

**City Council Regular Session
September 26, 2016**

The City Council of the City of Elizabeth City met in regular session on Monday, September 26, 2016 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

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

MEMBERS ABSENT: Councilwoman Jean Baker

OTHERS PRESENT: Assistant City Manager Angela Cole
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Police Chief Eddie Buffaloe
Electric Superintendent Karl Clow
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
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 Councilman Michael Brooks 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 Peel stated that the Council had tabled adoption of the Resolution in support of the one quarter cent sales tax referendum during the Work Session until the Regular Session. He stated that matter would be Item 7C.

Councilman Brooks requested to add "Mayor and City Council Compensation."

Councilman Walton requested to add "Recording of Minutes."

Motion was made by Councilman Rickey King, seconded by Councilman Tony Stimatz, to approve the agenda with any necessary corrections. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, 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. Proclamations:

- a. Alpha Delta Kappa Month – October 2016

Mayor Peel read and presented a proclamation to the local ADK Chapter declaring October 2016 as Alpha Delta Kappa Month in Elizabeth City; and he encouraged all citizens to join him in saluting this organization for its fine record of service to the

community. The proclamation was accepted by Ms. Louise Segner, local ADK Month chairperson.

b. Elizabeth City State University Month – October 2016

Mayor Peel read and presented a proclamation declaring October 2016 as Elizabeth State University Month; and he encouraged all citizens to recognize the profound impact the university has on the success and health of Elizabeth City, Pasquotank County and Northeastern North Carolina. The proclamation was accepted by Gwen Sanders who was accompanied by several other representatives of the university. She thanked the Council for the honor and recognition.

4. Comments from the Public:

Clerk Notation: For several months, supporters and members of The Master’s Touch Church have spoken during the Public Comments portion of the Council’s agenda to encourage the Council to amend the City’s Noise Ordinance to exempt churches. During this September 26, 2016 meeting, two individuals spoke in support of the Master’s Touch Church request to exempt churches from the Noise Ordinance. These individuals are listed by name and address, as follows:

- d. Eric Staton, 311 Betty Drive, Elizabeth City, NC
- e. Kerita Snowden, 1203 Southern Avenue, Elizabeth City, NC.

5. Consent Agenda:

(Clerk Notation: Items “a” and “b” were recommended for approval by the Finance Committee during their meeting of September 22, 2016.)

Mayor Peel recognized Assistant City Manager Cole to read the items on the Consent Agenda into the record. Ms. Cole recommended approval of all items as follows:

Beginning of Consent Agenda:

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

BUDGET AMENDMENTS

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

SECTION I. That the General Fund Balance Appropriated (103990.0000) and River City Community Development Corporation Community Support Grants (106620.5873) be increased by \$5,000.

(To reappropriate funds for River City CDC Summer Work Camp previously funded but not requested until after fiscal year ended.)

This amendment will decrease fund balance by \$5,000.

SECTION II. That the General Fund Balance Insurance Proceeds (103350.8300) and Police Department Capital Outlay (105100.7400) be increased by \$10,000.

(To record insurance proceeds and purchase of a used vehicle due to damaged police vehicle.)

ADOPTED, this 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- b. Consideration – Adoption of the following Ordinances declaring the following structures condemned and ordering demolition of same: 1312 Southern Avenue, 611 Maple Street, 212 W. Beechwood Avenue, 605 W. Church Street, 302 E. Cypress Street and 304 E. Broad Street;

**ORDINANCE #09-05
CONDEMNATION AND DEMOLITION**

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 **September 9, 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 **1312 Southern Avenue (Map 56, Block B, Parcel #10 and Tax ID 892313044784)** 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 **September 9, 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

**ORDINANCE #09-06
CONDEMNATION AND DEMOLITION**

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 **December 23, 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 **611 Maple Street (Map 43, Block D, Parcel #567 and Tax ID 891419603644)** 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 **December 23, 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

**ORDINANCE #09-07
CONDEMNATION AND DEMOLITION**

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 **April 17, 2016** 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 **212 Beechwood Avenue (Map P122A, Block A, Parcel # 197,198 and Tax ID 891319713651)** 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 **April 17, 2016** 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

**ORDINANCE #09-08
CONDEMNATION AND DEMOLITION**

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 **March 6, 2016** 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 **605 W. Church Street (Map 47, Block D, Parcel #1 and Tax ID 891307692062)** 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 **March 6, 2016** 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

**ORDINANCE #09-09
CONDEMNATION AND DEMOLITION**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

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

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

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on July 10, 2016 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 302 E. Cypress Street (Map 11, Block G, Parcel #11 and Tax ID 891420910459) a sign containing the legend:

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

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated July 10, 2016 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

**ORDINANCE #09-10
CONDEMNATION AND DEMOLITION**

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 **April 4, 2016** 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 **304 E Broad Street (Map 10, Block H, Parcel #159 and Tax ID 891420927034)** 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 **April 4, 2016** 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 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- c. Consideration – Adoption of the following Ordinance declaring street closing for the 2016 Community Night Out event.

ORDINANCE #2016-09-11
AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL NATIONAL NIGHT OUT EVENT

WHEREAS, the City Council of Elizabeth City acknowledges a long tradition of providing an annual National Night Out for the pleasure of its citizens; and

WHEREAS, the City Council of Elizabeth City acknowledges its citizens realize a financial and public safety benefit from holding the annual National Night Out event; and

WHEREAS, the National Night Out event previously scheduled for Tuesday, August 2, 2016 was canceled due to inclement weather and incident recovery; and

WHEREAS, the value of hosting the annual event for the community remains, and as such, has been rescheduled and renamed Community Night Out; and

WHEREAS, the City Council of Elizabeth City acknowledges the festival event requires approximately three hours to install signing and traffic control, amusement and entertainment structures and equipment, food and other retail vendors, and other attractions, and also requires approximately two (2) hours for removing same, and litter;

NOW THEREFORE BE IT ORDAINED, by the City Council of Elizabeth City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date:	Tuesday, October 25, 2016
Time Duration:	1:00 p.m. until 11:00 p.m.
Route Description:	E Ehringhaus Street (US Business Highway 17) from the S McMorrine Street intersection, eastward to the S Water Street (SR 34/1164) right-of-way S Water Street/Southern Avenue (SR 34/1164) – Shephard Street intersection westward along Shephard Street to the Museum of the Albemarle egress driveway S Water Street (SR 34/1164) from the Shephard Street intersection, north to the E Church Street intersection

This ordinance shall become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the event site.

SECTION I. EFFECTIVE DATE: This Ordinance shall take effect immediately upon adoption.

SECTION II. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 26th day of September, 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

End of Consent Agenda.

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

6. Public Hearings:

- a. Hold a Public Hearing to receive public input on the adoption of an Ordinance amending Chapter 90 – Animals of the City Code.

Mayor Peel recognized Assistant City Manager Cole to provide comments regarding this matter. Ms. Cole stated that this code amendment is in keeping with modifications identified during the Code review for recodification. She briefly reviewed the proposed changes for the Council. She stated that a unanimous vote of the Council would be required to adopt the code amendment during this meeting because it was being presented for its first reading.

Mayor Peel declared the public hearing open at 7:30 p.m. and inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one wished to speak, Mayor Peel declared the public hearing closed.

Motion as made by Councilman Stimatz, seconded by Councilman Horton, to adopt the changes to the ordinance as presented. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

**Ordinance # 2016-09-12
ENACTING AMENDMENTS TO
City of Elizabeth City Code of Ordinances
Chapter 90: Animals**

WHEREAS, the City’s Code of Ordinances establishes regulations and requirements with regard to animals kept within the City of Elizabeth City; and

WHEREAS, during recent codification of the City’s Code of Ordinances amendments to Chapter 90 Animals were identified as needing to be made; and

WHEREAS, the City Council reviewed this matter during its September 12, 2016 meeting and called for a Public Hearing to receive citizen input; and

WHEREAS, the Public Hearing to effectuate this ordinance amendment was advertised on September 16, 2016 in The Daily Advance to be held on September 26, 2016, as required.

NOW THEREFORE BE IT ORDAINED THAT the City Council of the City of Elizabeth City hereby amends Chapter 90: Animals, Sections, 90.06, 90.07(c), 90.10, 90.12, 90.25, and 90.29 and adds a new Section 90.31 of the City of Elizabeth City Code of Ordinances, as recorded by the following add-delete formatted text:

SECTION I. CHAPTER 90 – ANIMALS

§ 90.06 LIMIT ON NUMBER OF ANIMALS.

(A) No person shall keep more than three animals at any given time within a residence or other enclosed space and/or in any yard or lot within the city, in order to protect the public health, safety and welfare.

(B) This section shall not apply to bees, nor to any poultry, nor to any animal under the age of five months.

~~(C) This section shall not apply to any animal licensed or registered by the city as of 1-1-1989, nor to any animal brought into the city by annexation.~~

§ 90.07 PENS TO BE SANITARY.

(A) All animals kept within the city shall be kept in a clean and sanitary confine and shall be kept in such a manner as not to be injurious to the public welfare, safety and health of persons living in the community.

(B) No grazing animal shall be permitted to graze within 25 feet of any adjoining property line. The stable or building in which such animal is housed shall not be located closer than 40 feet to any adjoining property line.

(C) There shall not be allowed to be accumulated more than two days' dung, waste or ~~fitter-~~ litter in any cage, pen, building or running and grazing area; every cage, pen, building or running and grazing area shall be thoroughly cleaned of much other refuse at least every four days. Sufficient disinfectant, insecticide and deodorant shall be applied every day or as needed in order to prevent the accumulation of insects and the creation of odors.

§ 90.10 IMPOUNDMENT AND DISPOSITION OF ANIMALS AT LARGE OR HITCHED.

(A) Any animal named in this chapter which is found running at large or staked, hitched or fastened in violation of the provisions of this chapter shall be seized and impounded by the ~~Police Chief~~ Chief of Police or his designee.

(B) Whenever a police officer shall find any feral/vicious animal (which includes any animal that has been separated from domestication), except a dog loose or running at large in the streets or other public places in the city, the officer shall take up such animal and put same in pens or lots kept for such purposes, and to notify the owner, if known. After three days' impoundment, such animal, if not claimed by its owner, shall be disposed of in any humane manner in the discretion of the ~~Police Chief~~ of Police or his designee.

§ 90.12 CRUELTY TO BEASTS OF BURDEN.

For purposes of this section, Beast(s) of Burden is defined as a draught animal that carries or pulls heavy loads, such as a donkey, mule, llama, camel or ox; and by extension, any domesticated animal trained to perform tasks for humans, such as a herding dog.

(A) No person shall mistreat, drive or work, or allow to be worked, any beast of burden that is physically disabled for labor or work. The ~~police~~ Chief of Police or his designee shall pass upon the physical condition and fitness of all beasts of burden for work, and inspect same.

(B) No person shall work or allow to be worked any beast of burden, or compel same to work after having been notified by the police to discontinue or stop the working of such animal, or after any animal has been condemned.

DOGS

§ 90.25 HOWLING DOG.

~~—(A)— Any person keeping a dog within the city limits which by prolonged and habitual barking, howling or whining causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of the premises occupied by such residents, shall be guilty of maintaining a nuisance.~~

§ 90.25 DOG(S) CREATING NUISANCE.

(A) It shall be unlawful for any person to own, keep, possess or maintain a dog in a manner so as to constitute a nuisance.

(B) The actions of a dog constitute a nuisance when the dog disturbs the rights of, threatens the safety of or damages a member of the general public; or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an owner or possessor of a dog are hereby declared to be a nuisance and are therefore unlawful:

(1) Maintaining a dog that habitually or repeatedly disturbs, interferes with or annoys human beings;

(2) Maintaining a dog that tips over garbage pails or damages gardens, flowers or vegetables;

(3) Failing to confine in a building or secure enclosure a female dog while in estrus;

(4) Allowing or permitting a dog to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise continuously and/or excessively for a period of ten minutes or more, or who barks, bays, cries, howls or makes any other noise intermittently for one-half hour or more to the disturbance of any person at any time;

(5) It shall not be a violation of this section if at the time the dog is barking, baying, crying, howling or making any other noise a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any legitimate cause which teased or provoked the dog;

(6) Any adult resident, owner, occupant or tenant of property upon which the dog is situated shall be deemed a person in charge or otherwise exercising control over the dog;

(7) Maintaining a dog that habitually or continuously loiters on public places;

(8) Maintaining a dog that chases, snaps at, attacks or otherwise molests or threatens pedestrians, bicyclists, motor vehicle passengers or domestic animals ; or

(9) Maintaining a dog that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian.

~~(B)-(C)~~ Upon complaint being made to the Police Department or Sheriff's Department or to the Animal Control Officer or their respective representatives, a representative of the respective department or the Animal Control Officer shall notify such person against whom the complaint is directed that a complaint has been received; and, thereupon, such person shall abate the nuisance within 24 hours from the time of notification.

~~(C)~~ (D) It shall be unlawful for any person to fail or refuse to abate the nuisance declared herein within 24 hours from the time of notification.

§ 90.29 ADEQUATE FOOD, WATER, SHELTER AND PROPER RESTRAINT, WHEN USED.

(A) Adequate food. At suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal shall be provided. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

(B) Adequate water. A constant access to supply of clean, fresh water shall be provided in a sanitary manner.

(C) Adequate shelter.

(1) A shelter shall be provided which will keep an animal dry, out of the direct path of winds and out of the direct sun and at a temperature level that is healthful for the animal.

(2) The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris.

(3) A suitable method of draining shall be provided to rapidly eliminate excess water or moisture.

(D) Proper restraint, when used.

~~(1) If an unattended animal is restrained by a chain, leash or other like device, it shall be designed and placed to prevent choking or strangulation.~~

~~(2) Such restraint will not be less than ten feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run.~~

~~Any dog shall be confined within an enclosed secure area and shall not be allowed outside the enclosed secure area unless securely leashed and under the control of a competent person as defined in §90.26(A). No person shall permit any dog to be kept on a chain, rope or other type of leash outside the enclosed secure area unless the person is in direct physical control of the leash. No dogs shall be leashed to any inanimate object such as a tree, post, stake, building, vehicle and the like.~~

§ 90.31 CRUELTY TO ANIMALS .

~~(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure said action. The words *TORTURE*, and *TORMENT* shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but the terms shall not be construed to prohibit an animal's owner, a veterinarian, the Health Officer, the Chief of Police or Animal Control Program representatives from destroying dangerous, unwanted or injured animals in a humane manner.~~

~~(B) Animal cruelty investigators may be appointed by the Chief of Police or the Pasquotank County Sheriff. An animal cruelty investigator(s) has the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by G.S. §§ 19A-46 and 19A-47.~~

SECTION II. EFFECTIVE DATE: This Ordinance shall take effect on September 27, 2016.

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

SECTION IV. SEVERABILITY CLAUSE. If any section, or part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

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

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

- b. Hold a Public Hearing to receive public input on the adoption of an ordinance amending Section 30.01 Equal Opportunity in Municipal Government. (*Clerk Note: This item also includes adoption of a resolution to amend the City's Personnel Policy Manual*)

Mayor Peel recognized Assistant City Manager Cole for her comments. She stated that the proposed text being presented had been updated to reflect City Council comments made during the September 12, 2016 regular meeting.

Mayor Peel declared the meeting into Public Hearing and inquired of the City Clerk if persons were present who wished to speak. Upon her reply that no one wished to be heard, Mayor Peel declared the Public Hearing closed.

Motion was made by Councilman Stimatz, seconded by Councilman King to adopt the changes for the City ordinances as proposed. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

**Ordinance # 2016-09-13
ENACTING AMENDMENTS TO
City of Elizabeth City Code of Ordinances
Chapter 30: Officers and Employees
Section 30.01 Equal Opportunity in Municipal Employment**

WHEREAS, the City's Code of Ordinances establishes policy with regard to Equal Opportunity in Municipal Government within the City of Elizabeth City; and

WHEREAS, during recent Council deliberations of this matter, amendments were identified that the Council wished to be made to clarify the City's Equal Employment policy; and

WHEREAS, the City Council reviewed this matter during its September 12, 2016 meeting and called for a Public Hearing to receive citizen input; and

WHEREAS, the Public Hearing to effectuate this ordinance amendment was advertised on September 16, 2016 in The Daily Advance to be held on September 26, 2016, as required.

NOW THEREFORE BE IT ORDAINED THAT the City Council of the City of Elizabeth City hereby amends Chapter 30: Officers and Employees, Section 30.01 of the City of Elizabeth City Code of Ordinances, as recorded by the following add-delete formatted text:

SECTION I. CHAPTER 30 – OFFICERS AND EMPLOYEES

§ 30.01 EQUAL OPPORTUNITY IN MUNICIPAL EMPLOYMENT.

The city affirms its support of the equal opportunity concept. The city administration shall ensure that promotions, employments, disciplinary actions and related internal administrative practices are based solely on the performance or the qualifications of the individual involved. Individuals with disabilities shall be given all consideration required under the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq. Discrimination by department heads or other supervisory personnel on the basis of race, color, religion, sex, pregnancy, ~~marital status~~, sexual orientation, national origin, age, ~~or~~ disability, present or former military status, genetic information or any other legally protected characteristic is strictly prohibited and will not be tolerated. All city employees will be expected to actively support this policy of non-discrimination.

SECTION II. EFFECTIVE DATE: This Ordinance shall take effect on September 27, 2016.

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

SECTION IV. SEVERABILITY CLAUSE. If any section, or part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

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

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 26th day of September 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk

Motion was made by Councilman Stimatz, seconded by Councilman King to adopt the following resolution to make changes to the City Personnel Manual and policy contained therein as proposed.

Councilman Stimatz stated that page 15 of the document used the phrase “as expounded in Chapter 1” and on Page 77 the word “as provided” was used. He suggested that the same terms should be used in both places. City Attorney Morgan stated that he personally thought the word “provided” was easier to understand for most people. Councilman Stimatz suggested that the document be changed to use the word “provided” in both places.

Mayor Peel called for a vote on the motion:

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

**RESOLUTION # 2016 – 09 - 01
TO AMEND THE CITY OF ELIZABETH CITY PERSONNEL POLICY MANUAL
REV. JULY 2014**

WHEREAS, the City Council of the City of Elizabeth City desires to amend the City of Elizabeth City Personnel Policy Manual to provide for clarity with regard to the City’s Equal Employment Opportunity Policy; and

WHEREAS, the City Council reviewed and discussed the proposed changes during the City Council meeting held on September 12, 2016 and directed staff to prepare a resolution for consideration.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City hereby adopts the following amendments to SECTION I PERSONNEL POLICY SYSTEM; SECTION V PERSONNEL ACTIONS; SECTION I SEXUAL AND

OTHER UNLAWFUL HARASSMENT POLICY; AND THE CHAPTER ENTITLED EQUAL EMPLOYMENT OPPORTUNITY OF THE CITY OF ELIZABETH CITY PERSONNEL POLICY MANUAL, REV. JULY 2014 as provided in the following add-delete format:

SECTION I PERSONNEL POLICY SYSTEM

3.1 Merit Principles. The City of Elizabeth City embraces the following principles in administering its personnel program: ~~such as:~~

~~• Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard to race, color, religious creed, sex, sexual orientation, national origin or ancestry, age, handicapped status, or any other non-merit factor, except where sex or physical requirements constitute a bona fide occupational qualification necessary to proper and effective functioning in the job. All employment decisions shall be based on job-related factors.~~

~~The city affirms its support of the equal opportunity concept. The city administration shall ensure that promotions, employments, disciplinary actions and related internal administrative practices are based solely on the performance or the qualifications of the individual involved. Individuals with disabilities shall be given all consideration required under the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq. Discrimination by department heads or other supervisory personnel on the basis of race, color, religion, sex, pregnancy, sexual orientation, national origin, age, disability, present or former military status, genetic information or any other legally protected characteristic is strictly prohibited and will not be tolerated. All city employees will be expected to actively support this policy of non-discrimination. The City Manager will assure that each employee is made fully aware of this policy.~~

SECTION V PERSONNEL ACTIONS

(Page 15 of Personnel Policy Manual)

~~E~~mployees shall be considered for promotion on the basis of job-related experience, skill, knowledge and ability, and upon a review of the quality of past performance and general suitability for the higher level position. ~~Political preference, religious creed, age, sex, sexual orientation, race, handicapped status, national origin or ancestry and citizenship are not job-related qualifications and shall not influence selection for promotion.~~ The city does not discriminate ~~on the basis of disability against a QID (qualified individual with a disability)~~ as expounded provided in Chapter 1 The Personnel System, Section 3.1 Merit Principles; and ensures that promotion decisions are based on merit.

SECTION I SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY

(Last sentence on page 71 and all of Page 72 of Personnel Policy Manual)

Any other act of harassment that is demeaning to another person or group of persons on the basis of any legally protected characteristic ~~race, color, religion, sex, pregnancy, national origin~~ is strictly prohibited and will not be tolerated.

CHAPTER ENTITLED EQUAL EMPLOYMENT OPPORTUNITY

(Page 77 of Personnel Policy Manual)

~~The City provides equal employment opportunities for all qualified persons and will not discriminate as provided in Chapter 1 The Personnel System, Section 3.1 Merit Principles. The City will not discriminate against applicants or employees on the basis of race, color, religion, sex, pregnancy, marital status, national origin, age or disability.~~

In furtherance of this policy, the City prohibits any retaliatory action of any kind taken by any employee of the City against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

This policy shall take effect on September 27, 2016.

ADOPTED, this the 26th day of September 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

7. Regular Agenda:

- a. Consideration – Reappointments, as follows to the Joint Redevelopment Commission:

Mayor Peel stated that the Joint Redevelopment Commission is the commission that had been discussed during the Council's joint meeting with the County Commissioners. He stated that the commission needed to be reactivated; and in order to do so, the following individuals needed to be reappointed to three year terms.

1. Planning Director June Brooks for a three year term expiring August 31, 2019:

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King, to reappoint Planning Director June Brooks for a three year term expiring August 31, 2019 on the Joint Redevelopment Commission. Those voting in favor of the motion by roll call vote were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

2. Public Utilities Director Paul Fredette for a three year term expiring August 31, 2019:

Motion was made by Councilman Brooks, seconded by Councilman Horton, to reappoint Public Utilities Director Paul Fredette for a three year term expiring August 31, 2019 on the Joint Redevelopment Commission. Those voting in favor of the motion by roll call vote were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

- b. Consideration – Call for a Special City Council meeting to hear Community Support Grant Presentations:

Mayor Peel recognized Assistant City Manager Cole for her comments on this matter. Ms. Cole stated that the deadline to receive Community Support Grants closed on Friday, September 16. She said that 13 applications were received from 12 different organizations. She noted that staff had provided a copy of the scoring matrix for each member of the Council to review and would be reconnecting with each applicant to request additional documentation as necessary. She said that the next step in the process is for the Council to receive a presentation by each organization. She noted that staff is recommending that the Council call for a special meeting to be held on October 3, 2016 at 10 a.m. for the presentation opportunity.

Motion was made by Councilman Horton, seconded by Councilman King, to call for a Special Meeting to be held on Monday, October 3, 2016 at 10 a.m. in Council Chambers of the Municipal Administration Building to receive presentations for fiscal year 2016-2017 Community Support Grant Applications. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

- c. Consideration – Adoption of Resolution in Support of One-Quarter Percent County Sales tax increase (*tabled to Regular Session from Work Session*).

Mayor Peel stated that the revisions requested during the Work Session to the sales tax resolution had been made; and he called the Council's attention to the revised document that had been provided.

Motion was made by Councilman Stimatz, seconded by Councilman Brooks to take it off the table for discussion and vote. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Councilman Stimatz stated that a motion was on the floor from the Work Session to adopt the resolution subject to Councilman Walton's suggested changes. Mayor Peel inquired of Councilman Walton if he accepted the changes that had been provided. Councilman Walton agreed that he did.

Councilman Stimatz suggested that Mayor Peel read the resolution for the benefit of the public. Mayor Peel stated that he would read it at the end of the meeting during the comments section in the interest of time.

Mayor Peel called for a vote on the motion.

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

**RESOLUTION # 09-02
SUPPORTING PUBLIC SCHOOL FUNDING FROM THE PROCEEDS GENERATED
BY THE ONE-QUARTER PERCENT (0.25 %) COUNTY SALES AND USE TAX**

WHEREAS, the North Carolina General Assembly has authorized county Boards of Commissioners across the State of North Carolina to levy a one-quarter percent (.25%) sales and use tax, contingent upon an advisory referendum in which the majority of those casting ballots vote for the levy of the tax; and

WHEREAS, the Pasquotank County Board of Commissioners has placed on the November 8, 2016 election ballot an advisory referendum on the question of levying a one-quarter percent (.25%) sales and use tax; and

WHEREAS, the Pasquotank County Board of Commissioners passed a resolution on September 19, 2016 earmarking the proceeds of the one-quarter percent sales tax question to be used exclusively to support the Elizabeth City-Pasquotank County Public Schools, if approved by the voters of Pasquotank County; and

WHEREAS, the City Council encourages the Elizabeth City-Pasquotank County Public Schools to develop a plan before the November 8, 2016 election regarding how they will utilize the sales tax proceeds to benefit the children of their school district and share that plan with the citizens of Pasquotank County; and

WHEREAS, insuring that our local K-12 school system can meet the present and future needs of the ever demanding job market is an economic development issue; and the Elizabeth City Council believes that a strong and competitive school system will help the City in its new business recruitment efforts; and

WHEREAS, the current level of funding for K-12 schools does not adequately address the needs of students, as identified in the school district's three year plan, and the City Council strongly encourages additional funding for these purposes or other purposes the school board deems appropriate.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY THAT the Council supports the passage of a one-quarter percent county sales and use tax, if all proceeds generated by the tax are provided to the Elizabeth City-Pasquotank County School District not to supplant current levels of

funding to be used according to an established, publicized plan monitored by the school board to insure that each student has the knowledge and skills needed to participate meaningfully in today's society.

ADOPTED, this the 26th day of September, 2016

Joseph W. Peel
Mayor

Attest: _____
Vivian D. White, CMC/NCCMC
City Clerk

- d. Discussion – Mayor and Council Compensation (*added to agenda by Councilman Brooks*).

Mayor Peel recognized Councilman Brooks for his comments. Councilman Brooks stated that he had reviewed the City's Articles of Incorporation and noted that the document referred to the City of Elizabeth City as being in Pasquotank and Camden Counties. He inquired of the City Attorney what it meant when it referred to Pasquotank and Camden Counties. Mr. Morgan stated that it simply meant that a portion of the City limits extend into Camden County. Councilman Brooks reviewed the duties of the Mayor and City Councilors and the responsibilities of each as detailed in the City Charter. He opined that the general public did not realize all the duties and responsibilities of the Council and the time involved in performing those duties. He noted that several members of Council have served for many years and pointed out that there had been an increase over the years in both people population and business population. He stated that oftentimes, the Council is tasked with doing more things with a smaller budget. He said that for all this effort, the Mayor and Council still receive "horse and buggy compensation" while living in a high-tech economy.

Motion was made by Councilman Brooks, seconded by Councilman Walton, to increase compensation for each Councilmember and the Mayor with an additional \$125 per week effective November 2016.

Mayor Peel inquired of Councilman Brooks' if his motion was for a \$500 per month increase. Councilman Brooks stated that was correct.

Councilman Brooks stated that he had been on Council close to ten years and had seen that sometimes people run for Council - and he thought there would be a better pool to draw from. He said the current Council has a great wealth of knowledge and he thought the increased compensation was overdue.

Councilman Stimatz stated that he thought it was a topic worthy of discussion, but it was his understanding that because the matter had budget impact, it had to go to the Finance Committee first according to the Council's Rules of Procedure. Councilman Stimatz asked for staff to determine when the Council last received a cost of living increase. He inquired of the City Attorney if the Council could implement a raise in mid-year. City Attorney Morgan stated that he thought it could be done. Councilman Stimatz suggested as a point of order that the matter be referred to the Finance Committee to come back with a recommendation based on Councilman Brooks' motion.

Councilman Brooks asked that since the motion had been seconded, what procedure would need to be followed. Mayor Peel responded that the motion really wasn't in order. He said that one of the things the Council needs to know is where the money would come from to fund the increase.

Mayor Peel inquired if Councilman Brooks would be willing to amend his motion to refer the matter to the Finance Committee. Councilman Stimatz pointed out that the Mayor could rule the motion out of order and direct it to the Finance Committee. Councilman Brooks agreed and requested that the matter be returned to the next Council meeting.

Mayor Peel stated that he would rule the motion out of order and have it placed on the Finance Committee to be returned to Council at the next meeting.

e. Discussion – Recording of Minutes *(added to agenda by Councilman Walton)*.

Mayor Peel recognized Councilman Walton for his comments. Councilman Walton stated that he had requested comments by the Council to be transcribed verbatim during the August 22, 2016, but that was not done. He said that it did not make sense to only have his comments verbatim when he was responding to things other Councilors had said.

The City Clerk responded that the motion made was specific to Councilman Walton's statements and did not include a verbatim transcription of comments made by other members of Council. The Clerk stated that the Council could amend those minutes if that was the Council's desire.

Mayor Peel stated that a motion was needed to make that section of the minutes verbatim.

Councilman Horton stated that he thought the section being referred to was the item he placed on the agenda about Council conduct. He said that he thought it imperative that the entire section be verbatim.

Motion was made by Councilman Horton, seconded by Councilman Stimatz, that the Council Conduct portion of those minutes be recorded as verbatim. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

8. Comments and Inquiries on Non-Agenda Items:

Councilman Brooks stated that Councilmembers were "crazy as a box of rocks" if they look out for everyone else's pay and not their own. He stated that finding the money for a Council raise was not the issue. He said that the issue is whether members of Council think they are worthy of a raise.

Councilman Stimatz had no further comments.

Councilman Horton had no further comments.

Mayor Pro Tem Hummer had no further comments.

Councilman King had no further comments.

Councilman Walton had no further comments.

Councilman Donnelly requested that Code Enforcement take a look at the area of 404 West Church Street. He stated that he thought the Council's job was a public service job and had nothing to do with money. He said he did not think it was dollars that made a person run or not run for Council.

Mayor Peel read aloud the Resolution adopted in support of the Pasquotank County Sales and Use Tax Increase.

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

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman Horton to go into Closed Session as allowed by NCGS 143-318.11(a)(3) for

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

Mayor Peel declared a five minute recess at 7:54 p.m. after which the Council retired into Closed Session.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to come out of Closed Session. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

10. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:09 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk