

**City Council Regular Session
February 23, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, February 23, 2015 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
Councilwoman Jean Baker
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks
Councilman Kem Spence
Councilman Darius Horton *(left at 8:15 p.m. prior to Closed Session)*

MEMBER ABSENT: Councilman Montravias King

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Chief of Police Eddie Buffaloe
Assistant to the City Manager Angela Cole
Human Resources Director Katherine Felton
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 in the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Mayor Peel announced that the Committee Reports from the Work Session would be added to this agenda.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the agenda with any necessary

adjustments. Those voting in favor were: Baker, 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. Comments from the Public:

Mr. Keith Rivers, 104 Grandview Drive, Elizabeth City, NC stated that he represented the Pasquotank County Chapter of the NAACP as its president. He said that his purpose for appearing was to request that members of the City Council sign a petition being presented to the Pasquotank County Board of Elections by the NAACP requesting further information regarding the Board of Elections' action taken during its February 2015 monthly meeting to reduce the number of voting places inside the City from eight to four. He said that the decision was made without transparency in that the Council, the County Commission and the Board of Education had not been made aware. He stated that the NAACP has taken the matter seriously, because it is a Constitutional right to have the ability to vote. He submitted that every effort should be made to encourage people to vote, not to make it more difficult for people to vote.

4. Approval of Minutes:

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

- a. City Council Regular Session of February 9, 2015

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the minutes of the City Council Regular Session of February 9, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

5. 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 for the City Manager to execute Letter of Authorization with Power Services;
 - ii. Consideration – Acceptance of terms and conditions of the grant from the NC Governor's Crime Commission in the amount of \$25,000;

- iii. Consideration – Authorization for the City Manager to enter into a construction contract with Barnhill Contracting Company in the amount of \$552,215.25 for the construction of the greenway trail project, after approval of the construction contract by NCDOT;
- iv. Consideration – Authorization to submit an application for funding to the Tourism Development Authority in the amount of \$14,410 for replacement of benches at Mariners' Wharf and Waterfront Parks and purchase of pole planters for downtown, in partnership with ECDI.

End of Consent Agenda.

Motion was made by Councilwoman Jean Baker, seconded by Mayor Pro Tem Anita Hummer, to approve the Consent Agenda as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

6. Public Hearings:

- a. Consideration - Hold a Public Hearing to receive comment regarding the City entering into a Sub-recipient Agreement with the Northeast Coalition to End Homelessness for use of the Hugh Cale Resource Center;

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. He inquired of the City Clerk if persons were present who wished to be heard regarding this matter. Upon her reply that no one wished to speak, Mayor Peel declared the Public Hearing closed.

Mayor Peel recognized Mr. Olson to provide a review of this consideration. Mr. Olson stated that the City Council acted to designate Food Bank of the Albemarle as the lead agency in the Hugh Cale Resource Center during the Council meeting of February 9, 2015. He reported that this consideration would allow Northeast Coalition to End Homelessness to occupy one office in the Center in order to offer programs to persons of low to moderate income. He stated that the agreement presented for execution is a standard sub-recipient agreement as has been used previously and meets all the requirements of HUD.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly, to authorize Mayor Peel to execute the Sub-recipient Agreement with the Northeast Coalition to End Homelessness for use of the Hugh Cale Resource Center on behalf of the City of Elizabeth City as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

- b. Consideration - Hold a Public Hearing to receive comment regarding the City entering into a Sub-recipient Agreement with Albemarle Hospital Foundation for use of the Hugh Cale Resource Center;

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

Mayor Peel recognized the City Manager to address this request. Mr. Olson stated that this is the second of three public hearings being held regarding space in the Hugh Cale Resource Center. He said that Albemarle Hospital Foundation will utilize three offices within the Center that abut South Road Street to provide healthcare services and counsel people regarding health-related issues, as well as provide outreach to the Hispanic population.

Councilman Brooks inquired if those entities entering into the Sub-recipient Agreements had an existing place of operation. Mr. Olson stated that the space being utilized by the Food Bank would be used for overflow from their existing operations. He said that the Homelessness Coalition did not have an office. He advised that the Albemarle Hospital Foundation had been using some of the Community Care Clinic space, but that facility is over-loaded. He stated that River City CDC will use the space for a very specific grant program for which funding had been received. Mayor Peel commented that basically, all sub-recipients will be offering expanded programs from the Center.

Councilman Horton stated that he had a problem in that the City had just spent a lot of time talking about budget cuts, possible employee health insurance cuts and possibly cutting services offered by the City. He said the City has this building and is allowing the entities to come in rent-free with the City also paying the utility bill. He said with the exception of the Homelessness Coalition, he could not see why the City should pay the utility bill, as the entities were already established, had received grant funding and were expanding. He agreed that they would impact the community and stated that he hoped they would also impact the Hugh Cale community.

Councilwoman Baker said that it was her recollection that the Council had decided the City would pay the utility bill when the Hugh Cale operation was first begun. Mr. Olson stated that the Council made a decision four to five years ago to pay the utility bill at that location since the City owned the facility. He said that there were restrictions under HUD guidelines as to the type of entity that can locate in the Center and the services that can be offered.

Councilman Brooks stated that it was his recollection that the City began paying the utility bill when the Boys and Girls Club, Workforce Development and Weeksville CDC moved into the building. He said the non-profits located in the Center prior to that time paid for utilities. He said that if the new sub-recipients were expanding, he thought they could collectively afford to pay for utilities. He pointed out that on the flip side however, they would be providing a service.

Mr. Olson responded that when City staff met with the various entities, staff was working under the assumption that the utilities would be paid for by the City. He said that was the offer made to the various entities under the sub-recipient agreement. He stated it that it would be very difficult to determine what to charge the various entities because of the different spaces being utilized.

Councilman Spence stated that the deal made to pay the utilities in the Center was made five or so years ago and he inquired if there was a time limit on the deal. He said that the present Council could make another decision to have the tenants pay for the utilities, since the City will have budgetary woes to solve in the coming year. He asked "where can you go and get a free building and not pay anything?" He stated that the Council is talking about making employees pay for their health insurance, yet the City is willing to provide this building rent and utility free. He said that he could not justify that. Councilman Spence reiterated that a lot can change in five years and he thought the decision should be revisited to divide the costs between the tenants.

Councilman Stimatz stated that the building was paid for with federal funds. He said that the original discussion centered on the fact that, since the building is a community resource building, the City cannot charge rent on a building that the citizens have already paid for. He said the second consideration is that even with no tenants, the City would have to maintain utilities in order to open it for community use. He supposed that the utilities difference between having the building occupied and not occupied was not huge. He stated that it would be unfair to divide the utility bill equally since the tenants will not occupy the same amount of space. He also pointed out that more than half the space is empty and will be used by the community. He offered that it would be a waste of staff time to try to determine what to charge the tenants for their space use.

Mr. Olson stated that the sub-recipient entities will be responsible for the phone system, fire and burglar alarms and the internet system. He also pointed out that the sub-recipients are not allowed to charge fees for their services that they offer in the building.

Councilman Spence stated that the sub-recipients are benefiting from their outside activities even if they cannot charge fees for their "over flow" activities in the Center. He stated that he felt sure that there is some way for someone to figure out a way to split the utilities and be fair.

Councilwoman Baker stated that three sub-recipient agreements have already been approved to include the utility expense being paid. She stated that all the utility expenses for the common areas included in the building will be paid by the City anyway. She said the building is a community building owned by the City

Councilman Horton stated that it was important to realize that several Council persons have indicated that "we" said that we would pay the utility bill. He said that is not a correct statement because it was a previous Council that stated that. He said he thought it was up to the current Council to make the decision and suggested it come back to the next Council meeting for discussion and consideration.

Councilman Brooks stated that the issue is not whether the entities should be in the building, because that was a “no brainer.” He said the thing that interested him was the discussion regarding “over flow” with the exception of the Homelessness Coalition. He said “over flow” meant to him that “you are doing pretty good” and can afford to chip in on the utility bill. He said anyone offering a service that is not being offered by the City deserves to go into the building, but should contribute to the utilities. He said it appeared that the City was doing for those who could afford to do for themselves. He agreed with Councilman Horton that the present Council could make its own decision and not abide by the decision from a previous Council.

Mayor Peel stated that he had given the gavel to Mayor Pro Tem Hummer because he wanted to speak to the issue of “over flow.” He stated that he would like to clarify the City Manager’s use of the term “over flow” because he had been involved in working with the entities. He said the Homelessness Coalition had no place to locate. He stated that Albemarle Hospital Foundation is struggling to survive because Sentara has bought the hospital. He said the Foundation provided services to poor people who otherwise would not have access. He said what the City is enabling the Foundation to do is to continue to offer services and help them save money in order to move forward. He stated that River City CDC is establishing a new program and will most likely use the space for a year to eighteen months because they do not have a space to offer the program for young people who will be working on leadership development and community service. He said that the Food Bank operation is an expansion of what they are currently doing that they do not have space to provide at their current location. He pointed out that this discussion would have been a great discussion to have had several months ago prior to the RFP being issued indicating that rent and utilities cost would not be charged by the City. He stated that to change that at this time would not be appropriate in his mind. He said it would be a good discussion to have at the end of the agreements as the City moves forward.

Mayor Pro Tem Hummer stated that there is one important thing that is being lost in this discussion, which is non-profits offer services that the City cannot offer, cannot afford to offer and does not have the staff to run. She said that she thought that is the most important thing to think about and it makes sense to her that the City should maintain the building. She stated that the Council needs to be careful about what is offered because the building was constructed with federal funds.

Motion was made by Councilman Ray Donnelly, seconded by Councilwoman Jean Baker, to authorize Mayor Peel to execute the Sub-recipient Agreement with the Albemarle Hospital Foundation for use of the Hugh Cale Resource Center on behalf of the City of Elizabeth City as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

- c. Consideration - Hold a Public Hearing to receive comment regarding the City entering into a Sub-recipient Agreement with River City CDC for use of the Hugh Cale Resource Center;

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

Motion was made by Councilwoman Jean Baker, seconded by Councilman Michael Brooks, to authorize Mayor Peel to execute the Sub-recipient Agreement with River City CDC for use of the Hugh Cale Resource Center on behalf of the City of Elizabeth City as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

7. Regular Agenda:

- a. Announcement by Mayor Peel – Call for Special Meeting on Tuesday, March 3, 2015 at 5:30 p.m. at Montero’s Restaurant to Hold a Closed Session as allowed by NCGS 143-318.11(a)(3) – (To consult with an attorney employed by the public body in order to preserve the attorney-client privilege).

Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to call for a Special City Council Meeting on Tuesday, March 3, 2015 at 5:30 p.m. at Montero’s Restaurant. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

Mayor Peel stated for the public’s information that this meeting would not afford an opportunity for the public to be present. At Councilman Stimatz’ suggestion, Mayor Peel advised that the closed session being held will be in conjunction with hearing from the City’s attorney, who will be advising the Council regarding the sale of the City’s electrical generating assets to Duke Energy Progress.

- b. Consideration – Adoption of FY 2015-2016 Budget Meetings Calendar.

Mayor Peel recognized City Manager Olson to review this item. Mr. Olson stated that the Finance Committee considered this matter during its meeting on February 19, 2015 and recommended that the City Council use the same process as has been used in the past for Budget Work Session meetings. He reviewed the calendar for the Council as presented.

Councilwoman Baker pointed out that all the meetings will be held at 5:30 p.m. to allow Council members to participate in the Finance Committee meetings.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to adopt the following Budget Meetings Calendar for fiscal year 2015-2016 as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

DATE	TIME	PURPOSE
April 13, 2015 Monday	5:30 p.m.	Full Council Budget Presentation
April 22, 2015 Wednesday	5:30 p.m.	Finance Committee Budget Meeting
May 7, 2015 Thursday	5:30 p.m.	Finance Committee Budget Meeting
May 18, 2015 Monday	5:30 p.m.	Full Council Budget Work Session
May 21, 2015 Thursday	5:30 p.m.	Finance Committee (or Full Council) Budget Meeting (TBD)
May 26, 2015 Tuesday	7:00 p.m.	Call for Public Hearing on Budget during Regular City Council Meeting
June 8, 2015 Monday	7:00 p.m.	Hold Public Hearing on Budget (Possible Adoption of Budget)
June 22, 2015 Monday	7:00 p.m.	Adoption of Budget during Regular Meeting

- c. Consideration – Downtown Improvement Grant Application to Par 4 Properties, LLC.

Mayor Peel called on City Manager Olson to provide the background for this request. Mr. Olson advised that Par 4 Properties, LLC is in the process of purchasing the former City Cut Rate building located at the corner of Water Street and Colonial Avenue. He pointed out that the application is in the amount of \$39,677 of which a request for \$19,838.50 is being made. Mr. Olson reported that the improvements proposed include repairing the brick wall on the Colonial Avenue side of the building, which has been a hazard for some time. In addition, other improvements slated for completion include replacing rotted wood, repainting and re-glazing about 40 windows, installing Plexiglass for energy efficiency, and some roof work. This project proposes to employ two fulltime employees and perhaps as many as four part-time individuals. Mr. Olson stated that staff had applied the scoring rubric used during the competitive round of funding, which resulted in an average score of 60.75 for this project.

Councilman Stimatz stated that it was unclear to him how such a wide variety of scores could have been reached by the reviewers on the job creation component of the rubric, since it is fully definitive as to what components receive credit. Mr. Olson stated that he could only speak for his review of the application. He said that he had given credit for two full time equivalent employees for the four part-time employees. Councilman Stimatz commented that those areas of scoring that were subjective in nature did not vary very much among the reviewers.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to approve Par 4 Properties, LLC Downtown Improvement Grant request in the amount of \$19,838.50 for a total project cost of \$39,677 contingent upon obtaining a secondary bid for Plexiglas installation and completion of the property owner authorization section of the application. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

- d. Consideration – Downtown Improvement Grant Application to Toyama Restaurant.

Mayor Peel recognized Mr. Olson to review this consideration. Mr. Olson stated that Toyama restaurant is proposing in its application to do a number of interior renovations including painting all walls, installing chair rail, replacing the ceiling tiles, replacing heating registers, installing new lighting fixtures and making the restrooms ADA compliant. He stated that the total application is \$10,532 and the grant request is for \$5,266. Mr. Olson pointed out that the scoring rubric for this application provided a composite score of 39.25.

Councilman Stimatz noted that if applicants own their building, no credit is given for having a lease. He suggested that at least 10 points be given in owner-applicant situations in order to be fair. He also noted that existing businesses do not receive credit through the scoring process for getting a new business into an old space.

Councilman Donnelly noted that the rubric score would be increased to 44 if credit is given for owning the building.

Councilwoman Baker stated that she was concerned that a lot of the items included in Toyama's application are things that should be maintenance items and are not really improvement items. She said she did not know if the DIG grant addresses that type of maintenance work specifically. Mr. Olson responded that the items within the application were cosmetic in nature except for making the restrooms ADA compliant.

Councilwoman Baker asked if the same types of things have been typical in past applications. Mr. Olson stated that he could not remember. He said that this particular application probably contained more cosmetic-related items than any other application that had been received in the past. He said a number of the previous applications involved vacant buildings and this application involved an existing entity. He stated that one thing staff would recommend is that a minimum rubric score should be considered for applications to be submitted in the next fiscal year.

Councilman Stimatz stated that the City is now in the second round of funding for this fiscal year and an opportunity had been given for people to submit applications for new businesses. He stated that the Council did not want the money to go to waste. He stated that this is one way to encourage businesses to stay downtown. He said that he would agree that there are three or four things included in the Toyama application that do not improve the business to make it more attractive or bring more people in, such as replacing the freezer floor, degreasing and painting the kitchen floor and replacing the

floor in the sushi area. He said he would note that the toilets and sinks in the restrooms are being made ADA compliant, which is good. He reminded the Council that a previous discussion had been held about the need to also help existing businesses since applications were not being received for new businesses.

Councilman Stimatz suggested that if the Council wanted to disallow the maintenance items included in the application, the grant amount could be changed.

Councilwoman Baker stated that she felt that more than amending the Toyama application, the overall DIG application guidelines needed to be addressed. Councilman Stimatz stated that he thought the Council had addressed it by having a scored competitive round. He pointed out that if new businesses did not come forward, the Council could take these types of grants in order to make the downtown look better and encourage business. He said that the question is “to what extent do you want them to apply?”

Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly that the DIG grant for Toyama be approved. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

(Prior to the vote, Councilman Stimatz asked for a friendly amendment to the motion to remove items 9, 10 and 11 in the application from funding. Councilwoman Baker declined to accept the friendly amendment.)

e. Committee Reports:

- 1) EC-PC Economic Development Commission: Mayor Pro Tem Hummer, Councilwoman Baker, Councilman Donnelly and Mayor Peel

Mayor Pro Tem Hummer stated that the meeting had been canceled due to inclement weather.

- 2) Central Communications Advisory Board: Councilman Spence

Councilman Spence had nothing to report.

- 3) Fireman’s Relief Fund Board: Councilman Brooks

Councilman Brooks stated that a meeting had been held and he complimented the smooth operation of the board.

- 4) NC Eastern Municipal Power Agency: City Manager Olson and Mayor Peel

Mr. Olson stated that a rate committee meeting would be held on February 25, 2015.

- 5) Elizabeth City Downtown, Inc.: Councilman Donnelly

Councilman Donnelly reported that the ECDI Board passed a motion to participate in the cost of the pole planters for downtown. He said that Potato Festival meetings have already started for the upcoming three-day festival. He reported that a \$5.00 Downtown business discount card is available for purchase from ECDI.

6) Elizabeth City Area Chamber of Commerce Board: Mayor Peel

Mayor Peel reported that the Chamber did not meet during the previous week due to inclement weather. He stated the meeting would be held on Tuesday, February 24, 2015.

7) Finance Committee: Mayor Pro Tem Hummer, Councilman Donnelly, Councilman Horton and Mayor Peel

Mayor Pro Tem Hummer stated that all the items that were discussed and acted on during the Finance Committee were forwarded with recommendations to the City Council.

8) Parks and Recreation Advisory Board: Councilman Horton

Councilman Horton stated that during the last board meeting, it was announced that a new adult kickball league is being formed to begin play in April.

9) Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz

Councilman Stimatz reported that inclement weather forced cancellation of the meeting.

10) Storm Water Advisory Board: Councilman Stimatz, Councilman Donnelly and Councilman Brooks

Councilman Stimatz stated that Public Works Director Paul Fredette is putting together a meeting to be held in the not too distant future.

11) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker reported that the Personnel Committee would be meeting on February 25, 2015 to review and pare down the nearly 70 applications for the Director's position.

8. Comments and Inquiries on Non-Agenda Items:

- Councilman Brooks stated that he had attended a Black History Month event for kids at Mt. Lebanon AME Zion Church that featured two professional football players. He stated that the players were former Elizabeth City Councilman Johnnie Walton and Gary Brown. He said that during the program he learned that Mr. Walton was the first black quarterback to go to the pros from the State of North Carolina and he

wanted to publicly recognize and congratulate Mr. Walton. In referring to public comments made by Mr. Rivers at the beginning of the meeting, Councilman Brooks stated that he did not think the Board of Elections should make a decision regarding who represents who in what Ward. He stated that being a four-term councilmember, he knew it is hard to get people out to vote, even with two to three places to vote. He said by cutting the polling places in half, he thought voters were being deterred from voting. He expressed his concern that the Board of Elections did not have public input into the decision and agreed there was a lack of transparency in the process. He stated that he would look into whether the Board of Elections had the power to make a decision such as this because he was very concerned about it.

- Councilman Stimatz stated that the Council had discussions during the earlier Work Session about the budget, specifically that the City is faced with a difficult budget climate that begins with the City in the hole by over \$500,000. He said that a significant part of the shortfall has to do with the Legislature's revocation of Privilege License Fees without offsetting revenues. He directed comments to the citizens by saying that taxpayers need to let their state representatives know that this shortfall is not acceptable, as it will cost 2¢ more in property taxes. He stated that the Council will be looking at health insurance increases anywhere from \$112,000 to \$200,000 and will also be looking at the \$200,000 Police Department labor costs that have been juggled in the budget for the last 15 years, as it needs to be permanently addressed. He said that during the Work Session, staff posed a number of questions, as follows: At what level do we fund Community Support Grants? Should we increase fees for City services? Should we charge a business registration fee? Should we require our employees to pay some part of their health insurance cost? Should we raise property taxes? Would the City Council support the lowering the level of services we offer by reducing the number of City employees? He said that these are all good questions that the Council will attempt to answer and he appealed to the citizens to contact the City Councilors regarding what they wanted the Council to do. He stated that these are considerations for the General Fund because in the Enterprise Funds, the Council is charged with finding funds or raising rates to support the enterprises. He said that if citizens are not willing to pay more in property taxes to keep the same level of services, he asked that they provide information regarding what services the Council should cut back on. He advised that the amount of money available from the federal government has decreased significantly over time and the state has changed how they score grant application requests. He stated that the City does not score as well now for infrastructure grant applications as previously. He said that the state will not fix its roads as long as the City's utilities underneath it are not in good shape. He said we need to let our representatives at the state and federal level know that this is not acceptable. He stated that the country sends billions of dollars overseas and we are letting our infrastructure go. He urged the citizens to read up on these issues and make any suggestions they have to the City Councilors.
- Councilman Horton stated that as a City, we have a lot that must be done to work together. He said he attended a meeting of the Fourth Ward constituents and one of the most important things discussed is the situation as it relates to the local Board of Elections. He said he wanted to publicly go on record and state that he would be

signing the petition being circulated by the NAACP. He stated he thought it was important for the citizens to know that neither the City nor the County requested the polling place changes described by Mr. Rivers during his comments.

- Mayor Pro Tem Hummer thanked the Electric Department crew, the Police Department and all other employees that were out in such frigid weather taking care of citizens. She urged continued conservation of electricity and acknowledged that it was wonderful that the City had the second electric delivery point. She made a public appeal that if anyone sees animals out in the frigid weather with no shelter, to please report it to the authorities.
- Councilwoman Baker stated that she wanted to echo Mayor Pro Tem Hummer's comments and thanked all the employees that put themselves in harm's way for the citizens.
- Councilman Spence stated that two Northeastern High School students had attended the NCHSAA Championship Wrestling Tournament, and one student Ernest Sutton, Jr., placed second in the state championship match. He stated that the other local student was Javar Basnight. He said that wrestling is one of the hardest individual sports and theirs is quite an accomplishment.
- Councilman Donnelly stated that he wanted to reiterate what had been said by the other Councilors regarding the local Board of Elections issue. He advised that the decision did have to go to the State Board of Elections for final approval. He commended the NAACP for putting together a petition, which he said he would be proud to sign. He commended City employees for a great job during the past week's inclement weather.
- Mayor Peel thanked the City employees for their hard work during the last week's severe weather. He stated that the City is fortunate to have people like that working for us. He stated that he, too, attended the event at Mt. Lebanon AME Zion Church and commended the organizers for putting on such a great event for young people. He said that more things like that need to be held.

9. **Closed Session as allowed by NCGS 143-318.11(a)(2) (to prevent the disclosure of an honorary degree, scholarship, prize or similar award”;**
143-318.11(a)(6) (Personnel); and NCGS 143-318.10(e) (Release of Closed Session Minutes):

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Kem Spence to go into Closed Session as allowed by NCGS 143-318.11(a)(2) (to prevent the disclosure of an honorary degree, scholarship, prize or similar award”; 143-318.11(a)(6) (Personnel); and NCGS 143-318.10(e) (Release of Closed Session Minutes). Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

The Council took a five minute recess and reconvened in Closed Session at 8:18 p.m.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to come out of Closed Session and return to Open Session. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks and

Spence. Against: None. The motion carried unanimously. *(Councilman Horton left the meeting at the beginning of Closed Session for a previous commitment.)*

The Council returned to open session at 8:34 p.m.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to unseal and release the following Closed Session minutes (or portions thereof) as presented in Closed Session: November 10, 2014, October 6, 2014, September 8, 2014, November 23, 2009, May 11, 2009, September 10, 2007, September 11, 2006, September 25, 2006. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks and Spence. Against: None. The motion carried unanimously.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Kem Spence to adopt the following resolution establishing procedures for handling of Closed Session Minutes. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks and Spence. Against: None. The motion carried unanimously.

**RESOLUTION # 2015-02-01
ESTABLISHING PROCEDURES FOR HANDLING OF
CLOSED SESSION MINUTES**

WHEREAS, NCGS § 143-318(10)e provides that every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to NCGS § 143-318.11; and

WHEREAS, NCGS § 143-318(10)e provides that minutes of a closed session conducted by a public body in compliance with NCGS § 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session; and

WHEREAS, the City Council of the City of Elizabeth City adopted Resolution #08-01-21 on January 14, 2008, which established the procedure for unsealing Closed Session Minutes; and the City Council desires now to amend that procedure.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that pursuant to NCGS § 143-318(10)e, all closed session minutes are to be sealed against public inspection immediately upon preparation; and that said sealed minutes shall be presented for approval by the City Council during a closed session held following their preparation; likewise, any revision deemed necessary by the City Council shall also be sealed against public inspection.

BE IT FURTHER RESOLVED, that all sealed minutes shall be reviewed at least biannually by the Mayor the City Manager and the City Attorney who shall by majority opinion be empowered to unseal and release for public inspection any closed session minutes for which so doing would no longer frustrate the purpose of having met in

closed session. Once released, a report of unsealed closed session minutes shall be provided to the City Council.

ADOPTED, this the 23rd day of February 2015.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

10. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:36 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk