

**City Council Regular Session  
September 14, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, September 14, 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 Buffalo  
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 Joseph A. Turner 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.

**Motion was made by Councilman Darius Horton, seconded by Mayor Pro Tem Anita Hummer, to approve the agenda as presented.**

Councilman Brooks requested to add "Elizabeth City State University."

Mayor Peel advised that the motion made was to approve the agenda as presented.

**Councilman Horton amended his motion to state "approve the agenda with any necessary corrections or adjustment." Mayor Pro Tem Hummer accepted the amendment.**

Mayor Peel announced that staff had requested that item "f" Whistleblower Policy on the Consent Agenda be moved to the Regular Agenda.

Councilman Walton asked to remove items "d" (Weatherization Agreements) and "e" (Broadband Proposal) from the Consent Agenda.

**Those voting in favor of the amended 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. Presentations:**

#### a. Proclamation for 2015 Constitution Week:

Mayor Peel read and presented a proclamation declaring September 17 through 23, 2015 to be CONSTITUTION WEEK in Elizabeth City. He requested that all citizens reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of liberties, remembering that lost rights may never be regained.

The proclamation was accepted by Cora deShong Wade, Regent, Betsy Dowdy Chapter NC Daughters of the Revolution. Ms. Wade provided a brief background on the history of Constitution Week and thanked the City Council on behalf of the Betsy Dowdy Chapter for issuing the proclamation.

#### b. Mayoral Certificates of Recognition to “Back to School Bash” Volunteers and Sponsors:

Mayor Peel invited Mr. Anthony Turner to join him at the podium and asked if he would allow him to provide a little background regarding the “Back to School Bash” event. Mayor Peel stated that the “Back to School Bash” began in August 2001 as a dream of Mr. Turner, a man who grew up in the housing project and came from a one-parent family. He said that Mr. Turner’s mom had struggled to put him through Harris Barber College in Raleigh. He acknowledged that Anthony remembered days as a little boy, when he didn’t always have school supplies and “hair-cut money” so he could look good on the first day of school; and thinking of how he could help others, he met with other barbers in the community and encouraged them to donate some time and work with him in providing free back to school hair-cuts.

Mayor Peel announced that this year, the event celebrated its 15<sup>th</sup> year; and since its inception to provide free haircuts, the “Back to School Bash” has evolved into an event that provides school supplies, new clothing and shoes, toiletries and haircuts to children who otherwise may not be able to receive them.

Mayor Peel read and presented a Mayoral Certificate of Recognition to the following sponsors and volunteers as a small token of the City’s appreciation for their community spirit and selfless service to the children of our community:

1. Anthony Turner, barber
2. Richard Jernigan, barber
3. McGarrett Bryant, Jr., barber
4. Tracy Ferebee, barber
5. Kendell Ferebee, barber
6. Tony Rice, Jr, barber
7. Rasheed Mallory, barber
8. Deanna Brumsey, barber
9. Kevin Sutton, barber
10. Shawn Brothers, barber
11. Jermaine Wilson, barber
12. Joel Cendejas, barber
13. Gage Stone, barber
14. Dillion Ralls, barber
15. Calvin Boone, businessman (school supplies donation)
16. Yvenson Sontilus, businessman (new shoes and clothing donation)
17. Elizabeth City Police Department, Chief Eddie Buffaloe (school supplies donation)
18. Psi Xi Zeta Chapter of Zeta Phi Beta Sorority, Inc., Katherine Felton, President (school supplies)

Mayor Peel commended all the recipients and thanked them for the work they do on behalf of the young people our community.

#### **4. Comments from the Public:**

Roger McLean, 126 Chancey Drive, Elizabeth City, NC 27909 stated that he was pleased by the action taken by the Legislature and the Governor of North Carolina to allow Duke Energy to reduce the debt of Electricities. He stated that this action will provide a chance for Elizabeth City to do something for its citizens and industry; and he said that citizens had suffered under high electric bills for too long. He stated that the City needed a Mayor and a City Council that would pledge not to raise utility rates or property taxes and would make sure that every dime of the reduction in electric rates is returned to the citizens. He stated that he would encourage the citizens to elect a City Council and a Mayor that would make sure that the citizens would not have to worry about future increases.

Bill Hiemer, 107 Osprey Cove, Elizabeth City, NC 27909 stated that he was not a practiced public speaker and was not comfortable appearing before the Council. He said that he returned in order to set the record straight regarding comments made during the last City Council meeting. He reviewed his previous comments, made during the August 24, 2015 meeting, regarding the absence of Councilors' concerns and complaints about the increases proposed during preparation the City's budget. He pointed out that a Councilor had challenged him to "read the minutes," which he had done. He stated that in the approved, published minutes of the Council he still could not find that there had been opposition by the public or the Council to the proposed tax or water rate increase. He encouraged the Council to "do good work."

#### **5. Approval of Minutes:**

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

- a. City Council Regular Session of August 10, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the City Council Regular Session minutes of August 10, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

- b. City Council Work Session of August 24, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker, to approve the City Council Work Session minutes of August 24, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

- c. City Council Regular Session of August 24, 2015:

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker, to approve the City Council Regular Session minutes of August 24, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

#### **6. Consent Agenda:**

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

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

*(Clerk Notation: Items "a" through "c" were recommended for approval by the Finance Committee during their meeting of September 10, 2015. The two items removed from the Consent Agenda and added to the Regular Agenda*

*as items “f” and “g” were also recommended for approval by the Finance Committee during that same meeting.)*

- a. Consideration – Authorization for Elizabeth City Police Department to accept the Governor’s Crime Commission Local Law Enforcement Block Grant in the amount of \$14,550 for the purchase of body worn cameras;
- b. Consideration – Authorization for Elizabeth City Police Department to accept Vested Interest in K-9’s, Inc. grant for three ballistic/bulletproof canine vests for the City’s K-9 unit;
- c. Consideration – Adoption of various budget amendments required for accounting purposes, as follows:

### **BUDGET AMENDMENTS**

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

**SECTION I.** That the General Fund Governor’s Crime Commission Camera Grant (103490.5122) and Police Department Grant Expenditure (105100.3306) be increased by \$14,550.

(To record grant received to purchase thirty body-mounted cameras. No City match is required.)

**SECTION II.** That the General Fund Insurance Revenue (103350.8300) and Police Vehicle Maintenance (105100.1700) be increased by \$1,132.

(To record insurance proceeds for police vehicle accident.)

**SECTION III.** That the General Fund Thompson Thrift Reimbursement (103490.5650) and Street Department Contracted Services (105600.4500) be increased by \$38,476.

(To record cost of traffic signal materials for Mt. Everest Drive intersection project to be reimbursed by Thompson Thrift.)

**SECTION IV.** That the Elizabeth City Downtown, Inc., (ECDI) Reimbursement (103500.6700) and ECDI Communications (106700.1100) be increased by \$420.

(To record reimbursement and monthly cell phone charges for ECDI Director.)

**SECTION V.** That the Water & Sewer Fund Insurance Revenue (103350.8300) and Wastewater Maintenance to Pumps (318200.1600) be increased by \$10,686.

(To record insurance proceeds for lightning damage at Wastewater Treatment Plant.)

**ADOPTED**, this 14<sup>th</sup> day of September 2015.

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**Joseph W. Peel**  
Mayor

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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 Darius Horton, to approve the Consent Agenda as amended. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

*(Clerk Notation: In order to allow time to expire until the 7:30 p.m. public hearing, Mayor Peel declared a "90 second break.")*

**7. Public Hearing:**

- a. Consideration – Hold a Public Hearing to gather citizen input on CUP-01-15 filed by Cahoon & Kasten Architects on behalf of Harbor Lights Capital Partners, LLC for property located at 112 N. Water Street.

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons were present who wished to be heard. The City Clerk responded that four persons had registered to speak. She first called Ben Cahoon, 118 W. Woodhill Drive, Nags Head, NC to the podium.

Mr. Cahoon stated that he represented Cahoon & Kasten Architects and was present to represent the developers of the project. He acknowledged the City's Planning Department staff and thanked them for their excellent assistance and professionalism. He advised that the project had been thoroughly considered by staff, the Historic Preservation Commission, and by the Planning Commission. He stated that the conditions set by the Planning Commission had been heard and acknowledged by the developers. He offered himself for questions by the City Councilors at the end of the public hearing.

Mr. Robert Springer, 8225 Falcon Glen Road, Warrenton, Va was recognized. He stated that he had no particular comments, but as one of the developers, he had registered if members of the Council had questions.

Mr. Michael Lincoln, 1031 High Dunes, Hampton, VA was recognized. He stated that he had no comments, but was available if questions arose.

Mr. Jim Bayroe, 228 Browns Neck Road, Poquoson, Va was recognized. He stated that he had no comments, but was available if questions arose.

Mayor Peel declared the public hearing closed and asked for Council's pleasure regarding this matter.

Councilman Donnelly inquired if the developers were fully aware of the conditions that had been placed on the property. Mr. Cahoon responded that the conditions noted were the ones heard and published after the Planning Commission meeting. He stated that he had also reviewed the document provided to the Council in their agenda packet.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to adopt the following resolution to approve CUP 01-15 allowing multi-family development at 112 N. Water Street. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

**RESOLUTION # 2015 – 09 - 01  
Conditional Use Permit CUP 01-15**

**WHEREAS**, the City Council considered a request by Cahoon & Kasten Architects on behalf of Harbor Lights Capital Partners, LLC for a conditional use permit for a commercial and multi-family development at 112 N. Water Street. The structure

lies on the east side of N. Water Street between E. Colonial Avenue and E. Main Street and is further identified as Parcel 891308995595; and

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

**WHEREAS**, the Technical Review Committee reviewed Conditional Use Permit 01-15 on June 23, 2015; and

**WHEREAS**, the Planning Commission considered and held a public meeting regarding Conditional Use Permit 01-15 on August 4, 2015; and

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

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

- a. Continued compliance with the conditional use permit criteria for multi-family dwellings as stated in Article 11-4.52 of the Elizabeth City Unified Development Ordinance;
- b. Provide a minimum of fifteen parking spaces to serve the residential use;
- c. A separate zoning permit and business registration shall be secured by each commercial tenant, as applicable, prior to commencing business;
- d. Renovations other than cosmetic work will require a building permit;
- e. A Certificate of Appropriateness must be granted prior to undertaking any exterior renovations beyond routine maintenance as described in the Elizabeth City Historic Preservation Commission and Certificate of Appropriateness brochure and Elizabeth City Unified Development Ordinance;
- f. Any future signage must be approved by the Historic Preservation Commission and Planning Staff and a permit issued prior to installation;
- g. The record owner of the property shall record the Conditional Use Permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the Conditional Use Permit has been recorded and indexed under the record owner's name as grantor; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that Conditional Use Permit 01-15 is hereby approved this the 14<sup>th</sup> day of September 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

**8. Regular Agenda:**

- a. Consideration – Call for a Special Meeting on September 21, 2015 at 5:30 p.m. in Council Chambers; and Call for a Public Hearing to be held on September 21, 2015 at 5:30 p.m. to receive public comment on the City applying for grant funding via NCDENR CDBG for the Raw Water Transmission Line:

Mayor Peel recognized City Manager Olson to provide the background for this request. Mr. Olson reported that City staff's request is for the Council to schedule a Special City Council Meeting on September 21, 2015 in order to hold a public hearing to gather public input regarding the City's proposed application for CDBG funding for the raw water transmission line project. He explained that City staff had been notified that the previous public hearing held in March 2015 would not suffice for that requirement of the new application. He stated that the application is the same application as has been submitted for several years and would involve Phase II of the Raw Water Transmission Line Project. He informed the Council that the estimated cost for the project is \$800,000.

Mr. Olson stated that the Council could not wait to hold the Public Hearing during the September 28, 2015 meeting, because a requirement of the application was that certified minutes of the meeting during which the Public Hearing was held also had to be submitted with the application. He advised that if the Special Meeting is scheduled and the Public Hearing is held on September 21, 2015, the City Clerk would have time to prepare the minutes and have them approved during the September 28, 2015 meeting, at which time they could be certified. He stated that the application is due on September 30, 2015.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to call for a Special Meeting on September 21, 2015 at 5:30 p.m. in City Council Chambers and further call for a Public Hearing to be held September 21, 2015 at 5:30 p.m. in Council Chambers to gather public input regarding the City's intent to submit a CDBG application for the replacement of the raw water transmission main in the amount of \$900,000. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- b. Consideration – Designation of Voting Delegate for 2015 NCLM Business Meeting:

Mayor Peel stated that the first question to answer for this consideration would be the Council members who plan to attend the NCLM Conference. It was noted that Mayor Peel, Councilwoman Baker, and Councilman Donnelly planned to attend.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Kem Spence, to designate Mr. Donnelly as the primary delegate and Ms. Baker as the secondary delegate at the NCLM Annual Conference. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- c. Discussion – Council Comments on Non-agenda Items (Requested by Councilwoman Jean Baker):

Mayor Peel recognized Councilwoman Baker for her comments. Councilwoman Baker stated that she had requested that the Council talk about this issue and noted that it had been discussed previously. She advised that, in view of the last Council meeting, which had lasted quite some while due to Council comments on non-agenda items, she thought it was time to limit comments in the same way the Council limits the public's comments. She suggested that Council comments could be limited to six minutes because citizens could receive a total of six minutes if requested. She stated that the non-limiting timeframe for Councilmembers' comments gave the appearance that Councilmembers are "better than" public speakers; and therefore, entitled to more time. She stated that she thought that was "wrong and sends a bad message." She said that perhaps it was a matter for the new Council to discuss, but she thought the Council needed to limit its "running amok with our comments." She invited thoughts by other members of Council.

Councilman Spence asked how long it had been since no time limits were placed on members of the Council. Mr. Olson responded that in January 2004, the City Council adopted the procedure of allowing Council comments at the end of meetings. He stated

that the procedure was adopted in connection with the reorganization of Council meetings at that time. He stated that prior to that time, the City had a number of working committees; and, when the committee system was abolished, providing Council comments was a way for Council members to voice their concerns.

Councilman Walton stated that before he was “brought back to Council,” the Council “usually had a 15-minute meeting.” He stated that “you just can’t hold a City Council person to so many minutes to comment.” He said that the way “it’s done on this Council, the person with the last say so is the one that get everything off their chest that they want to get off their chest.” He stated that if a person comments on something someone else says, that person needs to have a chance to comment back.

Councilman Walton continued by stating “just like this thing - you just brought up Ms. Baker - it has been talked about already. Now, ‘cause I know Mr. Olson is good with figures and dates, but it’s nobody out there got a memory that good – to go back to 2004 when it happened unless it was already discussed. So, you know, do we already have an agenda set to get what you’re trying to accomplish at this meeting? You know, Council can make any motion they want, but all of a sudden, somebody could say a person need to have at least a 10<sup>th</sup> grade education to be on Council. To me, that’s not a fair – it’s not a fair standoff. Everybody should at least have an opportunity to say what they feel like they want to say for their constituents. So, we can’t just limit Council to what they say. We can’t control – and that’s what I feel like we are trying to do. We cannot control that. A person need to have as much time as they want to so they can understand - so they can make a good decision.”

Councilman Stimatz stated “we are not limiting debate on items on the agenda or on a motion that has been made. We are only talking about comments at the end. Just comments. So, we are not talking about dialog and discussion – we are talking about an individual’s comments on issues related to the City’s business.” He said “a long time ago I joined Toastmasters, and one thing they taught us was – is that – brevity is a virtue in many issues – and the toughest speech is always the shortest speech – but usually the best speech.” He stated that he did not have a problem with six minutes, because there is always the option of placing things on the agenda. He said “comments should just be comments about City business – not life in general.” He pointed out that if each Council member had six minutes for comments that would equate to 54 minutes that would be devoted just to comments. He suggested that if a limit of six minutes is decided upon, the option could be granted to have another Council member donate an additional three minutes if it was needed.

Councilman Brooks stated that if five people go to a Council member with a concern, “what do you do? Say, I would have talked about it, but they gave me three minutes to talk?” He stated “it doesn’t make sense.” He said that when he went out in the public after a short Council meeting was held earlier, citizens were talking about the Council having such a short meeting. He stated that the more the Council talks, the more people can understand what is going on. He stated that trying to limit comments was an attempt to control the Council. He pointed out that the agenda did not specify that comments were to be on “City business” – that the agenda noted “comments on non-agenda items.” He stated that he would never vote to limit the time period for comments.

Councilman Spence stated that he did not agree that the Council should limit comments to six minutes. He said that he would agree that sometimes Council members “may go too long with the comments.” He suggested a compromise; and pointed out that the “Mayor has the gavel” if someone “gets out of order.” He suggested that a vote should not be taken during the meeting - rather the Council members should “put their heads together” because they “are all adults.”

Councilwoman Baker suggested that the six minutes timeframe was not something she “pulled from the air.” She said that members of the public are eligible for six minutes if someone else registers and donates their time. She stated that the intent is not to control anyone. She pointed out that if someone comes to her with a request to talk about an issue, she would not talk about that issue during “comments;” instead, she



suggested that she would ask to have the matter placed on the agenda. She stated that non-agenda comments should be about things not on the agenda or things that shouldn't be on the agenda. She pointed out that comments burn up a lot of time and prevent moving on to the next person or the next item. She acknowledged that several citizens had talked to her about this matter and voiced their frustrations. She stated that "streetlights out" or "potholes" are examples of non-agenda items, but to "runoff just to hear yourself talk" needed to be addressed.

Councilman Brooks stated that if a Councilmember comments on a matter and then another Councilmember comments on that, it becomes a debate. He pointed out that there were too many "what ifs" in this discussion that needed to be "ironed out."

Mayor Peel responded to the previous statement by Councilman Spence and advised that the Mayor could not gavel someone for speaking during the "comments" portion of the agenda.

Mayor Peel asked if there was additional discussion on this matter.

Councilman Donnelly stated that "comments and inquiries" are just that – and it is not debate time. He said that he did not think there was need for debate during that period. He stated that if a Councilor could not make their points in six minutes, they had "better go back to Carnegie School and get some training." He said that "it doesn't take that long to make a point – and six minutes seems quite reasonable."

**Motion was made by Councilman Ray Donnelly, seconded by Councilwoman Jean Baker, that we limit comments and inquiries to six minutes.**

Mayor Peel advised that the vote on this motion would require a super majority, which would be six votes in the affirmative.

Councilman Spence asked to make a friendly amendment and suggested that the issue be discussed in Closed Session as a group. City Attorney Morgan advised that this topic was not a proper topic by law for a Closed Session discussion.

Mayor Peel asked if there was additional discussion. Hearing none, he called for the vote on the motion.

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

- d. Consideration – Approval of Whistleblower Policy (removed from Consent Agenda by request of City staff):

Mayor Peel recognized Mr. Olson for background on this consideration. Mr. Olson explained that the Governors Crime Commission (GCC) now requires all recipients of their funding to have a Whistleblower Policy. He stated that City staff had submitted a copy of the City's Code of Ethics to GCC, but they had determined the Code would not suffice as a Whistleblower Policy for their requirements.

Mr. Olson stated that the GCC had provided a template of a Whistleblower Policy to the City, which staff had used to formulate the proposed City policy. He informed the Council that staff made revisions to the template, based on recommendations by staff, the City Attorney and the City's labor attorney. He advised that additional revisions had been made to the version posted with the agenda, hence the reason for staff's request to place the matter on the Regular Agenda for discussion.

Mr. Olson advised that staff had included the provisions of the City's existing Code of Ethics in the proposed Whistleblower Policy. He reviewed the provisions of the policy for the Council and stated that it would be treated as an addendum to the City's Personal Policy Manual.

Councilman Stimatz thanked staff for working to correct some issues present during the first draft of the document.

Councilman Donnelly stated that he thought that the section regarding the handling of reported violations, which states “all reports shall be promptly investigated,” was too vague. Mr. Olson responded that depending on the nature of the complaint, an outside source may be required to take a look at the complaint. He pointed out that the timeframe required would differ in every situation.

Councilman Donnelly asked if a timeframe could be placed to specify when the investigation would be started. He reiterated that the word “promptly” was too vague. The City Attorney stated that he would not want to limit the City in terms of how long an investigation may take. Councilman Donnelly stated that he would prefer the document provide a timeline on when the investigation of any complaint would begin. City Attorney Morgan suggested that the words “any required investigation shall be commenced within seven days of receipt of the complaint” be inserted.

Councilman Stimatz stated that the current language states “five business days” to acknowledge a complaint; and he suggested the language should be consistent. He suggested that the timeframe be either seven or ten business days. Councilman Donnelly advised that he was not as concerned about the number of days as he was having the timeframe clearly stated. City Manager Olson suggested using ten business days to which Councilman Donnelly responded “I can live with that.”

Councilwoman Baker suggested that the word “complainant” used throughout the document was misspelled and offered that it should contain a second “t.” The City Attorney responded that he believed the word was spelled correctly, but staff would check to make certain.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to adopt the following resolution adopting the City of Elizabeth City Whistleblower Policy as presented, with the changes made in Chambers tonight, to become effective immediately. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

**RESOLUTION # 2015 – 09 - 02  
CITY OF ELIZABETH CITY  
WHISTLEBLOWER POLICY**

**WHEREAS**, the City of Elizabeth City currently does not have a formal Whistleblower Policy; and

**WHEREAS**, some federal and state granting agencies now require that the City have a Whistleblower Policy in place; and

**WHEREAS**, the proposed Whistleblower Policy will provide guidance and protection to City employees when reporting concerns, complaints and other issues arising in all areas of City operations; and will provide procedures for those tasked with administering the policy in handling these concerns; and

**WHEREAS**, Labor Attorney John Leidy has provided a legal opinion that the policies contained in the proposed policy are in compliance with current employment law.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City hereby adopts the City of Elizabeth City Whistleblower Policy, as presented.

**ADOPTED**, this the 14<sup>th</sup> day of September 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

**Beginning of Whistleblower Policy:**

**CITY OF ELIZABETH CITY WHISTLEBLOWER POLICY**

***General:***

Chapter 2 of the City of Elizabeth City's Code of Ordinances, Article IV Code of Ethics-Conflict of Interest, hereinafter referred to as "Ethics Code," requires City Officials, as defined in Sec. 2-111, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Honesty and integrity shall be the guiding principles in fulfilling all job duties and responsibilities, as well as complying with all applicable laws and regulations.

***Reporting Responsibility:***

It is the responsibility of all City officials and employees to comply with the Ethics Code and to report violations or suspected violations in accordance with this Whistleblower Policy, hereinafter referred to as "Policy."

***No Retaliation:***

No City Official or employee who in good faith reports a violation of the Ethics Code, shall be subject to harassment, retaliation or any adverse employment action as a consequence of such report. An employee who harasses or retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. Further, this Policy is intended to encourage and enable City Officials and employees to raise serious concerns within this organization prior to seeking resolution outside this organization.

***Open Door Policy/Reporting Violations:***

The City of Elizabeth City shall have an open door policy, in which employees are able to fully share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's immediate supervisor is the best option to address an area of concern. However, if an employee is not comfortable speaking with his/her immediate supervisor regarding an actual or potential violation of the Ethics Code or is not satisfied with their supervisor's response to such a concern, the employee is then encouraged to speak with someone in the Human Resources Department or anyone in management with whom the employee feels comfortable. Supervisors and managers are required to immediately report suspected violations of the Ethics Code to the City's Compliance Officer, who shall be the City Manager. The Compliance Officer (City Manager) has specific and exclusive responsibility to investigate all reported violations, unless an alleged violation involves conduct of the City Manager, the City Attorney, the mayor or a member of the City Council, pursuant to Sec. 2-115(b) of the Ethics Code. If an employee suspects fraud, or if the employee is not satisfied or comfortable with following the City's open door policy, individuals should then contact the Compliance Officer (City Manager) directly.

If the area of concern is in relation to the Compliance Officer (City Manager), the mayor or a member of the City Council, the complainant is encouraged and empowered to immediately report said concern to the City Attorney, who shall inform the City Council regarding the concern or complaint. The City Council may direct the City Attorney to conduct an investigation, if warranted, in order to resolve the issue pursuant to Section 2-115(a) of the Ethics Code.

If the area of concern is in relation to the City Attorney, the complainant is encouraged and empowered to immediately report said concern to the Mayor, who shall inform the City Council regarding the concern or complaint. The City Council may direct the City Manager to conduct an investigation, if warranted, in order to resolve the issue pursuant to Section 2-115(c) of the Ethics Code.

***Complaint Reporting Requirement:***

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the Compliance Officer (City Manager) pursuant to this policy shall be in writing. Although complaints may be made in writing anonymously to the Compliance Officer, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the City Attorney pursuant to this policy shall also be in writing. Although complaints may be made in writing anonymously to the City Attorney, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the Mayor pursuant to this policy shall also be in writing. Although complaints may be made in writing anonymously to the Mayor, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

***Role of Compliance Officer:***

Pursuant to NCGS §160A-148 and Section 4.2 of the City of Elizabeth City Charter, the City Manager shall serve as the City's Compliance Officer and is responsible for investigating and resolving all reported complaints and allegations made by employees concerning violations of the Ethics Code. The City Manager, in his role as Compliance Officer, shall advise the City Council of Elizabeth City in writing at any time a complaint or allegation concerning violation of the Ethics Code has been made.

***Auditing and Accounting Matters:***

After advising City Council of any complaint or allegation concerning a possible violation of the Ethics Code in relation to the City's accounting practices, internal controls or auditing, the City Manager shall immediately inform the City's independent auditor (who is engaged at the time of the complaint) and work with them until the matter is resolved. The City Manager, in his role as Compliance Officer, has direct access to the auditor and either he and/or his designee shall be present when the auditor meets to address reported concerns or complaints. Any recommendations made by the auditor shall be forwarded to the City Council in writing for their information and, where necessary, final review.

***Acting in Good Faith:***

Anyone filing a complaint concerning a violation or suspected violation of the Ethics Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Ethics Code. Making allegations that prove not to be substantiated and/or which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

***Handling of Reported Violations:***

The City Manager, in his role as Compliance Officer, will notify the complainant in writing and acknowledge receipt of the reported violation or suspected violation within five (5) business days, unless the report is made anonymously. All reports will be promptly investigated and appropriate corrective action will be taken, if warranted by the investigation. Any required investigation shall commence within ten (10) business days from receipt of complaint.

***Confidentiality:***

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violation or suspected

violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

**Adoption:**

This Policy is hereby adopted by resolution of the City Council of the City of Elizabeth City this 14<sup>th</sup> day of September 2015 as an addendum to the City of Elizabeth City Personnel Policy Manual.

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Joseph W. Peel  
Mayor

Attest:

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Vivian D. White, CMC/NCCMC  
City Clerk

**End of Whistleblower Policy.**

e. Elizabeth City State University (*added to agenda by Councilman Brooks*):

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that he had just returned from a vacation in the Mid-West; and he reported that whenever he was near a town that contained a university, it was obvious that the community supported that university by displaying its colors or similar identifying symbols. He said that upon his return to Elizabeth City, he noticed that until you get a block from Elizabeth City State University, you would not know that it existed.

He stated that he thought those people who came before Council during the last meeting in support of ECSU were “superficial.” He suggested that the City needed to give Elizabeth City State University something that is “real.” He alleged that during ECSU Homecomings, the local hotels “double the rates.” He said “that’s not support.” He stated that when an ECSU student ran for a Council seat, “that was the biggest mess I’ve ever seen in my life.”

Councilman Brooks stated that during the last City Council meeting, Councilman Walton made a motion to give Elizabeth City State University \$10,000 - \$5,000 for the band and \$5,000 to help with recruitment. He said that he had never heard so many “out of orders” at that time, but he had not been able to find anything in the rules that said it could not be done.

**Motion was made by Councilman Michael Brooks, seconded by Councilman Johnnie Walton, that the City of Elizabeth City Council support Elizabeth City State University with \$10,000 - \$5,000 for the band and \$5,000 for recruitment.**

Councilman Stimatz stated that in accordance with Council rules, all budgetary-related motions have to be referred to the Finance Committee before they come to the full Council. He pointed out that it doesn’t mean the item can’t be discussed, but a vote could not be taken until the Finance Committee considered it and referred it back to the Council.

Councilman Walton stated that he did not believe that was true. He referred to a previous situation whereby Mayor Pro Tem Hummer had asked for an item to go to the Finance Committee, but Councilman Stimatz had stated it did not have to go before the committee. Councilman Walton suggested that Councilman Stimatz “uses things the way he wants to use them” and “he thinks that no one else can – he’s a very good manipulator.” He stated that the Council should be consistent and not change things “when we want it going our way.”

Councilwoman Baker pointed out that for “City money, County money, tourism money, for (ECSU) homecoming and other events and for all of our institutions of higher learning – (they) receive tens of thousands of dollars.” She stated that she did not have the exact numbers because she did not have a copy of the budget with her, but she thought Elizabeth City State received over \$30,000 the previous year from City and County money through the Tourism Development Authority. She stated that COA received much less. She asked how the Council could provide so much more funding to one institution than the others.

Councilwoman Baker reported that Dr. Stacey Franklin Jones “has some great things going on for our university coming up.” She pointed out that Dr. Jones has the university involved and that a change has been noticed in that the university is more visible in the community. Councilwoman Baker suggested that the Council should allow the Chancellor to decide before giving money to the band and to “something else out of the blue.” Councilwoman Baker recommended that the Council should give the Chancellor an opportunity to show what she is doing and what the students are doing and allow them an opportunity to let the Council know where funding is needed.

Mayor Peel questioned the City Attorney regarding Councilman Stimatz’ point of order in regards to the referral of all fiscal matters to the Finance Committee. The City Attorney stated that the issue is not addressed in the Council’s printed Rules of Procedure. He said that he did not have a copy of the meeting minutes during which the Finance Committee was created. Councilman Stimatz stated that he recalled that Mayor McLean had created the Finance Committee to include its rules and the rules for Council. He said that the Council had voted on the matter, and it became a part of the Council’s procedures.

Mayor Pro Tem Hummer stated that as Chair of the Finance Committee it would “stand to reason” why the matter should go to the Finance Committee to first determine if funding was available. She pointed out that the Council had already spent money outside its adopted budget during the current fiscal year. She said that it is just “good business” to take things first before the committee. She stated that during consideration by the Finance Committee, other institutions of higher learning should be considered as a matter of fairness. She reiterated “everything should come to the Finance Committee.”

Councilman Brooks stated that it appeared the Council needed to disband the Finance Committee. He said that the only thing the Committee does is recommend something to the full Council. He pointed out that issues had been encountered when there was a short timeframe in that by the time the full Council met, the timeframe “may be too short.” He stated that his suggestion was not “out of the blue” because he and Councilman Walton had talked to the ECSU band director for almost 45 minutes.

Councilman Brooks stated that ECSU is “worthy” because they are “the largest university in Elizabeth City and probably on a good portion of the East Coast.” He said that the people “that all of a sudden are talking about giving them something that’s not superficial – all kind of roadblocks is why you can’t do it.” In response to Councilwoman Baker’s suggestion to consult with the Chancellor, Councilman Brooks said “they need help now – not superficial stuff – they need the real thing now. Tangible, you know?” Councilman Brooks said that he would never vote against Arts of the Albemarle and he stated “we have to look at what’s in the budget – because we can amend those. Those young people need the money.” He said “let’s go ahead and help all our financial institutions where we can. Where we can! And, if it’s in the rules – and I don’t know - since they’re trying to send it to Finance –“

**Councilman Brooks stated “I will make a motion to amend the rules so we can vote on it now.”**

Councilman Donnelly pointed out that a motion was already on the floor. Mayor Peel agreed. Councilman Stimatz requested a point of order. He commented that when the Council took the previously referred to item off the agenda and put it on the floor, that was the procedure that was followed. He stated “you have to make a motion to

suspend the rules in order to take it up at this time.” He stated “that’s the appropriate way to deal with it and is the rule that is in our standard procedures.”

Mayor Peel pointed out that the motion to suspend the rules and not send the item to the Finance Committee would require a super majority vote. He pointed out that a second to the motion was needed.

**Councilman Horton stated “Second.”**

Councilman Donnelly asked for the motion to be restated.

**Mayor Peel stated that the motion is to suspend the rules that the Council normally engages in that all financial matters go to the Finance Committee first. He stated that would enable the Council to decide what they want to do during this meeting regarding this matter.**

Councilwoman Baker expressed her concern that a precedent would be set in suspending the rules “for one thing – then we’ll suspend for another thing – and another thing – and then...”

Councilman Stimatz stated “that’s our rules.”

Councilman Walton stated “what that number would be, Attorney?” City Attorney Morgan stated that if Councilman Walton was referring to the super majority vote, it would require six votes out of the eight members.

Councilman Walton stated “I don’t see no way in...whew...I don’t know where to go to try to find it – to get six out of this – but the Finance Committee is made of Donnelly, Mayor, Ms. Hummer, Mr. Horton, I think, yeah. And all they do is discuss it amongst themselves. Now, if the whole Council was there, they wouldn’t have to bring it back to us. They wouldn’t have to bring it back to us - ‘cause we would have already heard it. That’s the problem I have taking it to the Finance Committee – this situation – because it’s been two weeks that this had tried to have done. And everybody’s here. I don’t see anybody missing. I don’t see a person missing. And we are discussing it. So, why are we going to discuss something – send it to the Finance Committee – they come right back and tell ‘em they not going to approve it. That don’t make a lot of sense to me. You know? I can tell you where you get the money from. We get it from the same place you got AoA. You take 12-5 from that Mr. City Manager? For AoA didn’t you take 12-5...”

Mr. Olson responded “\$12,500 came from TDA and \$12,500 came from the General Fund Balance Unappropriated.”

Councilman Walton stated “and there’s still that much in there left isn’t it?”

Mr. Olson responded “I’m not sure how much is in there, but if the Council deems it a priority, we will find the money.”

Mayor Peel stated that there was a motion and a second on the floor and asked if there was additional discussion.

Mayor Pro Tem Hummer asked to respond. She stated that she had made the statement during the previous Council meeting that the Finance Committee is open to everybody “sitting around this desk.” She stated that she would welcome any Council member to attend. She said that in past years, comments had been made that the Finance Committee “did things under the table.” She stated that was not true, but she would rest her case on the matter.

Mayor Peel called for a vote on the motion. After the voice vote was taken, Councilman Walton requested a roll call vote, which is recorded as follows:

**Councilman Brooks – yes**  
**Councilman Stimatz – no**  
**Councilman Horton – yes**  
**Mayor Pro Tem Hummer – no**  
**Councilman Walton – yes**  
**Councilwoman Baker – no**  
**Councilman Spence – no**  
**Councilman Donnelly – no**

**The motion failed.**

Councilman Horton stated that the motion made by Councilman Brooks included giving \$5,000 to the ECSU band and \$5,000 for recruitment. He stated that he would make a motion that the Council give those amounts for those purposes and add \$15,000 for a Gap Scholarship - and that the matter be sent to the Finance Committee. Councilman Brooks indicated that he would second the motion.

Councilman Stimatz requested a point of order and stated that it was not necessary to make that motion because the previous item was going to be sent anyway. He stated that the additional funding request could be added to that consideration. He pointed out that Councilmembers could request that any item be sent to the Finance Committee at any time.

Councilman Brooks stated that there was a problem with the Finance Committee because it contained three Councilmembers and the Mayor. He said “that’s not full Council, but if they decide that they wouldn’t send it to full Council, it stops there – it never comes to us.”

Mayor Pro Tem Hummer stated “the Finance Committee is a recommending board – that’s all. We can send things to the full Council without a recommendation. We can’t just not send it to the full Council. Everything comes to the full Council – whether it has a recommendation.”

Councilman Brooks stated that was his point and questioned “why have a Finance Committee – let it come before the full Council and eliminate the Finance Committee.” He said “if we had that, we could have voted on this tonight. Of course, you have somebody that want to help Elizabeth City superficially and nothing real that they can really use to pull themselves up. So the vote still went the same way.”

Mayor Peel stated that one observation he would make is that the Council receives proposed agenda items days ahead of time. He suggested that if the Councilors have items they want to add to the agenda, if they do so prior to arriving at meetings, a lot of what had occurred during this meeting could be avoided, because staff would have the information needed to answer questions. He suggested that would avoid the Councilors’ misunderstandings. He reiterated that if Councilors would add items to the agenda that require information ahead of time, it would be helpful.

Councilman Walton asked to respond and said “just like the prior agenda item. Councilwoman Baker made a statement that there’s no way anyone would have known about 2004 unless they looked it up. City Manager gave us the answer before – you know – if you’re going to meet before the meeting – why, you know, why meet – why have a meeting? You just come here and read the comments section.”

Mayor Peel stated “Mr. Walton, you just made my point. Because it was on the agenda, he had time to be able to do his homework and come with the information.”

Councilman Walton stated “since it’s a discussion – that’s how you like things. If you can’t control it before the meeting, you don’t want to have it in the meeting.”

Councilman Donnelly stated that as a member of the Finance Committee, he would like to hear from the university as to what they want the money for – and if they want the money. He said that he was concerned that the budget had been passed two months



ago, which several Councilmembers voted against. He pointed out that the Councilmembers, in voting against the budget, had voted against the Cost of Living Adjustment for City employees and the 13% electric rate reduction. He stated that now, these same members of Council are trying to give money to ECSU – which he did not have a problem with. He reiterated that he would like to know, however, if ECSU wants the money. He said “just because you say they want the money, doesn’t mean they want the money.” He suggested that ECSU should submit something in writing to the City. He stated that as a Finance Committee member, when the matter comes before the committee, he would send it back to staff to study the issue to find out more facts.

Councilman Brooks stated “a lie is as good as the truth if you can get somebody to believe it.” He continued “that was the biggest lie I heard drop out of somebody’s mouth.” Councilman Brooks said “the reason why he talking about Councilman Walton, Horton and myself, because we wanted more information on that weatherization program where it’s supposed to be for low and moderate income but yet they did \$10,000 to a woman that had a mansion. That’s not low to moderate income. So, when you hear a half-truth, it’s a whole lie. A half-truth is a whole lie. And I’m trying hard – put your hand down, you done lied enough for tonight - a half-truth is a whole lie.”

Mayor Peel gaveled Mr. Brooks out of order and suggested that type of language would not be used.

Councilman Brooks stated “no, no, it’s not no language. This is a passion. When someone say that I voted – that we voted against-” “we didn’t want them to raise the property taxes nor the taxes on the water – at least at the same time. We’re still economically deprived. When you raise property taxes - I want you to understand this – when you raise property taxes, it’s not just on adults that’s established and have homes and stuff like that. That kid that graduated from high school or even in the university that stays with their parents – I want you to understand this very well – if they stay with their parent and that parent co-signed for them – maybe they have a job making 40 hours a week or less than 40 hours a week – if that parent co-signs for them to get a vehicle, you know – and they making payments on that vehicle – the property taxes on that vehicle that they paying for is raised too. So, that’s a double whammy on our children. You know – and so what happen is – if you have the whole picture – don’t give half a picture and try to throw darts at anybody – that’s not good. We have too many issues in Elizabeth City to throw darts at one another and in your face. Listen, when you ride around in Elizabeth City, I find it amazing, that not only do you have a lot of homes for sale – I’m sure Councilwoman Baker would know about this – you have a lot of homes for sale here. You know? And I thought maybe it was just in low income neighborhoods and that’s not true. I rode around in neighborhoods where it’s high-end – if I may use that term – houses for sale there too. So, if we are going to talk about how a person voted and didn’t vote – let’s stay – get to the facts and state exactly what it is. You know? We did vote against the budget, you are right – and in the budget those things were there. But let’s give a clear picture. What you did was – you gave half of it – I gave the other half. Now we got a whole – we got the whole picture.”

- f. Consideration – Authorization for Mayor Peel to execute agreements for Contractor Services for the Weatherization Assistance Program with Skinner’s Home Energy Conservation Service, Riddick Homes and G&M Construction *(removed from Consent Agenda by Councilman Walton):*

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton noted that agreements had been presented for Skinner’s Home Energy from Edenton, Riddick Homes from Elizabeth City and G & M from Blounts Creek, NC. He questioned having a company from Blounts Creek, NC.

Mr. Olson explained that the weatherization contracts that had been presented for consideration were the same types of contracts as had been used by the City in the past. Councilman Walton asked the City Manager “who gave you the information for G & M?” Mr. Olson responded that the City’s Energy Officer Dennis Gordon had recommended all three contractors. He explained that all three companies had bid the same hourly rate of \$45. He stated that the services to be provided were identical.

Councilman Walton stated that this is the reason why he thought it was important that items be pulled off the consent agenda so the Council could talk about them. He made the point that G & M was located two hours away from Elizabeth City. He said “let’s split that \$360,000 in three parts. There’s a possibility that each one of those groups could make \$120,000.” He said “I know the person from Edenton might come to Elizabeth City and spend some that money. I know Mr. Riddick – he might go to another City and spend some of that money, but he basically gonna spend his money here, too, you know? That’s \$240,000. But now, G & M that comes out of two hours away that will pass by three or four different malls to get back home – they could spend that \$120,000 somewhere else. I don’t see why we would give them a contract, you know? It went to the Finance Committee and then they bringing it back to us to pass on the Consent Agenda. But if you can give me some justification why we would allow somebody that has a company two hours away to come and do those projects, I’m still listening to it.”

Mr. Olson pointed out that in the past, the City had used Martin County Community Action for a number of years as well as other companies located even further than two hours away. He stated that the companies being recommended are companies for which Dennis Gordon has a great deal of comfort. He stated that Mr. Gordon had personally inspected their work. Mr. Olson pointed out that the companies are reimbursed for the cost of their materials, so the only thing they are making is labor costs of \$45 per hour.

Councilman Walton stated “to me, if you’re going to look out for the customer with the electric kilowatts, we need to keep as much money in Elizabeth City as we can, you know? We are a Tier One county. Let me tell you about something that Ms. Meads, was it – what’s the lady name that – Betsy Meads, came in with the petition last week. She passed us out something that gave me a very clear - made me feel much better - cause this information is provided by the Institute for Emerging Issues. That’s the same thing that went to the committee - Ms. Hummer - that you say they didn’t tell you the information about that grant. These people – they had an average income per cap in certain years – and what the salary of people in Elizabeth City and six other counties – would be comparatively. They had Pasquotank, Dare, Wake, Currituck, Camden, Perquimans and Chowan. Pasquotank in 1974 was number two – we had an average income cap of \$4,355. Perquimans had \$3,519. Wake was number one - \$5,775. 1990 it changed. Pasquotank became number three - \$15,105. I’m just going to compare Pasquotank and Perquimans these next few steps. Perquimans was \$13,136. In 2000, Pasquotank was number six - \$20,814. Perquimans was \$20,340 - so we were still above Perquimans. 2010 – Pasquotank was number seven - \$27,138. Perquimans was 29 – so they got – they passed us in 2010. 2014, which is last year, Pasquotank was number seven still - \$29,689. Perquimans was \$33,572. And they projecting – now this is a projection – in 2030 Pasquotank will still be number seven with an average income per capita - \$39,984. And Perquimans will be \$47,985. That mean Perquimans gonna make more money than we gonna make? That’s what I’m reading into it. So if we don’t change our leadership style, y’all, if what the Institute for Emerging Issues are saying, we have big problems. You know - I don’t care what we do, we gonna have problems. I don’t know if they taking into consideration we not satisfying our water bills – we not gonna be doing something right. But this is what they came up with. And this is the group that supposed to come in here and give us all this information to make us better. If we can’t make as much as Perquimans, y’all we need to move to Perquimans cause something ain’t going right.”

Mayor Peel asked Councilman Walton if he had other questions regarding the weatherization contracts.

Councilman Walton stated “oh, yeah, I’m just asking Mr. Olson about the weatherization – G & M. You said they come from a long ways. How long does it usually take a company – I know it’s according to how big the job is – to finish a job?”

Mr. Olson responded that it would depend on the scope of work defined in the contract - from two days to as many as seven days. He stated that he would think if a firm was

coming from two hours away, they most likely would spend nights in a hotel and buy their meals and inject money into the local economy.

Mr. Olson stated that what the City is looking for is a company that provides good quality work for our citizens. He pointed out that is the reason these particular firms had been recommended to the City Council.

Councilman Walton suggested that Riddick Homes from Elizabeth City should be given as many jobs as possible.

Councilman Stimatz stated that it was his understanding that the contracts represented a pre-approved vendor list. Mr. Olson responded in the affirmative. Councilman Stimatz commented that he thought it was pretty standard to have pre-approved contractors. He asked if any were being guaranteed a level of work. Mr. Olson stated no work guarantees had been made.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to authorize Mayor Peel to execute the agreement for contractor services for the weatherization assistance program as presented. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

- g. Consideration – Authorization to accept proposal by Professor Nicholas Didow to conduct Elizabeth City Smart Grid and Broadband Project (*removed from Consent Agenda by Councilman Walton*):

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that he “was not trying to put down the Finance Committee, but some of these things we put on the Consent Agenda need to be discussed.”

Councilman Walton stated “Mr. Olson, smart grid was put in the budget.” Mr. Olson responded that the Nexgrid System was placed in the budget. Councilman Walton stated “and it was given 3% of that decrease of the electrical rates.”

Mr. Olson responded that it was not 3%; that the Nexgrid System was one of the projects included in the capital budget. He said that the City would be doing debt financing associated with the installation of the Nexgrid System. He reminded the Council that the Nexgrid System was budgeted in both the electric and water funds.

Councilman Walton stated “to me, we’re putting the cart before the horse again. You are now asking him (Professor Didow) to come in – get one of those studies going again - how much money did we spend in studies last year? We had so many studies y’all we never pass the test, you know? We’re going to give up 20 more thousand dollars for another study. That’s so this guy can come in and tell us how to use the grid system that we have already purchased – or are planning to purchase for three million dollars. We should of probably found that out before we purchased it, I would think. That’s the order I would try to go into – I don’t know. Makes more sense to me that way.”

Councilman Stimatz stated that as he understands it, what Professor Didow will be doing is creating a business development plan to help the City market and sell some of the City’s space on the Nexgrid System, to allow the City to recoup its investment. Mr. Olson responded that was correct.

Councilman Stimatz continued by stating that it was not about how the City will run the system - because the City already has that information. He stated that the Council made the decision to put the Nexgrid System in place because of the potential savings in electric and water, potential reductions in late fees and reconnection fees, as well as some other things the City has wanted to do. He stated this consideration is about paying someone \$20,000 to figure out how to recoup some part of \$3 million. He said that in the end, the City will have a business development plan with a strategy for going

out and recruiting or finding people who want to buy the extra space on the Nexgrid System that the City has.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to authorize the City of Elizabeth City Smart Grid and Broadband Project study as detailed in the proposal. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

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

Councilman Brooks stated that the Council puts too much emphasis on the division among the Councilors while the citizens of Elizabeth City suffer. He stated that he had looked up the definition of “innovation” in connection with the proposed “Greater Elizabeth City Innovation Council” and compared that to the duties of the City Council. He said that there would be no division if the proposed committee worked with the Council, because it was the Council that gives direction for the City through the City Manager. He stated that there was nothing anyone could do to him that would stop him from praying for them. He said that it is not how he is treated that determines whether he goes to heaven, but how he treats others. Councilman Brooks complimented the new board walk at Fish Courts Park.

Councilman Stimatz stated that he wanted to apologize to Councilman Brooks for an earlier difference of opinion. He stated that Councilman Brooks was correct in that during debate, those that have not yet spoken should be recognized before those who have already spoken. Councilman Stimatz complimented the organizers of the Back to School Bash event and pledged \$100 toward next year’s event.

Councilman Horton stated that he had attended several events on the campus of ECSU in connection with the Chancellor’s installation and had met with her privately and publicly regarding her Path to Prominence initiative. He stated that he brought up the Gap Scholarship idea because students are now required to have healthcare insurance. He stated that it was an issue the university had indicated they could use for students. He stated that he thought it was important for the community and the City to work together and for everyone to understand that everyone should respect each another. He said that he had been troubled by some of the things recently written and said about him.

Mayor Pro Tem Hummer called to the City Manager’s attention that contractors were using Triangle Park on Elizabeth Street as a staging area and she requested that he see that it was restored properly.

Councilman Walton stated that it was election season and he would not throw stones. He thanked those members of Council who had not included him in their comments in the newspaper.

Councilwoman Baker stated that she thought Chancellor Jones would be the vehicle for change that the City had needed for some while in order to become a university city. She said that she was very humbled by everyone’s prayers and announced that she is now cancer free. She encouraged anyone facing breast cancer to talk with her about treatment options that she had discovered that are not widely available. She announced the upcoming Ghost Walk event scheduled for October 9 – 10, 2015.

Councilman Spence commended the Sanitation Department for their hard work picking up debris and keeping the City clean. He also complimented the Back to School Bash organizers and committed \$100 toward next year’s event. He stated that he agreed that throwing stones does not work and advised that he has never done it and he never will.

Councilman Donnelly stated that he had been on vacation in upstate New York with his wife and it was good to get away and refresh his spirit. He asked the City Manager for an update on the Knobbs Creek Bridge project. Mr. Olson stated that he would speak with NCDOT and provide that information for the Council.

Mayor Peel stated that Chancellor Jones had a wonderful week during her installation and noted that the Color Run had almost 400 people to participate. He announced an

upcoming Job Fair for the Desert Wind Solar Farm Project, with 250-plus jobs to be filled.

**10. Closed Session as allowed by NCGS 143-318.10(e) Approval of Closed Session Minutes and NCGS 143-318.11(a)(5) – Acquisition of Property located at 305 E. Main Street:**

Mayor Peel requested a motion to go into Closed Session.

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to go into Closed Session as allowed by NCGS §143-318.11(a)5 Acquisition of Property at 305 E. Main Street and NCGS §143-318.10(e) Approval of Closed Session minutes. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

Mayor Peel declared a five minute recess after which the Council reconvened in Closed Session at 9:10 p.m.

*(Clerk Notation: Councilwoman Jean Baker left the meeting before the Closed Session began without a Council vote to excuse. Subsequent votes on motions after that time include an aye vote for Councilwoman Baker.)*

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

The Council returned to Regular Session at 9:25 p.m.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to increase the allocation in the budget for building acquisition from \$700,000 to \$800,000 and authorize staff to submit an application to the LGC in the amount of \$800,000.**

Councilman Donnelly inquired as to why this issue does not go to the Finance Committee.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton to suspend the rules to take action on this matter at this time. Those voting in favor of the motion were: Baker, Stimatz and Horton. Against: Donnelly, Hummer, Brooks, Spence and Walton. Motion failed.**

Councilman Horton inquired if the delay would hold things up. Mr. Olson responded that staff would not be ready to submit an application until September 28 but hoped to be able to be included on the LGC's November 3, 2015 meeting agenda. He stated that if it was an issue he would advise the Council. Mr. Olson advised that the matter could be added to the Finance Committee meeting scheduled for Wednesday, September 16.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton to boot this item to the Finance Committee meeting on Wednesday. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. Motion carried.**

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to approve the Closed Session minutes of August 10, 2015 and August 13, 2015 as presented in Closed Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence, Horton and Walton. Against: None. The motion carried.**

**11. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 9:42 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk