

**City Council Regular Session  
October 5, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, October 5, 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: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Police Chief Eddie Buffaloe  
Electric Department Superintendent Karl Clow  
Assistant to the Manager Angela Cole  
Human Resources Director Katherine Felton  
Public Utilities Director Paul Fredette  
Fire Chief Larry Mackey  
ECDI Director Wade Nichols  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
Parks and Recreation Director Bobbi White  
City Clerk Vivian White

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

**1. Agenda Adjustments and Approval:**

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

Mayor Pro Tem Hummer announced the need to add one item to the regular agenda regarding consideration of an agreement with NCDOT for the Elizabeth Street Landscaping Project. Mayor Peel stated that a copy of the requested item had been provided on the dais for each Councilmember.

**Motion was made by Councilman Darius Horton, seconded by Councilman Kem Spence, to approve the agenda with any necessary adjustments, if there be any. 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:**

No one present requested an opportunity to be heard.

**4. Approval of Minutes:**

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

- a. City Council Work Session of September 28, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Kem Spence, to approve the City Council Work Session minutes of September 28, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

- b. City Council Regular Session of September 28, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the City Council Regular Session minutes of September 28, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

## **5. Consent Agenda:**

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

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

- a. Consideration – Call for a Public Hearing to be held on October 26, 2015 at 7:30 p.m. in Council Chambers to gather citizen input regarding adoption of an ordinance repealing Section 66-13 (Political Campaign Signs) of Chapter 66 of the City's Code of Ordinances to be effective January 1, 2016;
- b. Consideration – Call for a Public Hearing to be held on October 26, 2015 at 7:30 p.m. in Council Chambers to gather citizen input regarding adoption of a proposed amendment to the City's Code of Ordinances, Chapter 42 Article II Abandoned, Nuisance and Junked Motor Vehicles, Sections 42-45 and 42-50;
- c. Consideration – Adoption of the following Preliminary Resolution of Intent to Close the Ashe Street Alley and Call for a Public Hearing to be held on November 9, 2015 at 7:30 p.m. in Council Chambers to gather citizen input regarding the same:

### **RESOLUTION #2015-10-01 PRELIMINARY RESOLUTION OF INTENT TO CLOSE ASHE STREET ALLEY**

**WHEREAS**, NCGS 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an alley known as the Ashe Street Alley, which is located between Ashe Street and Hughes Boulevard.

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

- a. A public hearing will be held at 7:30 p.m. on the 9<sup>th</sup> day of November, 2015 in the City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC to consider a resolution closing the Ashe Street Alley located between Ashe Street and Hughes Boulevard; and

- b. The City Clerk is hereby directed to publish this Preliminary Resolution once a week for four successive weeks in The Daily Advance, or other newspaper of general circulation in the area; and
- c. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said alley a copy of this Preliminary Resolution; and
- d. The City Clerk is further directed to cause adequate notices of this Preliminary Resolution and the scheduled public hearing to be posted as required by NCGS 160A-299.

**ADOPTED**, this the 5<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 Councilman Darius Horton, seconded by Councilman Tony Stimatz, to approve the Consent Agenda as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

**6. Regular Agenda:**

- a. Consideration – Adoption of Various Budget Ordinance Amendments required for accounting purposes: *(Clerk Notation: This item was discussed by the Finance Committee during their October 5, 2015 meeting and recommended for approval).*

Mayor Peel recognized Mr. Olson to provide the background for this request. Mr. Olson reviewed the budget amendments that were presented by staff for consideration and stated that both are “housekeeping” items; one to record the Community Support Grant awards that had been approved by the Council and the second to record the matching funds for the COPS grant that had also been approved by the Council.

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

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to adopt the following budget amendments as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

**BUDGET AMENDMENTS**

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

**SECTION I.** That the Community Support Grants (106620.6000) be decreased by \$47,100 and the following accounts be increased as listed below:

(106620.5810)	Arts of the Albemarle	\$ 500
(106620.4610)	Food Bank of the Albemarle	12,000
(106620.5830)	Kids First	8,000
(106620.4595)	NC Blazers	2,800
(106620.4540)	Pasquotank Library	800
(106620.5866)	Port Discover	7,500
(106620.5840)	River City CDC – Juneteenth	2,500
(106620.5840)	River City CDC – Work Camp	5,000
(106620.5884)	SOULS	3,000
(106620.5887)	Visions of Hope	3,000
(106620.5820)	YMCA	<u>2,000</u>
	Total	
	<u>\$47,100</u>	

(To record community support contributions for FY 2015/16.)

**SECTION II.** That the General Fund Balance Appropriated (103990.0000) be increased by \$9,850, the 2015 COPS Hiring Grant (103490.5115) be increased by \$29,550, and Salaries & Wages COPS Grant (105100.0201) be increased by \$39,400.

(To record 2015 COPS Hiring Grant and City’s 25 percent match for first year.)

ADOPTED, this 5<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

- b. Consideration – Adoption of Ordinances Authorizing Condemnation and Demolition of Four Properties: *(Clerk Notation: This item was discussed by the Finance Committee during their October 5, 2015 meeting and recommended for approval).*

Mayor Peel recognized Mr. Olson to give the details for this consideration. Mr. Olson stated that City staff is requesting condemnation of three structures and the demolition of four structures. He said that the condemnations being requested include 704 Second Street, 812 Morgan Street and 406 Roanoke Avenue; and he provided the bid amounts for the demolition of these structures. He pointed out that the property located at 305 E. Elizabeth Street is actually owned by the City of Elizabeth City and is the former City fire station. He stated that the request being made regarding this structure is to approve its demolition in the amount of \$5,775. He advised that the fees provided do not include the tipping fees.

Councilman Donnelly stated that he wanted to make everyone aware that the City’s former fire station at 305 E. Elizabeth Street would not be demolished until after the SOULS Feeding Ministry relocates to another facility. Mr. Olson agreed and advised that the person in charge of the ministry hopes to complete relocation by the first of November 2015.

**Motion was made by Councilwoman Jean Baker, seconded by Mayor Pro Tem Anita Hummer, to adopt the following ordinances declaring the applicable structures at 704 Second Street, 812 Morgan Street and 406 Roanoke Avenue condemned and authorize demolition of same and approve the demolition of 305 E. Elizabeth Street. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

**ORDINANCE # 2015-10- 01  
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 **June 29, 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 **704 Second Street** 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 **June 29, 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 5<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

**ORDINANCE # 2015-10-02  
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 **May 24, 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 **812 Morgan Street** 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 **May 24, 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 5<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

**ORDINANCE # 2015-10- 03  
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 **June 29, 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 **406 Roanoke Avenue** 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 **June 29, 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 5<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 – Call for a Public Hearing to be held on October 26, 2015 at 7:30 p.m. in Council Chambers to gather input regarding the adoption of a resolution authorizing the filing of an application for approval of financing. (Clerk Notation: This item was discussed by the Finance Committee during their October 5, 2015 meeting and recommended for approval).

Mayor Peel called on Mr. Olson to provide the background for this request. Mr. Olson stated that the Council had authorized City staff to issue up to \$800,000 in debt to purchase the property located at 305 E. Main Street in order to relocate the Police Department and Fire Administration. He said that a requirement of the Local Government Commission is to hold a public hearing to gather citizen input regarding the adoption of a resolution authorizing the filing of an application for financing.

Mayor Peel requested the Council's pleasure regarding this request.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to call for a public hearing to discuss financing of the public safety building. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

- d. Consideration – Authorization to execute NCDOT Agreement for Elizabeth Street Landscaping: *(Clerk Notation: This item was discussed by the Finance Committee during their October 5, 2015 meeting and recommended for approval).*

Mayor Peel recognized Mr. Olson to discuss this request. Mr. Olson advised that this item had been sent to the members of the City Council for review after the agenda was prepared. He said that the request involved a standard NCDOT landscaping agreement for Project #U4438, which is the Elizabeth Street/Pasquotank River Bridge Project. He reported that NCDOT rules provide that .05 percent of the total project cost can be used for landscaping, which staff estimates to be approximately \$400,000. He stated that City staff would present during the October 26, 2015 Work Session a detailed review of the proposed landscaping project. He pointed out that the City currently has an existing landscaping agreement with NCDOT for the Halstead Boulevard Extended corridor.

Councilman Stimatz inquired about the re-establishment of the Veterans Park area as it relates to this agreement. Mr. Olson stated that the Council had approved a preliminary layout for the proposed Veterans Park a number of years ago. He stated that NCDOT would be paying for all the green scape in the project. He said that staff is having discussion with NCDOT regarding using state dollars for certain hardscaping elements along Elizabeth Street. He said that the results of that discussion should be known by the next City Council Work Session meeting.

Councilman Stimatz stated that he wanted to make certain that the veterans groups were included in the discussion regarding the plans for the proposed veterans' park. He asked that the plans be brought back to the Council during the discussion of the Elizabeth Street landscaping plan.

Councilwoman Baker inquired about the previously discussed Peace Pole project. Mr. Olson reported that a meeting had been scheduled with Rotary Club representatives for the latter part of the week to further discuss that project.

Councilman Walton stated that he was not aware of the Peace Pole project and requested additional information. Mr. Olson stated that the Peace Pole was a project of the Elizabeth City Morning Rotary Club. He said that he would provide additional information to Councilman Walton regarding the previous Council discussions.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Kem Spence, to authorize the City Manager to execute the landscape agreement for Project #U-4438 (WBS Elements 35742.3.2). Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

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

Councilman Brooks had no further comments.

Councilman Stimatz stated that he was aware that Public Works staff was out looking at a number of drainage chokepoints during the recent storm. He said that City staff had



worked with NCDOT to get a number of the locations cleared of debris. He reminded everyone that it is critical that yard debris be placed at the curb for pickup and not on the street or in the gutter so as not to impact efficient storm water drainage. He reminded everyone to vote on Election Day the next day.

Councilman Horton had no further comments.

Mayor Pro Tem Hummer stated that she had noticed citizens placing large items at the curb for pickup and asked if there was not a specific day or a requirement to call Public Works for that service. Mr. Olson stated that staff would prefer that citizens call for pickup of large bulk items. He reminded everyone that the City does not pick up construction debris or tires. Mayor Pro Tem Hummer requested that City staff not forget mosquito control due to all the rain recently experienced.

Councilman Walton complimented the new boardwalk at Fish Courts Park. He asked if the drainage improvements that the City had recently installed in various areas in the City were working. Mr. Olson responded that during severe rains, problem areas would still exist. He stated that the City has done a lot to improve things, but during heavy rains received over short periods of time, flooding would still occur.

Councilwoman Baker had no further comments.

Councilman Spence complimented the Sanitation and Water and Sewer Department employees. He said that he had seen them out working late in the evening getting ready for the recent storm event. He stated that he had spoken to the employees and no one had complained about the extra duties.

Councilman Donnelly reminded everyone to vote on Election Day. He stated that he also wanted to mention the new boardwalk at Fish Courts Park. He said he thought the project had turned out beautifully.

Mayor Peel stated that he had met with City staff while preparations were underway for Hurricane Joaquin and wanted to report that the City has a very professional staff and they were “ready for the worst that might come, had planned well and did a great job.” He stated that he was glad to be a part of those meetings.

**8. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 7:20 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk