

MONDAY-7:00 P.M.

JANUARY 28, 2013

CITY COUNCIL

The City Council of the City of Elizabeth City held its second meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding and members J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton in attendance. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Finance Director S. E. Blanchard, Parks and Recreation Director B. V. White, Planning Director J. C. Brooks, Inspections Director S. E. Ward, Public Utilities Director P. A. Fredette, Fire Chief L. M. Mackey, ECDI Director R. Cross and Human Resource Director K. W. Felton.

Mayor Peel established a quorum was present and called the meeting to order at 7:00 p.m. He called for a moment of silent reflection after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for approval of the prepared agenda.

Councilwoman Baker asked to remove ***Item #8b-Public Hearing to receive comment on the rescission of Conditional Use Permit 02-09 to James Southerland for an Internet Sweepstakes Café at 1871 W. Ehringhaus Street, #8c- Public Hearing to receive comment on the rescission of Conditional Use Permit 04-09 to Luther's Inc. for an Internet Sweepstakes Café at 1016 W. Ehringhaus Street, #8d-Public Hearing to receive comment on the rescission of Conditional Use Permit 05-09 to Venders USA for an Internet Sweepstakes Café at 1501 W. Ehringhaus Street, Item #8e-Public Hearing to receive comment on the rescission of Conditional Use Permit 01-12 to Kevin Stroud and Eric Rainwater for an Internet Sweepstakes Café at 900 W. Ehringhaus Street and Item#8f- Public Hearing to receive comment on the rescission of Conditional Use Permit 02-12 to Evangelos Alexopoulos for an Internet Sweepstakes Café at 101 Capital Trace from the Agenda.***

Councilman J. B. Walton asked to ***add discussion of Finance Committee.***

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

2} PUBLIC COMMENTS:

There was no one present to speak.

3} APPROVAL OF MINUTES:

a} January 14, 2013 – Regular Meeting Minutes:

Mayor Peel called for approval of the January 14, 2013 Regular Meeting Minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the January 14, 2013 Regular Meeting as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton.

4} CONSENT AGENDA:

Mayor Peel called upon City Manager Olson to read the items listed on the Consent Agenda. After the reading Mayor Peel called for action regarding the Consent agenda.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. M. Hill-Lawrence to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Baker, Hill-Lawrence, Brooks, Donnelly, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

Consent Agenda:

a} Authorized the Elizabeth City Fire Department to utilize the structure at 200 Pearl Street for live fire training.

b} Authorized the Elizabeth City Housing Authority to use PILOT funds.

c} Adopted the following resolution removing Police Canine "NERO" from active service, authorized the sale of Nero for \$1.00; and authorized the purchase a new police canine.

**RESOLUTION #2013-05
AUTHORIZING TO REMOVE
POLICE CANINE "NERO" FROM SERVICE
JANUARY 28, 2013**

WHEREAS, the City of Elizabeth City owns a black and tan in color Belgian Malinois Shepard breed dog named Nero who has served as a canine officer for the police department; and

WHEREAS, Canine Officer Nero's medical condition is such that he should be retired from service; and

WHEREAS, North Carolina General Statute §160A-266(c) permits the City of Elizabeth City to discard any personal property that is determined to have no value; and

WHEREAS, while Canine Officer Nero's service to our police department and our City cannot be adequately valued in monetary terms, his age and medical condition place him beyond the ability to consider asking a monetary amount for his adoption;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City Elizabeth City authorizes the City Manager to transfer ownership of such canine to such persons or agency who in the Manager's sole discretion believes capable of providing the best care for such canine and upon such terms and conditions that the Manager shall determine.

ADOPTED, this 28th day of January 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda:

5} PUBLIC HEARING:

a} Public hearing - to received comments and input from the citizens before applying for a NC Catalyst Grant.

Mayor Peel declared the meeting into Public Hearing and asked the City Clerk if we had anyone to sign up to speak. Upon a reply of no, Mayor Peel declared the public hearing closed.

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated we received a notice on January 14, 2013 from Bert Banks, Director of the Albemarle Commission that the Department of Commerce is going to have a supplemental NC Catalyst Program round of funding. They have \$2.7 million available. That money has been earmarked for the three COG Agencies that are east of I-95. The funds must be spent within 18 months of execution of the grant agreements. Staff has identified three projects that would be eligible for the funding; however, we have only submitted two of those to the COG agency for their review. On February 5th the COG Agency will look at all those grant applications from the seven counties that are part of that COG and make a recommendation to the Department of Commerce. Staff has identified one of the projects as the second phase of the Raw Water Transmission Line. The second project was identified as the Herrington Road Sewer Project. To meet the HUD guidelines, both projects will need to have an Environment Assessment prior to the Notice of Release of Funds. Staff will begin this process. This is the first of two required public hearings.

A motion was made by Councilwoman J. M. Baker to authorize staff to confer with Albemarle Commission staff and move forward with the Project that is rated highest. Councilman J. A. Stimatz seconded the motion. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

6} REGULAR AGENDA:

a} Update on Vision 2020 Strategic Planning Process:

Mayor Peel stated at this point in time we have had four meetings of the Steering Committee of Vision 2020. The Steering Committee looked at making some recommendations in two areas. One was in Economic Development and the other is in Community Development. We were concerned if we only focused on economic development we might bring jobs here that folks are not able to fulfill so we wanted to look at how we develop our citizens that are already here so they will be able to take advantage of some of the opportunities. There were nine areas that were identified that we needed to do some more work in to make

ourselves more economically attracted and to build a stronger community. There were five under economic development and they were: Improving K-12 education, enhancing the waterfront, additional work in the downtown, to build a more friendly business climate and to look more strategically at economic development. There are four areas that were identified under Community Development and they are championing our diversity and heritage, building strong families, improving 0-5 daycare and pre-K opportunities and comprehensive job and entrepreneur training for our youth. Those were the nine areas that were identified. What is happening at the moment is the Committee identified a vision statement. We are working to develop action teams for each of those nine areas. He has been working with a variety of people that those action teams will work with for the next three to five months developing some measurable goals in those nine areas. We will come back to the large committee some time this summer for their final approval. We give you updates as those committees work as well as the County Commissioners and School Board. He plans to attend the County Commissioners meeting this coming Monday night to give them an update on this as well.

b} Appointments to various Boards:

1} Joint Parks and Recreation Board:

Mayor Peel advised that Dr. David W. Kleinschuster's term on the Joint Parks and Recreation Board expired on 12/31/2012. Dr. Kleinschuster was contacted and he expressed a desire to serve an additional two-year term. He would ask that City Council confirm his reappointment.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to confirm the reappointment of Dr. David. W. Kleinschuster to another two-year term ending December 31, 2014 on the Joint Parks and Recreation Board.

Roll Call Vote

<i>Brooks</i>	<i>Yes</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Walton</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>
<i>Hummer</i>	<i>Yes</i>
<i>Baker</i>	<i>yes</i>
<i>Spence</i>	<i>yes</i>
<i>Donnelly</i>	<i>Yes</i>

Motion carried – 8- yes and 0-no

2} Urban Forestry Commission:

Mayor Peel advised that Mr. Mike Cox's term on the Urban Forestry Commission expired on 12/31/2012. Mr. Cox was contacted and he expressed a desire to serve an additional two-year term. He would ask that City Council confirm his reappointment as a member of the Urban Forestry Commission.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to confirm the reappointment of Mr. Mike Cox to an additional two-year term ending December 31, 2014 on the Urban Forestry Commission.

Roll Call Vote

<i>Brooks</i>	<i>Yes</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Walton</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>
<i>Hummer</i>	<i>Yes</i>
<i>Baker</i>	<i>yes</i>
<i>Spence</i>	<i>yes</i>
<i>Donnelly</i>	<i>Yes</i>

Motion carried – 8- yes and 0-no

Mayor Peel advised that Ms Peggy Watts' term on the Urban Forestry Commission expired on 12/31/2012. Ms. Watts was contacted and she expressed a desire to serve an additional two-year term. He would ask that City Council confirm her reappointment as a member of the Urban Forestry Commission.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. M. Hill-Lawrence to confirm the reappointment of Ms. Peggy Watts to an additional two-year term ending December 31, 2014 on the Urban Forestry Commission.

Roll Call Vote

<i>Brooks</i>	<i>Yes</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Walton</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>
<i>Hummer</i>	<i>Yes</i>

Baker	yes
Spence	yes
Donnelly	Yes

Motion carried – 8- yes and 0-no

Mayor Peel advised that Ms. Susan Willoughby's term on the Urban Forestry Commission expired on 12/31/2012. Ms. Willoughby was contacted and she expressed a desire to serve an additional one-year term. He would ask that City Council confirm her reappointment as a member of the Urban Forestry Commission.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to confirm the reappointment of Ms. Susan Willoughby to an additional one-year term ending December 31, 2013 on the Urban Forestry Commission.

Roll Call Vote

Brooks	Yes
Stimatz	Yes
Walton	Yes
Hill-Lawrence	Yes
Hummer	Yes
Baker	yes
Spence	yes
Donnelly	Yes

Motion carried – 8- yes and 0-no

Mayor Peel advised that Ms. Heather Griffin's term on the Urban Forestry Commission expired on 12/31/2012. Ms. Griffin was contacted and she expressed a desire to serve an additional one-year term. He would ask that City Council confirm her reappointment as a member of the Urban Forestry Commission.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to confirm the reappointment of Ms. Heather Griffin to an additional one-year term ending December 31, 2013 on the Urban Forestry Commission.

Roll Call Vote

Brooks	Yes
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Stimatz	Yes
Walton	Yes
Hill-Lawrence	Yes
Hummer	Yes
Baker	yes
Spence	yes
Donnelly	Yes

Motion carried – 8- yes and 0-no

Mayor Peel advised that Mr. Herb Crase’s term on the Urban Forestry Commission expired on 12/31/2012. Mr. Crase was contacted and he expressed a desire to serve an additional one-year term. He would ask that City Council confirm his reappointment as a member of the Urban Forestry Commission.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to confirm the reappointment of Mr. Herb Case to an additional one-year term ending December 31, 2013 on the Urban Forestry Commission.

Roll Call Vote

Brooks	Yes
Stimatz	Yes
Walton	Yes
Hill-Lawrence	Yes
Hummer	Yes
Baker	yes
Spence	yes
Donnelly	Yes

Motion carried – 8- yes and 0-no

3} Historic Preservation Commission:

Mayor Peel advised that Ms. Marian “Cookie” Stokes’ term on the Historic Preservation Commission expired on 12/31/2012. Ms. Stokes was contacted and she expressed a desire to serve an additional three-year term. He would ask that City Council confirm her reappointment as a member of the Historic Preservation Commission.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to confirm the reappointment of Ms.

Marian "Cookie" Stokes to an additional three-year term ending December 31, 2015 on the Historic Preservation Commission.

Roll Call Vote

Brooks Yes
Stimatz Yes
Walton Yes
Hill-Lawrence Yes
Hummer Yes
Baker yes
Spence yes
Donnelly Yes

Motion carried – 8- yes and 0-no

c} Adoption of Budget Work Session Calendar for the Fiscal Year 2013-2014
 Budget:

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following Budget Work Session Calendar as recommended by the Finance Committee. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Date	Time	Purpose
February 25, 2013	5:30 p.m.	Full Council Pre-Budget Work Session
April 15, 2013	5:30 p.m.	Full Council Budget Presentation
April 25, 2013	5:30 p.m.	Finance Committee Budget Meeting
May 2, 2013	5:30 p.m.	Finance Committee Budget Meeting
May 7, 2013	5:30 p.m.	Full Council Budget Work Session
May 20, 2013	5:30 p.m.	Finance Committee (or Full Council) Budget Meeting (TBD)
May 28, 2013		Call for Public Hearing on Budget during Regular City Council Meeting
June 10, 2013		Hold Public Hearing on Budget (Possible adoption of budget)
June 24, 2013		Adoption of Budget during Regular Meeting, if needed

d} Adopted the following Budget Amendment to re-appropriate unused installment purchase proceeds and thereby authorize the purchase of an additional police vehicle and authorize staff to take bids on the renovation of the Mack Sawyer Building.

Mayor Peel called for action regarding the Budget Amendment to re-appropriate unused installment purchase proceeds.

A motion was made by Councilman J. A. Stimatz to adopt the following Budget Amendment to re-appropriate unused installment purchase proceeds and authorize staff to purchase an additional police patrol vehicle and further to authorize staff to take bids on the renovation of the Mack Sawyer Building. Councilman R. T. Donnelly seconded the motion. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

**BUDGET AMENDMENT
NUMBER 2013-02
JANUARY 28, 2013**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 12, 2013.

SECTION I. That the General Fund Balance Appropriated (103990.0000) be increased by \$176,837.21, the Police Capital Outlay (105100.7400) be increased by \$39,569.94, the Inspections Capital Outlay (105400.7400) be increased by \$1,514.00 and the Parks and Recreation Capital Outlay (16200-7400) be increased by \$135,752|27.

(To re-appropriate unused installment purchase proceeds).

ADOPTED, this 28th day of January 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Discussion of the Finance Committee:

Mayor Peel called upon Councilman Walton for comments.

Councilman Walton stated he brought this up because when the citizens in his Ward elected him to be their voice for them and if he is going to be their voice for them he will also be a voice for himself. He feels like we as a Council need to act as a Council. You don't put committees together to bring back decisions. To him recommendations should be only brought back to the Council if we ask for that recommendation. He thinks we are taking the bull by the wing and bringing back recommendations that we automatically know it is going to go forward. Just like this Mack Sawyer Building. To him if you have urgency to do something, he doesn't mind there being a meeting because we even do that when we have Special Called Sessions for the whole Council but if it is not urgency and it is dealing with monies he feels like his suggestions or his voice should be heard before we send it to another committee to make a recommendation and usually 100% of the time that recommendation goes through. Then people get all upset thinking it is personal. It is not personal. Whenever we do it that way he will complain. He will complain and if people on this Council feel like it is embarrassing to them so be it. He is going to complain if he feels like a person on this board is not being treated correctly. If his opinion is not given he feels like he is being mistreated. So this Board needs to only do things if it is going to be an urgent need, just like this Mack Sawyer Building. He may take a bid. Mr. Olson may take a bid, but it should come back to this Council before it goes to that Finance Committee. If we do it the other way around we are judged by our actions. When we act without everybody being a part of it, which is not fair. People should not take it personally because if it is not done the right way, he will complain. Out of all our actions one question needs to come from us. Is it the right thing to do? This is supposed to be a faith based community and if it is not the right thing to do we shouldn't do it. We shouldn't do it. If this Council would stop considering items before the full Council hears it and before a committee hears it he would appreciate it.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated he wanted to address Dr. King's holiday. He attended as many of those services as he possibly could for a man that gave his life for the betterment of a country and its people. That is something that shouldn't be just looked over. Dr. King's writings, like a legacy, spoke of the history of a people denied civil rights, voting rights and a nation divided. Some who spoke on Dr. King's birthday knew not of his legacy. They knew about the march on Washington but little about the history behind the march. The night before his assassination Dr. King gave a history lesson as he spoke about the struggle in Birmingham, Alabama. He said, "He remembered when he was in Birmingham, Alabama and it was just a struggle there". Day after day we were moved out of the 16th Street Baptist Church by the 100's. They sent the dogs and they did come but we just went on before the dogs singing, "*Ain't Going to Let Nobody*

Turn Me Around". Then Bull Conner said, "Turn the fire hoses on." But like he said to you the other night, Bull Conner didn't know history. He knew a kind of physics that somehow relates to the trans physics that we knew about. It was the fact that there was a certain kind of fire that no water could put out. We were Baptist or some other denomination; we had been immersed and we had been sprinkled with new water. That couldn't stop us. So we went on before the dogs and we looked at them and we went on before the fire hoses and we looked at that singing, "*Over Our Heads We See Freedom in the Air.*" Then the paddy wagons would come and sometimes we were stacked in there like sardines in a can and ole Bull would say, take them off and they did and we just went on in the paddy wagon singing, "*We Shall Overcome.*" Every now and then we would end up in jail and we would see the jailers looking through windows being moved by our prayers. Being moved by our words and our songs. There was a power there that Bull Conner couldn't adjust too, so we ended up transforming Bull into a steer and won our struggle in Birmingham. This is the part of history before the march. You can hear people in long lines singing, "*We Have Come This Far by Faith*". In 2008 then Senator Obama ran for President of the United States. In one of his debates he did not wear a pin of the American Flag on his lapel. They said he was unpatriotic. When Obama became President of the United States our economy was in a free fall. People losing their jobs, their homes and even filing bankruptcy. Some syndicated radio hosts and even some Senators said they rather see America fail than Obama succeed. If it was 50 years ago those who said they would rather see our country fail would be tried for treason. Even with the election of President Obama he has heard some say that we live in a post race society. That is farther from the truth. We no longer live in a post racial society no more than we live in a post sexist society. Governor Purdie was the first female governor of North Carolina yet women still earn \$.75 to a \$1.00 less as opposed to men, their counterparts. We can do better. So he admires Dr. King as one of the leaders in the Civil Rights Movement that he loves. He loves Fredrick Douglas, Marcus Garvey even Malcolm X. Even with the bad image that Malcolm X had, he said something that made a lot of sense to him. They always talk of him as being violent. Malcolm X said, "I have no problem with non-violence but don't teach me non-violence while somebody is steady hitting me up beside the head." We come this far by faith.

Councilman Stimatz said not much to say after that. He thinks it is so true. When you talk about people who have changed our society, clearly Martin Luther King was one of them. He is an example to all of us how non-violence does work. That is all he has to say.

Councilman Walton stated that on Wednesday there will be a televised basketball game at Elizabeth City State University. If everyone would probably get out it

would be a good signal to the community that we are supporting the men and women basketball games. It starts at 3:00 p.m.

Mayor Pro Tem Hill-Lawrence said she wanted to piggy back on what Councilman Brooks said and thank the City and the County and all the citizens for participating in all those events. It was really wonderful having everybody there. Councilwoman Hummer stated she had no further comments.

Councilwoman Baker stated she had no further comments.

Councilman Spence stated he had no further comments.

Councilman Donnelly said he wanted to take a moment to commend the city employees on the great job they did in cleaning up after the snow and ice storm.

Mayor Peel stated Mr. Brooks made the comment when he first began about the good activities that went on. One of the things the he enjoyed the most was ECSU when they marched down to Sheep Harney. They had three students that spoke about Dr. King and his legacy. One was from MAC University; one was from ECSU and was from COA. Those three young men did an incredible good job of talking about Dr. King's legacy and challenging the young people in the room to take up that legacy and keep it moving forward. It was refreshing to hear those guys and to think that we might be in pretty good hands after all. There is so much negative stuff you read about in the paper. They really did a wonderful job.

8} ADJOURNMENT:

There being no further business to come before the City Council at this time, Mayor Peel adjourned the meeting at 7:40 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor