

MONDAY-7:00 P.M.

FEBRUARY 11, 2013

CITY COUNCIL

The City Council of the City of Elizabeth City held its first meeting of the month of February on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding. Members in attendance were: Mayor Pro Tem L. M. Hill-Lawrence, M. E. Brooks, R. T. Donnelly, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton. J. M. Baker was absent. 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, Planning Director J. C. Brooks, Public Utilities Director P. A. Fredette, Fire Chief L. M. Mackey, Electric Director K. F. Clow, Inspections Director S. E. Ward and ECDI Director R. Cross.

Mayor J. W. 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 APPROVAL:

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

Councilman J. B. Walton asked to ***add to the Regular Agenda discussion of the escrow monies and budget calendar.***

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

2} PUBLIC COMMENTS:

Mr. Derick Smith, 836 Westway Street, Elizabeth City addressed City Council in regards to seeking mass participation from City Council members and all businesses represented that is willing to share in the responsibility of making a "Stop the Violence" movement successful.

3} APPROVAL OF MINUTES:

a} January 28, 2013 – Work Session Minutes:

Mayor Peel called for approval of the minutes of the January 28, 2013 Work Session meeting.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman R. T. Donnelly to approve the minutes of the January 28, 2013 Work Session meeting as presented. Those voting in favor of the motion were: Hummer, Donnelly, Brooks, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

b} January 28, 2013 – Regular Meeting Minutes:

Mayor Peel called for approval of the minutes of the January 28, 2013 Regular meeting.

A motion was made by Councilwoman L. A. Hummer, seconded Mayor Pro Tem L. M. Hill-Lawrence to approve the minutes of the January 28, 2013 Regular meeting as presented. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Brooks, Donnelly, Spence, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Peel called upon City Manager R. C. Olson to read the items listed on the Consent Agenda.

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

Consent Agenda:

a} Adopted the following Budget Amendment allowing for the purchase of two new police canines and handler training in the amount of \$16,100.

**BUDGET AMENDMENT
NUMBER 2013-03
FEBRUARY 11, 2013**

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 the fiscal year ending June 30, 2013:

SECTION I: That the General Fund Balance Appropriated (103990.0000) be increased by \$7,912; the Police Salaries (105100.0200) be decreased by \$3,188; and Police Dog Expenses (105100.3320) be increased by \$11,100.

(To record purchase of two police canines and training – total cost \$16,100, \$5,000 budgeted, \$7,912 from donations, and \$3,188 from DNC reimbursement.)

ADOPTED, this 11th day of February 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

- b} Called for a public hearing to be held on Monday, February 25, 2013 at 7:30 p.m. in the City Council Chambers for each of the following:
- 1} To receive comment on the Closeout of CDBG Infrastructure Grant 10-C-2141 (Pearl Street/North Road Street).
 - 2} To receive comment on projects identified for Community Development Block Grant applications.
- c} Authorized the live fire training burning of a structure located at 1348 George Street.
- d} Appointment of Paul Fredette to the Albemarle Commission Rural Transportation Advisory Committee and Technical Coordinating Committee; and

further to instruct City Manager to notify the Albemarle Commission of the City's designee to the RTAC and RTCC.

e} Awarded City's audit contract to Pittard, Perry and Crone, Inc for a four year period pursuant to their proposal.

End of Consent Agenda

5} REGULAR AGENDA:

a} Engineering Contract for the Crescent Drive Sewer Project:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised that in the budget for the current fiscal year, Council approved \$194,000 for the sewer project and \$149,000 for a road resurfacing project on Crescent Drive. The City solicited qualifications statements from a number of engineers and invited McGill Associates to submit a proposal for the Crescent Drive sewer project. The scope of work is complete for both the design and the construction phases of the project. The total proposed fee is \$18,700. McGill plans to complete the design and permitting work so that we can let the construction contract in June. The anticipated construction time for this project is seven months. The Finance Committee considered this matter during their meeting on February 7, 2013 and recommends approval.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to authorize the City Manager to enter into an engineering contract for the Crescent Drive sewer project as per the fee and scope of work in their submitted proposal. Those voting in favor of the motion were: Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

b} Supplemental Agreement with NCDOT for the construction of a sidewalk on US 17 South:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated the City secured \$85,000 from an Enhancement Funds Grant in accordance with Section 1201 of the Transportation Equity Act of the 21st Century (TEA-21) for the construction of a sidewalk along the west side of Hughes Boulevard. The project was delayed last year when project construction bids were opened; first because the initial low bidder was disqualified by NCDOT,

the bid openings were delayed by NCDOT waiting to resolve issues regarding the Federal Wage Rate determinations. Then when the City finally had a second bid opening, all bids were rejected because the low bidder on the project was more than \$100,000 higher than the project was originally estimated. Plans and specifications were revised. The revised construction documents have been submitted to NCDOT and we are now waiting for their approval to re-bid the project. In the interim, the Municipal Agreement securing the grant funds expired; however, NCDOT has provided a Supplemental Agreement that extends the time for completion until December 31, 2013. The estimated cost of the project is \$120,000. The state's maximum participation is \$85,000. The balance of the project cost will be taken from the Powell Bill Fund. The Finance Committee discussed this matter during their meeting on February 7, 2013 and recommended approval.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to authorize the City Manager to enter into the Supplemental Agreement with NCDOT for the construction of a sidewalk along the west side of Hughes Boulevard from Providence Road to the Farm Fresh shopping area entrance near Applebee's. Those voting in favor of the motion were: Stimatz, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

c} Escrow Funds:

Mayor Peel called upon Councilman J. B. Walton for comments.

Councilman Walton stated that during last years' budget session he kept harping on that he had not heard the conversation about weatherization. You stated that we talked about it a lot. He knows you did but some of it was probably in the Finance Committee meetings. He keeps harping on the Finance Committee because at Council he is seems like he is a meeting behind before he catches up to see what is going on. He has always been taught to don't remove a fence unless you know why the fence was put up in the first place. His point is this, you guys met on the 7th, the Finance Committee, now he will not see any minutes on that meeting until the next meeting. To him that is a long time for someone to have already made decisions on things and he has not seen it. His point being on the 9th of January the Finance Committee met and they discussed the escrow account. He thinks we borrowed \$755,000 from BB&T. We didn't use but \$589,000 of that money. We decided and we voted on to give the police two additional vehicles. That brought the total that was left over to \$135,000. Last meeting which was the 28th the Finance Committee met on the 24th. On the 7th we came here and they recommended that we approve to take that left over

money and put it into the Mack Sawyer building. Now, if he had been at that meeting, it is escrow money or left over money, he thinks that we have more priority issues than the Mack Sawyer Building. To him we should at least discuss how we would use that money. If he was in the Finance Committee meeting he would say lets go forward with completing the EC Middle School project because it is more important than doing the Mack Sawyer Building. To him it is important because black young men are being shot every day. Over the first of the year two died. Last summer two died but now it is not important to get the EC Middle School Building and we said we could put that off until mid June. We said that if we didn't get the grant money that we would not even consider doing that Mack building. But, all of a sudden we came up with the \$140,000. To him it is not a good steward to use that money, the citizens' money to do that Mack building before we do that Elizabeth City Middle School building. To him that should have been our top priority but it was not even discussed that way. He just wanted to bring that to everybody's attention and he wonder how the rest of Council might feel about that.

Councilman Brooks asked Mr. Olson where we were with the PAL Building and completion of everything.

Mr. Olson replied that we are in the process of finishing the environmental review which is a requirement under the CDBG grant. We did receive the City's \$75,000 which is matching funds. It has been secured through the TDA as the Council requested us to do. We do anticipate having the project out for bids and most likely opening the bids some time in April for that project. Until we do the publication release of funds which looks like that will occur some time mid March, then we have 15 days required comment period so the funds will not be available until probably the first of April. We can put it out for bid but we cannot award a bid until after the release of funds has been approved by CI.

Mr. Brooks asked if that meant that the Boys and Girls Club can go into PAL mid June.

Mr. Olson said he thinks what the Council needs to know is that most likely the Middle School project will not be completed until November or December of this coming year.

Mr. Brooks said the \$140,000 seems to him that he believes we should try to keep our downtown as kept looking as possible, but lately we have been having not just crime but murders in Elizabeth City. He thinks that Councilman Walton probably had a good point. We need to try to find a way to get the Boys and Girls Club up in operation to have something for our youth to go. He finds it amazing that in the City of Elizabeth City we have Elizabeth City University, Mid-

Atlantic Christian, COA and we have five schools to include COA that graduate 12th graders. We are not counting the middle schools and junior high schools but there is nothing to do for the youth. With those numbers we have to find a way to put our children ahead of things and stuff like buildings. You can build all the pretty buildings you want if you don't have a way to secure the communities to make them feel safe because our children don't have anything to do. We are having murders in a small town called Elizabeth City and that is not good. He thinks we can find a way to have something for our youth to do.

Mr. Olson said for a point of clarification we could not use the escrow monies on the Middle School because the Middle School is not an asset of the City. That is why we had to use TDA funds on the Middle School. That project right now based on the budget of \$650,000 is totally funded. If it comes in more than that then that is another issue. Right now our projected budget of \$650,000 for the renovation is fully funded at this time.

Mr. Walton said he has heard many times about what we can't do but then later on it is done. We probably couldn't use money to lend the Boys and Girls Club \$25,000 but we did it and they repaid us. We said we couldn't use the \$200,000 that was put in the Building Fund on any of the buildings but soon as the pavilion needed to be worked on, we did it. There is a way to do all of these things that we want to do. What he is saying is let's put that EC Middle School on the front burner rather than saying TDA is going to allow us to get the \$38,000 as that is what we are talking about in mid-June and we can speed things up a little bit. We need to expedite it and get it done.

Mr. Olson said the project is going according to the critical path we have done on it. There are no major issues with it. There are just a bunch hoops that we have to jump through as part of the \$500,000 CDBG grant. We cannot move any faster than what we are moving right now on that project.

Mr. Brooks said the money that the Boys and Girls Club secured by selling their building on Ehringhaus Street but us as Council should be more proactive in trying to find things for our youth.

Mayor Peel said don't forget that the City took the initiative to get this grant. City staff wrote the grant. Mr. Olson led the way to get this thing done in the first place. We also support the Police Athletic League which has been in that building for some time and that is city staff again working for the kids. One of the issues is we cannot commingle the monies. The asset is not ours so we can't spend our money on something that doesn't belong to us. He doesn't disagree as we do need more things for our kids to do for sure. He thinks in this case we are moving as fast as we can.

Mr. Walton said it concerns him and that is the reason he brought it forward. The monies he is talking about is the money that belongs to us. If we can take money and lend it to another group but yet we can't lend it to ourselves then he doesn't understand it. We play games with words. To him if actions dictate everything and if we wanted to act on it we could act on it. If we wanted to have it done before November then he thinks we could have it done by November. It has been a long time working on that project to be no further along than we are.

d} Budget Calendar:

Mayor Peel called upon Councilman Walton for comments.

Mr. Walton said he is bringing this up because we came here last week and we made a motion to adopt the budget work session calendar. He is getting older and it takes him time to grasp things some time. You look at that calendar again and he would like to know why it was done that way. For some reason they gave full Council two meetings and they gave the Finance Committee two meetings and they have a couple of more meetings, but if they are all done at the same time why did we break those meetings up. He wants to know that.

Mr. Olson said he is not sure what the real question is Councilman Walton. He can go over February 25th we have a pre-budget work session which is something that we are trying to do now is front end the budget so the Council has more input in it. Our first full budget presentation will be April 15th and the Finance Committee meets on the 25th and May 2nd. Those meetings have been moved to 5:30 to allow all members of the City Council, even those not on the Finance Committee to attend those.

Mr. Walton asked why would we attend one if we cannot vote.

Mr. Olson said there is no voting at these meetings. They only make a motion to recommend to the full City Council. That is all they do. They cannot take any binding action.

Mayor Peel said the Finance Committee is not operating any differently than it has for the last over three years now. You have been having problems with the way it is operating over the last few months. There is not one thing that has been changed.

Mr. Walton stated he is talking about the calendar. All of those meetings should be full Council work sessions. You get these Finance meetings and you get your

way at those. They let you have your way. But he wants to discuss things as a full Council.

Mr. Peel said you can discuss anything that you wish too. There is no problem with that.

Mr. Walton said but then when you make motions who can vote?

Mr. Peel said we don't make motions as all we do is make recommendations to full Council.

Mr. Walton said you make motions and they are voted on.

Mr. Peel said what is voted on is whether or not to recommend it to full Council.

Mr. Walton said everything that is recommended is voted on the same way at the Council meeting. Why is it not a full council meeting? That is his only point. Is that word that important to you?

Mr. Peel said if that is what the full council would like.

Mr. Walton said that is what he wants. Why are we having Finance Committee meetings anyway. If it is the full Council then everybody can be there. That tells him how important that you all feel the Finance Committee really is.

A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks to amend the Budget Work Session Calendar to say all City Council to attend each meeting.

Councilman Spence said the Finance Committee when they meet; they make a decision on bringing something to Council. He thinks Councilman Walton's question is although there is no voting going on at the Finance Committee meetings why can't they be at a time where everybody can attend to get a full presentation.

Councilwoman Hummer asked Mr. Olson that in the last meeting you stated that when you send the Finance Committee agenda to the Finance Committee members you also send it to full City Council. So there is that period of time, a couple of days before the actual Finance Committee meeting that all of the Council has all of this information in their hands to study and then when the recommendations come to the full Council, as the Mayor pointed out, you can bring up anything you want too. That is why sometimes she will say there is no recommendation because we feel like it needs some lengthy discussion. All this

goes to every council member at the same time the Finance Committee gets it. She doesn't understand the confusion Mr. Walton because when Mayor McLean was the one who brought back the Finance Committee and you fully supported it during those two years. She doesn't understand now because as the Mayor said there have been no changes.

Mr. Walton said she proved his point just then. You all met on the 7th, we don't see those discussions until the Clerk's sends it to us and that may be one and a half to two weeks from now. Whatever you all discussed we don't know anything about it. That is the whole point. You recommend something, come to the meeting and we vote on it and we haven't seen the gist of it all.

Mr. Peel said that is true but all you have to do is pulled it off the Consent Agenda and ask the questions that you would like to ask.

Mr. Walton said why do you have to do it that way. You are making it hard now. We need to know the information before we vote on things. We see the agenda but we don't see the minutes of what took place. That is what we need. That is why he wants to be at the budget sessions when the Finance Committee meets so he can be a part of the discussions.

Mr. Brooks said when it comes to the budget it seems like it should come before the full Council. He thinks of the Finance Committee for budget purposes as a steering committee. Council doesn't need a steering committee when it comes to the budget. The Finance Committee is good for what it does but when it comes to the budget, we don't need to send items to the Finance Committee before it comes before full Council. You need to let us discuss it collectively.

Councilman Spence stated if part of the issue is the minutes from the Finance Committee meetings in a timelier manner instead of waiting the time between Finance Committee meetings, is it possible to get them earlier and that would eliminate a big part of the problem.

Mr. Olson said we can strive to do that. He is not the City Clerk but he is sure that can be done.

Ms. Pierce-Tamplen stated she sees no problem with that request. She usually writes them the very next day if she is available.

Mayor Peel called for a vote on the motion to make every meeting on the budget schedule a full city council meeting.

A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks to include all members of the City Council in the scheduled budget work sessions for all meetings. Those voting in favor of the motion were: Walton and Brooks. Against: Donnelly, Hill-Lawrence, Hummer, Spence and Stimatz. Motion was denied.

6} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated he would like to have a copy of what the purpose of what the Finance Committee was because he thinks Councilman Walton had a good point. That Finance Committee was created not while we were doing the budget but after the budget to keep those numbers in check. Here we go again fighting against what the purpose of the Finance Committee was. He would like to have a copy of what the purpose was. He remembers what it was because we didn't go through no Finance Committee to determine what goes on the budget and then come before Council. That is a different animal. We have to have a process. Before the vote came up he basically knew how it would go anyway. But what we need to do is we need to stick by what our policy says. He will submit to our Council to read our charter, our ordinances and read our policies. Don't just vote when something is contrary and try to make it stick. We don't want to do that. Our purpose is to follow that. We are not following that now. He will say that under Mayor McLean we adopted Bell's rules of order. We don't put you in check with this Mr. Mayor but whenever you indulge in conversation because Tony said "Point of Order" to Mayor McLean about 100 times during one meeting because when you indulge in conversation like he sees all the time, we don't do it because it is not necessary but when you indulge in conversation the gavel is supposed to be given to the Mayor Pro Tem. We don't try to enforce that. He wants to make sure that the purpose of that Finance Committee serves its purpose. You will find out that the vote that just took place was out of order.

Councilman Stimatz said "Happy Valentine Day" to everyone. Have a good time on the 14th and take care of your love ones.

Councilman Walton said that was sarcasm because he is part of the coalition that you have he feels like he can do that. It offends him when you do things like that. We just showed how this Council is. We would just take one word out and that is sad. It gives you the same thing but you wouldn't take the word out. That is how things have been since day one. Mayor you have your way and you don't have to do much. You just sit back and make it happen. He is not finished. Just like on the Vision 2020. He read in the paper today a very serious article about Mr. Perry. We are talking about creating jobs. We have two jobs

open up and we go out of the City to fill those jobs. Nobody complained but Mr. Perry. Something is wrong with that but then you get 300-400 people together, people that think just like you and come up with the answers that you come up with. Mr. Perry needed to be one of the chairs on that committee. He would at least make sure it would be fair because it isn't any thing fair about what we do. He talks about it all the time. Your actions dictate who you are. This Council is tearing the values down of this City. You don't ask yourself if you are doing the right thing. You just do because you are part of the coalition. He knew how the vote was going to go too. But we couldn't even take one word out. He is a part of this Council and he doesn't need to be hearing nothing from the Finance Committee and he can discuss it. They don't need to recommend anything to him. We can vote on it right then and it is done. You are going to make a decision on it and bring it to him. He gets the information two weeks later. Something is not right about that. We are going to create jobs and yet you come up with the same answers you will come up with. If this is the type of Council you want then you have got it.

Mayor Pro Tem Hill-Lawrence stated as a member of the Finance Committee and she and Councilman had a discussion about this the other night.

Mr. Walton said no we didn't.

Ms. Hill-Lawrence said when we were at the place eating. She must have made a mistake. She said she was listening to him but she voted the other way because she thought that was the right thing to do. She is not part of the coalition.

Mr. Walton said that is why you were put on it.

Ms. Hill-Lawrence said Roger McLean put her on the Committee because of her financial background. That is what he told her. Anyway let us move on. What she was saying about the Finance Committee, we make recommendations to the Council and you all don't have to vote on it. Be at the meetings.

Mr. Walton said he will be there but he can't make any recommendations. He can recommend to himself. Why do we need a committee, it doesn't make sense.

Councilwoman Hummer stated she would like to thank the young men that came up and offered possible solutions to some of our critical problems. She for one really appreciates it. It will take a community effort and the police department needs all of our support. The next thing she would like to say is there is a simple solution to the Finance Committee, just make a motion to abolish it and then you

don't have to complain about it in every meeting. Then she can expend her energy on community watch and crime in her own neighborhood which is much more productive.

Councilman Spence stated he also appreciated the young men working. He would like to talk with you after the meeting. He has some things he is working on also. He is not a part of any clique, coalition or anything else. He simply voted his way because he asked the question about the concern of getting the minutes from the meeting in a timely manner. He asked the City Clerk if she could do it and she replied yes she could. That was his concern and his concern was addressed. He is not part of no coalition or whatever. He studies our policies. He wasn't here when they created the Finance Committee and he too would like a copy of that. If he finds out he was wrong or anything, he has no problem putting it on the agenda. With him being in any coalition or anything clique or anything doesn't even stand a chance with him? There is only one way and that is the right way.

Councilman Donnelly said let him be clear he has no need to defend his vote. Secondly, he wanted to commend the Cornerstone Missionary Baptist Church for their Chorus who presented a selection of gospel music yesterday afternoon at the Museum of the Albemarle. Dr. Johnny Houston also gave a presentation on Freedom and Equality. For those who didn't make it the program was very informative and there was a fairly good size crowd there. Johnny Houston did a great job in giving an overview of African-American History from the Declaration of Independence to the description of what freedom is all about, all the way up to our current president. It was a great presentation. Cornerstone group did a great job and he commends Johnny Houston for his presentation as well.

Mayor Peel said we have a City/County meeting Friday morning at 10:00 a.m. That has been organized by the County to meet with our State Legislators. He is going to set down with Mr. Olson at 10:00 a.m. Thursday morning to pull some key issues together and any of you that are available to come please come and help us do that as he thinks we should have a good presentation Friday. Tomorrow there are a number of us, Wayne Harris and he and some representatives from the County are going to spend the day in Raleigh. We have appointments with all of our representatives. We also have an appointment with the Secretary of Commerce. We are really trying to make some statewide contacts and do as much as we can to get some more jobs into this community. He too, would like to thank Mr. Smith and the young man that came with him tonight. We have a meeting Wednesday morning with a group of folks who are going to talk about a variety of different things and we will discuss what you brought tonight. He will get up with you after that meeting.

Councilman Walton stated since you are going to be getting up with our legislators would it be proper to write whoever filled those jobs. Are we getting jobs for people in the city?

Mayor Peel said those two jobs that were in the paper were strictly County jobs. We didn't have anything to do with it. He thinks Mr. Perry made a good point.

Mr. Walton asked if we could write a letter. He makes a motion to write a letter of disapproval to how the process went.

Mr. Peel said can we write a letter of concern and Mr. Olson would you draft a letter for Council.

7} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 8:03 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor