

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

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

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

MEMBERS ABSENT: Councilwoman Jean Baker (*Excused - Illness*)  
Councilman Montravias King (*Excused – Transportation Issues*)

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
ECPD Captain John Young  
Assistant to the City Manager Angela Cole  
ECDI Director Rebecca Cross  
Human Resources Director Katherine Felton  
Public Utilities Director Paul Fredette  
Fire Chief Larry Mackey  
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 Diane Ury to give the invocation, after which Mayor Peel led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Peel called for any adjustments to and approval of the agenda.

Councilman Tony Stimatz requested to remove from the Consent Agenda the consideration to authorize the submission of a grant application to the Governor's Crime Commission to acquire body-mounted cameras for police officers and place it on the Regular Agenda for comments.

**Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Kem Spence, to approve the agenda with any necessary adjustments. Those voting in favor were: Donnelly, Hummer, Stimatz,**

**Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

**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. Presentation – Certificate of Appreciation Honoring the Memory of Former City Councilwoman Leola W. Morgan:**

Mayor Peel read and presented a Certificate of Appreciation to the family of Leola Doris Williams Morgan who passed away on January 10, 1917 at the age of 98. The certificate noted that Mrs. Morgan served as the first African-American City Councilwoman for the City of Elizabeth City from March 1989 until December 1991, and expressed deep gratitude for her distinguished and honorable service to the citizens of Elizabeth City during her lifetime.

Present to accept the Certificate were Mrs. Marlene Holley and Dr. Andrea Williams, who expressed their appreciation on behalf of the Morgan family.

**4. Comments from the Public:**

Sam Davis, III, 501 Continental Drive, Elizabeth City, NC stated that having sat in an elected seat previously, he knew how tough it is to do what the elected officials do. He said that since Councilors always hear the complaints but never the positives, he wanted to report that he recently met with City staff members June Brooks and Stanley Ward, along with some investors from Eastern and Northern Virginia. He stated that City staff did a wonderful job and the meeting had a positive effect on the investors and made them feel very welcome.

Mr. Davis also stated that he had an idea he would like to bring before the Council, which is to consider leaving a portion of the old Knobbs Creek Bridge in place when the new bridge is opened to allow the citizens of Elizabeth City to utilize it for fishing.

**5. Approval of Minutes:**

- a. City Council Regular Session January 12, 2015

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to adopt the minutes of the City Council Regular Session of January 12, 2015 with any necessary corrections. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

**6. Consent Agenda:**

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

**Beginning of Consent Agenda:**

- a. Recommendations from the Finance Committee:
  - i. Consideration – Authorization to Submit Grant Application to Governor’s Highway Safety Program for the purchase of two patrol cars;
  - ii. Consideration – Authorization to Submit Grant Application to Governor’s Crime Commission to purchase 25 portable 800 MHz radios for police officer use;
  - iii. Consideration – Authorization to execute Supplemental Agreement with NCDOT for project TIP # EB-4991 and adopt the required budget amendment for the Greenways Trail Project, as follows;

**BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2015:

**SECTION I.** That the DOT Bike Trail Grant (103490.6206) be increased by \$62,755, the Bike Trail Development Fees (103490.6207) be increased by \$128,188, and Parks & Recreation Bike Trail Project (106200.7313) be increased by \$190,943.

(To record additional funding for Bike Trail Grant.)

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

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Joseph W. Peel, Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

- iv. Consideration – Authorization to Accept Donation of Three (3) Dell Computers to be used by the Gang Violence and Reduction Unit;
- v. Consideration – Adoption of Resolution accepting the CAMA Public Beach and Coastal Waterfront Access Grant for the Boatworks Property, as follows; authorize the City Manager to enter into the contract with NCDENR, and adopt the following budget amendment required for accounting purposes;

**Resolution 2015 – 01-02**

**BE IT RESOLVED**, by the City Council of the City of Elizabeth City, North Carolina:

That a contract between the City of Elizabeth City and the North Carolina Department of Environment and Natural Resources be and the same is hereby approved.

That the City Manager be and is hereby authorized to sign and execute the said contract for and on behalf of the City of Elizabeth City and forward the same to the North Carolina Department of Environment and Natural Resources.

That upon final execution, a copy of said contract be filed with the minutes.

**ADOPTED**, this the 26th day of January 2015.

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Joseph W. Peel, Mayor

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Vivian D. White, CMC/NCCMC, City Clerk

### **BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2015:

**SECTION I.** That the Fund Balance Appropriated (103990.0000) be increased by \$3,750, the CAMA Grant Riverside Improvements (103490.6252) be increased by \$67,500, and Parks & Recreation Capital Outlay Improvements (106200.7300) be increased by \$71,250.

(To record CAMA grant for demolition of buildings of \$67,500 and City's cash match of \$3,750 to be paid from previously collected development fees.)

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

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Joseph W. Peel, Mayor

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Vivian D. White, CMC/NCCMC, City Clerk

- vi. Consideration – Award of Bid submitted by Sunshine of Elizabeth City in the amount of \$37,500 to demolish three dilapidated buildings and other associated work at the Boatworks Property once authorization is

received from CAMA to expend funding; and authorize the City Manager to enter into required contract documents for the project;

- vii. Consideration – Award of bid submitted by A. R. Chesson in the amount of \$54,287 to rehab the existing 50' x 75' metal building on the Boatworks Property; and authorize the City Manager to enter into required contract documents for the project.
- b. Consideration – Call for a Public Hearing to be held on February 9, 2015 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to receive comments regarding the City entering into a Sub-recipient Agreement with Food Bank of the Albemarle for use of the Hugh Cale Resource Center.

### **End of Consent Agenda.**

Mayor Peel requested the Council's pleasure regarding the Consent Agenda.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to adopt the Consent Agenda as presented. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

### **7. Public Hearings:**

- a. Consideration – Hold a Public Hearing to receive comment on the Adoption of an Ordinance Requiring a Department Head Residency Requirement.

Mayor Peel declared the meeting in Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons were present who wished to speak. Hearing none, Mayor Peel declared the public hearing closed.

Mayor Peel referred the Councilors to the information provided regarding this consideration and invited any discussion regarding the matter.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to adopt the following ordinance requiring residency for City department heads to be effective upon adoption. Those voting in favor were: Donnelly, Hummer, Stimatz, Spence and Horton. Against: Brooks. The motion carried.**

#### **Ordinance No. 2015- 01-01**

#### **Requirement for Department Heads to Reside Within the City Limits**

**WHEREAS**, the City Council of the City of Elizabeth City adopted Ordinance #97094 on September 9, 1996, which required all department heads appointed after September 9, 1996 to live within the City limits if they were not working for the City prior to that date; and

**WHEREAS**, on February 12, 2007, the City of Elizabeth City Council approved the re-codification of all City ordinances; and by nature of the codification process, if an ordinance or section of the code was not included in the re-codification of Elizabeth City's ordinance, it is deemed repealed; and

**WHEREAS**, Ordinance #96094 was not included in the re-codification and as such has been repealed; and

**WHEREAS**, the City Council desires to require that all department heads reside in the City limits; and

**WHEREAS**, a Public Hearing on this matter was called on January 12, 2015 and held on January 26, 2015.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Elizabeth City, North Carolina that future department heads shall reside within the corporate limits of the City of Elizabeth City; and department heads and employees currently employed are grandfathered under this policy; and

**BE IT FURTHER ORDAINED** that all ordinances and clauses of ordinances in conflict herewith are hereby repealed; and

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and effect from January 26, 2015 forward.

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

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Joseph W. Peel  
Mayor

*ATTEST:*

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Vivian D. White, CMC/NCCMC  
City Clerk

- b. Consideration – Hold a Public Hearing to receive comment regarding the Closeout of CDBG Grant 11-C-2352, S. Road Street Infrastructure Project.

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

Councilman Spence stated that it was his understanding that the South Road Street project was not complete. Mr. Olson responded that the project is now complete. He stated that there had been issues with the asphalt street patch, but that issue had been corrected. He advised that the only remaining concern was when or if the North Carolina Department of Transportation would be able to rebuild South Road Street from the cemetery to Ehringhaus Street. He stated that City staff would continue to work with NCDOT on that issue; indicating that NCDOT hoped to place the project to mill and overlay the street in next year's funding.

Councilman Spence inquired if City staff had followed up with NCDOT recently; and noted that although the street is a state road, it is still located within the City. He said that citizens don't realize the road belongs to the state and expect the City to repair it.

Mr. Olson stated that the issue faced by NCDOT is the whole reorganization of the Department, their strategic plan and secondary road funding being cut dramatically. He said to be honest, he did not know if NCDOT would have the funding in the near future to do the work.

Councilman Brooks asked where the money came from to put the yellow lines down the middle of the street, to which Mr. Olson responded that work was included in the City's bid document.

Councilman Brooks pointed out that there was no money problem when North Road Street was rebuilt. Mr. Olson stated that the City had a commitment for funding from NCDOT about four years prior to that project's start.

Councilman Brooks remarked that it may be five years or ten years down the road before NCDOT has the funding for South Road Street. Mr. Olson reiterated that City staff would continue to work with NCDOT to get the street taken care of. He pointed out that NCDOT honored the agreement struck some twenty years ago to rebuild North Road Street once the City repaired the infrastructure. He stated that there was no such agreement regarding South Road Street.

Councilman Brooks stated that he was concerned that the City did not follow the same procedure with NCDOT for South Road Street as it did on North Road Street to assure the work was completed. Mr. Olson responded that a good part of the North Road Street project was tied to the Elizabeth Street and Bridge Reconstruction Project, which was funded by the Stimulus Funding received by the State of North Carolina.

Mr. Olson stated that the only thing required under this Public Hearing is that the City has completed all work called for under the scope of the grant, which is complete. He reiterated that City staff is very aware of the street issues and has been discussing the matter with NCDOT.

Mayor Peel pointed out that these are the kinds of issues that need to be brought before our Legislative Delegation

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer to authorize closeout of CDBG Grant 11-C-2352, S. Road Street Infrastructure. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

- c. Consideration – Hold a Public Hearing to receive comment regarding the Closeout of CDBG Grant 11-C-2372, Elizabeth City Middle School Renovation Project.

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

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

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer to authorize closeout of CDBG Grant 11-C-2372, Elizabeth City Middle School Renovation. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

#### **8. Regular Agenda:**

- a. Consideration – Preliminary Plat Approval for SUB 06-14 requested by Tanglewood Development, LLC for a five-lot subdivision located on Tanglewood Parkway.

Mayor Peel recognized Planning Director June Brooks for staff's report on this request.

Ms. Brooks reported that Tanglewood Development, LLC is seeking preliminary plat approval for a five lot commercial subdivision to be known as Lakeside at Tanglewood. She stated that the site is located on a portion of a 90-acre parcel on the eastern side of Tanglewood Parkway between Tanglewood Pavilion and Tanglewood Lake Apartments. She said that the five lot subdivision is approximately 11 acres in size and is zoned General Business. Ms. Brooks reported that the parcel abuts the existing 60-acre regional detention pond known as the Barnhill borrow pit and stated that the lots range in size from 1.25 acres to approximately 4 acres.

Ms. Brooks commented that this subdivision is unique in that all of the lots except Lot 1 have direct access to Tanglewood Parkway and have existing sanitary sewer and water service. She said that Lot 1 will be accessed via a private access drive to Tanglewood Parkway. She advised that both the Planning Commission and the Technical Review Committee had reviewed the request and recommended approval with seven conditions as noted in the staff report provided. She introduced Greg Dodd of Horton and Dodd Engineers who was present to represent the applicant and answer any technical questions for the Council members.

Councilman Stimatz pointed out that these parcels are part of the larger tract that includes the large pond. He inquired if the parcels will be separate, to which Ms. Brooks responded that the five parcels adjacent to Tanglewood Parkway will be developed as separate lots. Councilman Stimatz noted that the conditions for approval require a property owners association. Ms. Brooks explained that there are two existing retention ponds that are located for these five lots and will have to be maintained by those property owners, thus the need for a property owners association. Ms. Brooks pointed out that the two detention ponds in question drain into the larger borrow pit pond. Councilman Stimatz suggested that the "conditions" verbiage should be clearer and indicate that the two detention ponds are tied to those particular five properties.



Councilman Donnelly noted that “personnel services” are a permitted use for this zoning district and inquired as to its definition. Ms. Brooks stated it would be something akin to an employment agency.

Councilman Stimatz questioned the requirement of a “master property owners association”, which also includes the sub-group property owners association for these five parcels. Mr. Dodd explained that Pond A also involves other parcel owners in addition to those five and noted that those owners would be brought in as partners to maintain that pond. Councilman Stimatz summarized that his concern is that all property owners are made aware of their responsibilities and that subsequent owners are also informed regarding maintenance requirements. Mr. Dodd stated that is the reason why the property owners association should be established before the lots are sold so everyone is informed of their percentage of maintenance expenses.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to accept the Preliminary Plat as presented. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

- b. Consideration – Authorization to Submit Grant Application to the Governor’s Crime Commission to acquire body-mounted cameras for police officers. *(Removed from Consent Agenda for discussion)*

Mayor Peel recognized Councilman Stimatz for his comments on this item.

Councilman Stimatz pointed out that this issue is a concern that has been on the forefront for several weeks. He stated that one of the things coming out of it, although it is a great idea, is the need for policy, procedural and budgetary considerations. He said that he wanted to make sure if the grant is applied for and then awarded, that the City is prepared. He pointed out that the City will be capturing and storing data; and with that, questions arise as to when officers turn the cameras on and off, how long the data is stored, under what security conditions the data is stored, who will have access to the data and under what conditions. He pointed out that these concerns have budgetary impacts that are not inconsequential.

Mr. Olson responded that staff has had those discussions. He reported that the North Carolina Police Chief’s Association will be working together to develop a comprehensive policy. Mr. Olson advised that standard operating procedures are preferred on a state-wide basis to avoid potential conflicts. He stated that Department of Justice guidance would also be sought. He said that Councilman Stimatz’ concerns were well taken and are the very issues that will be explored and addressed.

Councilman Donnelly stated that all the information captured would be subject to the Freedom of Information Act. Mr. Olson agreed and stated that it would be as long as the information was not a part of an active criminal investigation.

Councilman Spence asked who the author of the SOP would be. Mr. Olson responded that it is his understanding that it will be prepared by a working group of the North Carolina Police Chiefs Association to be utilized state-wide. He said it would be a

recommended policy and each Police Department would adopt its own policy, but would most likely look at the standard policy for guidance. Mr. Olson reiterated that in his opinion it was important that a standard policy be developed state-wide.

**Motion was made by Councilman Tony Stimatz, seconded by Mayor Pro Tem Anita Hummer, to authorize staff to submit the grant application for the body-mounted cameras. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

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

Councilman Brooks stated that the City Clerk had stepped in nicely and was doing a good job. He encouraged everyone to pray for our City because when things seem as if they are going well, that is when everything “hits the fan.”

Councilman Stimatz had no further comments.

Councilman Horton stated that he and other City Councilors attended the recent Martin Luther King, Jr. Day program at ECSU, and he left the audience and residents with a quote from Dr. King: “Life’s most persistent and urgent question is - what are you doing to help others?”

Mayor Pro Tem Hummer inquired of the City Manager if the decrease in gas prices was generating any General Fund revenue that can be used at budget time. Mr. Olson stated that revenue had not been generated, but a reduction in expenses had been noted. He reminded the Council that the Police Department overtime issue is yet to be resolved and any savings incurred will most likely need to be used to address that issue. Mayor Pro Tem Hummer stated that she read a recent article published by EfficientGov about the “broken window syndrome,” which caused the birth of community policing in the 1990’s. She pointed out that cities should rethink the “broken window syndrome” and focus on how it invites crime. She stated that the City has experienced a number of break-ins; and it appeared that people are coming from other places to vandalize homes and property in Elizabeth City. She said this brought to her mind something that had been done a few years ago when once each month the Council would ride through a different Ward with a police officer and building inspector and makes notes of things that need attention. She said that since Community Policing had fallen by the wayside as to individual groups, she questioned if reinstating the ride-around would help to serve several purposes.

Councilman Spence had no further comments.

Councilman Donnelly stated that he had been rather critical of RPC Construction and their activity on Church Street. He said that he had noticed that they have paved the main section of the street and expressed that he hoped the residents were satisfied with that work. He inquired about the remaining “T” intersection work. Mr. Olson responded that depending on weather, the work is planned in the coming days.

Mayor Peel stated that he had received a text message from Councilwoman Baker who is at home sick, with a request to announce that the Tourism Development Authority has received over 60 applications for the director's position to replace the current director who is retiring in June.

**10. Adjournment:**

There being no further business to be discussed, Mayor Peel adjourned the meeting at 7:43 p.m.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk