence do 'bout anything she wanted to do and they said nothing about it. But she got 222 votes. That helped somebody. It wasn't me. It helped whoever was running for mayor. Mr. Gillis, he ran. He got 150 votes. It didn't help me. 'Cause who voted for him didn't vote for me. So, why should I attend a meeting that's going to try to crucify me? As I said, I don't follow ignorance and I don't follow crazy. We got a representative come down here following that group. And make statements. The newspaper got it right this time but they didn't need Hill-Lawrence. She had already served her purpose. The newspaper and everybody's in it together. It's sad, man, when everybody get mixed up with the wicked part of things. They can't use Hill-Lawrence now. Now, they put her right out there – throw her under the bus, Ray. Throw her right under the bus. But she'll come in tomorrow grinning and skinning and support anything that goes on. It's sad. I don't go to those meetings – if they call one tomorrow, I'm not going. So, whoever want to print it up, they can do what they want to do because that meeting is about nothing. It should be crime watch not watching crime. Thank you Mr. Mayor.”

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

Councilman Brooks complimented the Police Department for its response during recent shootings and for taking illegal weapons off the streets. He thanked everyone who voted for him during the election. He said “I have to give them high marks, because I didn't campaign like I normally campaign.” He said “I can rightfully say that the residents in the Third Ward actually made sure that I stayed on Council. And I thank them for having that trust and confidence in me.” He said he would not fail the residents and would address everything brought to his attention. He said he did not like for people to lie about him behind his back, because he would always say what he has to say to their face.

Councilman Stimatz thanked the voters of the Second Ward for coming out to vote. He said that he looked forward to doing the business of the City.

Councilman Horton thanked everyone involved in the ECSU Homecoming Celebration events and stated that it was an “awesome time.” He thanked the residents of the Fourth Ward who voted for him and expressed that he was looking forward to serving them during his upcoming term.

Mayor Pro Tem Hummer stated “all the spectators have left the building and I can't say that I blame them.” She said that she had reflected since the election and had been paying close attention to the presidential forums, interviews and speeches. She stated that one politician had said something that really “hit home” to her. Quoting, she said “we (meaning in Washington) need to look at what we've accomplished in the past four years in spite of everything. And we need to stop thinking of each other as the enemy. And the only way we're going to bring this country together is to form consensus.” She said she thought that fit the Council perfectly. She stated that “it's disagreements and differences of opinion that make the world go round, but we take it far beyond the pale.” She said the Council should look around at all that had been accomplished and make a decision to move toward consensus in order to move the City forward. She said that the Councilors had aired their grudges and hurt feelings during the meeting, had an opportunity to talk about it and “now it's time to get to work for the people.” She said the Council owed it to the people to try to do that.

Councilman Walton stated “it's easy to say we need to work together, but consensus does not mean ‘you go along with everything I say and whatever you say I'm not going to go along with it.’ That's not consensus.” He stated “that's what this Council wants.” He said “Mike did say it right – or was it Horton – racism is live in Elizabeth City big time.” He stated that the whole country was not low wealth like Elizabeth City – something he had witnessed during a recent vacation. He said it was not in his DNA to go along with everything and that was the reason his constituents had voted for him.

He said “I’m not going to let you bully me. That’s what you try to do.” He said “I want to be bully proof. Ya’ll treat me with respect and I’ll treat you with respect.”

Councilwoman Baker thanked the First Ward voters who had voted for her and stated that she worked for the whole City and not just the First Ward. She agreed with Mayor Pro Tem Hummer’s comments. She said she had learned since her first days on Council that you have to work with people. She said “getting along is doing the best for the entire City, not just for your group of constituents, your ward or the people that you think want to hear what you have to say.” She said that she did believe racism was alive and well in Elizabeth City but believed it was only alive in a few people. She stated she wanted to mention the question of transparency and pointed out that transparency is already available on the City’s website because everything the Council talks about is there in writing in the agendas for the entire City to see and read. She said that boaters were filling up the docks every day and encouraged everyone to meet and greet them.

Councilman Spence thanked everyone in the Third Ward that voted for him as well as those who did not vote for him, because they exercised their right to vote. He said during his two terms on Council, he had never “thrown stones” and would never do so. He stated that every decision he made while on Council was made in good faith and he had no regrets. He said he believed the Council could work together and prayed for that to happen. He said “to whom much is given, much is required.” He said for those that don’t understand that it means when God grants authority it must be exercised in good faith.

Councilman Donnelly said that he had already thanked the voters for coming out in large numbers and had no further comments.

Mayor Peel thanked everyone who voted and pledged that he will work with anyone who has an idea to make the City a better place or will work together with other people for that to happen. He said a tremendous amount of progress had been made and by focusing on that, it would make some of the differences among Councilors appear small.

**9. Closed Session as allowed by NCGS 143-318.10(e) Approval of Closed Session Minutes. NCGS 143-318.11(a)(3) Consultation with City Attorney regarding Pasquotank County Water Dispute Lawsuit and NCGS 143-318.11(a)(5) – Acquisition of Property located at 305 E. Main Street:**

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly to go into Closed Session as allowed by NCGS 143-318.10(e) Approval of Closed Session Minutes, NCGS 143-318.11(a)(3) Consultation with City Attorney regarding Pasquotank County Water Dispute Lawsuit and NCGS 143-318.11(a)(5) – Acquisition of Property located at 305 E. Main Street. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

Mayor Peel declared a five minute recess at 9:45 p.m. after which the Council reconvened in Closed Session at 9:54 p.m.

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

The Council returned to open session at 10:34 p.m.

Mayor Peel asked for a motion regarding the Closed Session minutes.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton to approve the Closed Session minutes of September 14, 2015. Those voting in favor of the motion were: Baker, Donnelly, Hummer,**

Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.

**10. Consideration – Adoption of Resolution authorizing submittal of an application to the Local Government Commission for approval of a financing agreement.**

Mayor Peel called for a motion to adopt a resolution authoring the submittal of an application for financing to the LGC.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton to adopt the following resolution authorizing submittal of an application to the Local Government Commission for approval of a financing agreement. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Spence, Horton and Walton. Against: Donnelly and Hummer. Motion carried.**

**RESOLUTION #2015-10-03  
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR  
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY  
NORTH CAROLINA GENERAL STATUTE 160A-20**

**WHEREAS**, The City of Elizabeth City, North Carolina desires to purchase a building located at 305 E. Main Street to serve as public safety building to better serve the citizens of Elizabeth City; and

**WHEREAS**, The City of Elizabeth City desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160 A, Article 3, Section 20; and

**WHEREAS**, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of Elizabeth City, North Carolina, meeting in regular session on the 26<sup>th</sup> day of October, 2015, make the following findings of fact:

1} The proposed contract is necessary to provide adequate police and fire services to the citizens and customers of Elizabeth City.

2} The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater.

3} The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on estimates received by appraisal firm Luther Appraisal;

4} The City of Elizabeth City's debt management procedures and policies are good because policies are carried out in strict compliance with the law and adequate debt management will continue to be provided as directed by the Local Government Commission.

5} There will be no tax increase required to raise sums to fall due under the contract.

6} The City of Elizabeth City is not in default in any of its debt service obligations.

7} The attorney for the City of Elizabeth City has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized to act on behalf of the City of Elizabeth City in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 26<sup>th</sup> day of October, 2015.

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Joseph W. Peel  
Mayor

ATTEST:

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Vivian D. White, CMC/ NCCMC  
City Clerk

**11. Consideration- Adoption of a Resolution authorizing financing with BB&T Bank for purchase of property located at 305 E. Main Street.**

Mayor Peel called for a motion regarding adoption of a resolution authorizing financing with BB&T Bank for the purchase of 305 E. Main Street.

**Motion was made by Councilman Darius Horton, seconded by Councilwoman Jean Baker to adopt the following resolution authorizing financing with BB&T Bank for the purchase of property located at 305 E. Main Street. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Spence, Horton and Walton. Against: Donnelly and Hummer. Motion carried.**

**Resolution #2015-10-04  
Approving Financing Terms**

**WHEREAS:** The City of Elizabeth City, North Carolina (the "City") has previously determined to undertake a project for the financing of the purchase of a building at 305 E. Main Street for the Police and Fire Administrative Departments, (The "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

7. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated October 21, 2015. The amount financed shall not exceed \$800,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.38%, and the financing term shall not exceed ten (10) years from closing.

8. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

9. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent

of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

10. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

11. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

12. All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 26<sup>th</sup> day of October, 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

**12. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 10:35 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk