

The City Council of the City of Elizabeth City held its first 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: Mayor Pro Tem L. M. Hill-Lawrence, Counselors: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. A. Hummer, J. A. Stimatz and J. B. Walton were in attendance. Councilman K. K. Spence was absent. City Staff members in attendance were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Public Utilities Director P. A. Fredette, Planning Director J. C. Brooks, Electric Director K. F. Clow, Fire Chief L. M. Mackey, Inspections Director S. E. Ward, Police Chief E. Buffaloe, Finance Director S. E. Blanchard 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 ADJUSTMENTS AND APPROVAL:**

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

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to approve the agenda as presented. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Donnelly, Stimatz and Walton. Against: Brooks. Motion carried.***

Councilman M. E. Brooks stated that he would like to amend the agenda to include ***discussion of special elections, election hold over and Vision 2020.***

***Councilman J. A. Stimatz made a motion to reconsider the prepared agenda due to Councilman Brooks wishing to add three items. Councilwoman L. A. Hummer seconded the motion. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence and Walton. Against: None. Motion carried.***

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. M. Hill-Lawrence to approve the amended agenda as presented. Those voting in favor of the motion were:***

***Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer and Walton. Against: None. Motion carried.***

**2} PROCLAMATION:**

Mayor Peel read a proclamation proclaiming the week of March 11-17, 2013 as National MS Awareness Week in Elizabeth City.

**3} PUBLIC COMMENTS:**

There was no one present to speak under this section of the agenda.

**4} APPROVAL OF MINUTES:**

Mayor Peel called for approval of the minutes of the February 11, 2013 City Council meeting.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to approve the minutes of the February 11, 2013 City Council meeting as presented. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Brooks, Donnelly, Stimatz and Walton. Against: None. Motion carried.***

**5} CONSENT AGENDA:**

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

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

**Consent Agenda:**

a} Adopted the following ordinances declaring condemnation and authorizing demolition of structures located as follows: 912 Hunter Street, 1023 Hunter Street, 1318 Moore Street, 1320 Moore Street, 502 Brite Avenue and 405 N. Martin Luther King, Jr. Drive.

**ORDINANCE #2013-02  
COMDEMATION AND DEMOLISHTION**

## 912 HUNTER STREET

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **November 5, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **912 Hunter Street** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **November 5, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2013-03  
COMDEMNATION AND DEMOLISHTION  
1023 HUNTER STREET**

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **December 5, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **1023 Hunter Street** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **December 5, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2013-04  
COMDEMATION AND DEMOLISHTION  
1318 MOORE STREET**

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **October 30, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **1318 Moore Street** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **October 30, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2013-05  
COMDEMATION AND DEMOLISHTION  
1320 MOORE STREET**

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **October 30, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **1320 Moore Street** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **October 30, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2013-06  
COMDEMNATION AND DEMOLISHTION  
502 BRITE AVENUE**

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **October 10, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **502 Brite Avenue** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **October 10, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2013-07  
COMDEMATION AND DEMOLISHTION  
405 NORTH MARTIN LUTHER KING DRIVE**

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

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

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

**WHEREAS**, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **November 2, 2012** the owner has failed to comply with said order;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that:

**Section 1.** The Building Inspector is hereby directed to post on the building at **405 North Martin Luther King Drive** a sign containing the legend:

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

**Section 2.** The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **November 2, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

**Section 3.** It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

**Section 4.** This Ordinance shall become effective upon its adoption.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Authorized the City Manager to execute contract and any other necessary documentation for the purchase of a curb sorter recycling truck through H-GAC.

c} Adopted the following resolution granting the Chief of Police the authority to enter into mutual aide assistance agreements as deemed appropriate and in the best interest of the citizens of Elizabeth City.

**RESOLUTION #2013-06  
ADOPTING A POLICY FOR  
MUTUAL ASSISTANCE WITH  
OTHER LAW ENFORCEMENT AGENCIES**

**WHEREAS**, pursuant to North Carolina General Statute 160A-288, the governing body of a municipality may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

**WHEREAS**, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and tending equipment and supplies; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of Elizabeth City to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

**WHEREAS**, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Elizabeth City;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Elizabeth City that:

1} The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.

2} The Chief of Police is hereby authorized to permit officers of the Elizabeth City Police Department to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.

3} All such requests and authorizations shall be in accordance with North Carolina General Statute 160A-288, as applicable.

4} While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.

5} While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6} The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of law enforcement agencies.

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**End of Consent Agenda**

**6} PUBLIC HEARINGS:**

a} Closeout of CDBG 10-C-2141 for the Pearl Street/North Road Street Project.

Mayor Peel declared the meeting into Public Hearing in order to receive comments from the public regarding the Closeout of CDBG 10-C-2141-Pearl Street/North Road Street Project.

City Clerk D. S. Pierce-Tamplen advised that no one had signed up to speak for or against the proposed closeout of CDBG 10-C-2141.

Mayor Peel declared the public hearing closed. He called for action regarding the closeout.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly that we direct staff to closeout CDBG Grant 10-C-2141 for the Pearl Street/North Road Street Infrastructure Grant. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

b} CDBG Grant Application:

Mayor Peel declared the meeting into Public Hearing on the proposed CDBG applications to fund the Herrington Road Sewer Project and the Raw Water Transmission Main Replacement Project. Since there was no one present that wished to speak for or against the project funding, Mayor Peel declared the public hearing closed. He stated no further action is needed at this time.

## **7} REGULAR AGENDA:**

a} Harmony Music Park:

Mayor Peel called upon ECDI Director R. Cross for comments.

Ms. Cross stated she wanted to share with you tonight about a project that Elizabeth City Downtown, Inc. is contemplating to undertake. We are not asking for any money right now as we are just asking for approval of the park so that we can pursue funding through grant resources and other private/corporate funding for the park. What we are looking at doing is creating what is called a freenotes harmony music park at the corner of Mariner's Wharf Park. It is by the dry hydrant in the back part of the park between the waterfront and the parking lot. It will consist of three xylophone type instruments that will be for public use. They are made to be outside and played outside by the public. What we are looking at right now is putting down a stamped colored concrete area about 20' square which will accommodate the three instruments in a semi circle at this point and then if it becomes popular enough it will have enough space for additional instruments to complete a circle. We are looking at partnering up to get these instruments, a paved area and possible a security fence if needed. The cost that we are estimating for this park is about \$20,000.

Councilman Stimatz said he thinks it is a great idea but your location is problematic. If he was a boater and he is coming in there and tying up unless you are going to keep it locked up until 9:00 a.m. or turn it off at 5:00 p.m. he is going to be annoyed. His thoughts would be to move it closer to the street side.

Ms. Cross said they did consider having it near the kiosk but was concerned about the children being that close to the street.

Mr. Donnelly stated he was thinking about partnering with the Museum. They have that great big green lawn area in front of their building and that might be a good location.

Mr. Walton stated it wasn't going to cost the City anything and she could explore the possibility that Mr. Donnelly suggested and bring it back to us.

Mr. Stimatz stated we have not selected the location at this point. He thinks that Mr. Donnelly had a good point about the Museum property if you don't want to use Waterfront Park.

***A motion was made by Councilman R. T. Donnelly, seconded by Councilwoman J. M. Baker to support the ECDI in their quest for installing a Harmony Music Park project and allow them to move forward seeking monies to fund the project; and further moved to pursue other options on the location site.***

b} Budget Amendment:

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson stated City Staff brought a proposed purchase of a piece of property located at 213 N. Poindexter Street to the City Council. We discussed it in Closed Session back in January. That particular building is falling in disarray and we have a very anxious seller in Gateway Bank who would like to sell it to the City. The purchase price would be \$15,000. Staff was requested to bring back to the Council the other costs to enlarge the Poindexter Street parking lot. We have taken bids on demolishing the building and the lowest bid was \$35,475. That is just for the demolition. Tipping fees we estimate would be another \$37,000 but could be a little bit less if we are able to recycle some of the building. The Public Works Director estimates us to do a complete overlay and rechanneling of the park to cost \$55,000 for asphalt and do the overlay. The total end price would be \$143,475. At this particular time, staff is requesting permission to go ahead and purchase the building and also to approve a budget amendment in that we incorporate into next years' budget the cost to demolish, tipping fees and to asphalt the lot.

Mr. Walton stated he didn't like the way that was worded and he thinks we should separate the two. He has always said if we could buy some property to buy it, but the other thing is he thinks we should wait until the budget process.

***A motion was made by Councilman J. B. Walton that we purchase 213 Poindexter Street; and further to adopt the following budget amendment to appropriate funds to purchase same. Councilman J. A. Stimatz seconded the motion. Those voting in favor of the motion were: Walton, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence and Hummer. Against: None. Motion carried.***

**BUDGET AMENDMENT #2013-04  
213 POINDEXTER STREET PURCHASE  
FEBRUARY 25, 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 20, 2013;

**SECTION I.** That the General Fund Balance Appropriated (103990.0000) and the purchase of Poindexter Street Property (106600.7313) be increased by \$15,000.

(To appropriate funds to purchase 213 North Poindexter Street property.)

**ADOPTED**, this 25<sup>th</sup> day of February 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Authorization for EC Police Department to pursue grant opportunities:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised as Chief Buffaloe comes forward the memo that staff wrote to you last Friday does have a major correction that needs to be made to it. Subsequently since last Thursday, the City found out that the State of North Carolina did not accept a part of the grant and according to the Department of

Justice; it is a pass through grant through the Governor's Crime Commission. With the new administration in Raleigh, they decided not to accept these monies. Therefore, there is only one grant for the City Council to consider and Chief Buffalo will give you the data on that.

Chief Buffalo stated this Byrne Grant focuses on the revitalization of "hot spot" areas in the City of Elizabeth City. This area has been geographically small and encompasses only several blocks in the crime rate area and must be disproportionate with other parts of the City. The area identified as a "hot spot" that meets this criteria is Roanoke Avenue, Tatum Lane, Davis Avenue, Perry Street, Jordan Street and portion of Peartree Road. The initial extrapolation of this crime date from our RMS which is our record management system in the Police Department supports our claim. This is a two-prong approach what we are looking at from an educational standpoint with the public school through mentoring and through a community partnership with one on one. And, also the community piece which comprises of beautification of these particular neighborhoods. The extrapolation of the data within these locations over a two-year period we had 430 felony and misdemeanors arrests within this four block section of the City. He can compare it to other sections throughout the City as well. He met with Elizabeth City State University today and the Bowe family as well and their consideration has come where we are going to submit one proposal. The City of Elizabeth City will be the responsible party for submitting that proposal.

Councilman Brooks stated that he noticed that you added Peartree and Roanoke Avenue up there as two of the "hot spots". On Peartree Road he would like to see it broken down as on Peartree you only have about four houses. You have three cemeteries on Peartree. Two on the right hand going north and one on the left side going north. Then you have two houses beside one cemetery and maybe three or four more houses on the other side. When you talk about the number of calls and felonies he can't see and he doesn't know how many calls there has been but he would like to see how many actually came off Peartree and how many came off Roanoke Avenue. He is through there all the time and that is his Ward but he is through there all the time, walking, riding, jogging and he doesn't see that much activity. He is concerned with those two streets exactly. He knows there have been problems in the past off Tatum Lane. He thinks that has been corrected with the new management at Tatum Village. A lot of that has been corrected. He would like to see the number of calls that came off of Roanoke because basically down Roanoke if something goes haywire they don't hesitate to knock on his door. They might not call the police but they will knock on his door. He doesn't remember that many knocks. Off of Peartree Road it is basically cemeteries and four houses. He can't see the numbers being that big. If you have four houses on Peartree making that many calls we have issues over there and we need to start putting some people over there. He

would like to see that broken down to how many phone calls and arrests on Roanoke and Peartree from Halstead to South Road. He would like to see the number of calls and why were those two streets were specifically put in that.

Mr. Olson stated that he believes there may be some confusion. What we are describing is a geographical area which is bordered by Roanoke Avenue, Peartree, the cemetery and South Road Street which includes Tatum, Boston, Perry, Davis and Jordon. There are quite a few homes within that geographical area. The Chief is really not saying it is just Peartree or Roanoke, it is just the boundaries, very similar to the boundaries like the Hugh Cale Grant that we had where we just described the general area and he did his crime statistics based on the number of calls within that geographical area. That geographical area also ties into a number of census tract data and some other stuff that we have that aide in the development of the grant.

Mr. Brooks stated he would also like to see the seriousness of the calls that came in. He understands the bordering of those. In what was said there wasn't anything said about border or the area between Roanoke and Peartree. Again between Roanoke and Peartree it is a cemetery. Then as you are going north you have two cemeteries there and he is trying to figure out how those numbers can be as expanded as they are. He would like to see that first chance you get Chief. He would like to see that before the grant proposal goes forth.

Chief Buffaloe said he did pull some data and out of 957 instances in this period, 251 of them were in that four-block area consisting of Roanoke, Perry Street, Tatum Lane, Davis Avenue and Jordon. We didn't even include Peartree in that analysis due to the length of Peartree going from Road all the way out to Halstead. Also, 662 shots fired calls were during that three-year period and 44 of those particular calls were in that four-block area of those same streets. This accounts for 7% of all our shots fired calls in the City. We had 6,001 disturbance calls and 36 disturbance calls within that four-block area, 270 of those calls occurred in that four-block area again which accounts for 4% of our disturbance calls throughout the City. He wouldn't say that was broad but it is down to those particular four-block radius but if you want him to nary it down even further he would.

Mr. Brooks stated he would because when you say shots fired and he will tell you a scenario he had. It is his Ward and he can talk about his Ward. He was sitting in his house about seven days consecutive he hears boom, boom about six times. Eventually he thought it was someone firing a weapon. He went through there and they said well it was someone putting fire crackers inside a bottle and blowing it up. He then saw a police officer that lives in that area and they said the same thing. When you say shots fired, has it been confirmed that shots were actually fired or was there an arrest made. All that is pertinent to what we

are trying to put forward because everyone that calls about a shot fired is not necessary a shot fired. He doesn't like these statistics. Right now we could hear a boom, boom and we could say it was shots fired. The shots fired thing can be deceptive than what it really is as far as crime. He is concerned about the number of murders that we have in other areas and those areas were not named. Shots fired to him are not as detrimental as a body dead. That is his concern.

Mayor Peel said if his understanding is correct this is something you need done tonight because the grant has to be turned in on March 4<sup>th</sup> and we don't meet prior to March 4<sup>th</sup>. For clarification, Chief you pulled data as it was asked for in the grant application.

Chief Buffaloe replied it didn't specifically ask how we pulled the data but it asked for you to identify the "hot spots" and the definition of a "hot spot" is basically is there infiltration of instances or crime and it is a high volume of it within the area and that is how we looked at it. He has gone all the way back to 2002. This is Roanoke Avenue and that four-block area. From January 1<sup>st</sup> 2002 to December 31<sup>st</sup>, 2007 there were 501 arrests over that five year period. January 1, 2007 until December 31<sup>st</sup>, 2012 it went up 47% to 953 arrests within that four block area.

Mayor Peel asked how much money this grant is for.

Chief Buffaloe replied up to \$1 million.

Mayor Peel said so we could get up to \$1 million to help folks in that area.

Councilwoman Hummer said she knows for a fact that there are a lot of shots fired in her Ward and she doesn't question the specifics on it but they are reported all the time. You can actually hear some of them at different times and she thinks we should go after every dollar we can to prevent these crimes because people are really concerned about all these shootings. You read about it in the paper so people know it and know what is going on. She would have to vote for it.

Mr. Brooks said it is hard for anyone else to speak about his Ward because he is there all the time. He knows there is a deceptive thing about it. You can apply for the grant. When you talk about the crime being so prevalent in that area can you give him the number of security cameras that Elizabeth City has and how many is located within that four block area.

Chief Buffaloe stated we have approximately 31 – 32 cameras throughout the City and he believes in that area of Peartree is one.

Mr. Brooks said that is what he is saying. The numbers don't match. We put all the security cameras in one area but all the crime is in another area. We are making some mistakes. If you have one camera in that area that you named and we have 33 and we have only one camera, come on it doesn't take a genius to figure that out. There is something else going on here. We can apply for it as it is ok, but he is saying we don't need to send something that is deceptive up to anybody just for money's sake.

Councilwoman Baker said she doesn't think that one camera is bad. How many streets do we have, 100-120? We don't have a camera for every street. That is only one street she said and that doesn't mean there is not more than one in your Ward.

Councilman Donnelly said he just wants to say that \$1 million if we got it then we could put a few more cameras over there. It sounds like the crime is pretty high.

Mr. Brooks said we are not talking about putting the money into cameras. It sounds like the crime is high but there are no cameras there. The purpose of putting in security cameras was to put them in high crime areas. If you only have one camera in that area with those numbers that he called out then there is something definitely wrong. If we are doing it for money sake then go ahead and submit it. He submits to you all day long that something is deceptive.

***A motion was made by Mayor Pro Tem L. M. Hill-Lawrence, seconded by Councilman R. T. Donnelly that we approve the submittal of the grant and then get Mr. Brooks the information that he needs. Those voting in favor of the motion were: Hill-Lawrence, Donnelly, Baker, Hummer, Stimatz and Walton. Against: Brooks. Motion carried.***

Mr. Brooks stated that he will send to the Department of Justice this same thing that he is saying. He is not fighting against it but he is saying that he wants the numbers to be true and matched. Don't give him a brown shoe on his left foot and a black shoe on his right foot and tell him they are the same.

d} Reappointments/Appointments to Planning Commission:

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to suspend the rules regarding voting on each reappointment/appointment separately and allow voting on all four appointments with one voice vote. Those voting in***

***favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

Mayor Peel called for confirmation of the reappointment of Ernest R. Sutton and Donald Witosky and appointment of Ignazio (Sonny) DiGirolamo and Johnny E. Jones, II to the Planning Commission for four year terms ending February 28, 2017.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to confirm the reappointment of Ernest R. Sutton and Donald Witosky and confirm the appointment of Ignazio (Sonny) DiGirolamo and Johnny E. Jones, II to the Planning Commission for four year terms ending February 28, 2017. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer and Walton. Against: None. Motion carried.***

e} Special Elections/Hold Over:

Mayor Peel called upon Councilman Brooks for comments.

Councilman Brooks stated we have had a few elections in the past that we had controversy on who should be the hold over. It is his understanding that we, as a council and a legislative body, we can determine this. We can send it forth to the General Assembly with our change in our charter to really make it specific. Then every time this comes up we will not have to go through the same thing, writing the Attorney General, arguing among ourselves, etc. We have within our power as a Council to specifically say what will happen in those cases. We have had an incident with a hold over in the last two elections as he was involved in it. We can fine tune this if we have to put together a committee because it is ridiculous every time we have an election. We don't need to keep going through the same time, fighting among ourselves and writing the Attorney General, etc. We can make it specific in our Charter and eliminate all this mess.

Mr. Olson stated what the Council needs to realize is we do fall under Section 5 of the Voting Rights Act and before we could send it to the Legislation we need pre-approval by the Department of Justice. The last date for bill filing is sometime the second or third week in March. All this would need to be done prior to March 15<sup>th</sup> if we want a local bill introduced. We will definitely need the DOJ's approval since it involves a modification to our election process.

Mr. Brooks stated it is not so much a modification to our election process as this is just telling us what would take place if there was a hold over. It doesn't upset the balance of the election process itself but what we are saying is in case of

this. A hold over doesn't have anything to do with the election process. The hold over person is not elected. That is not a part of the election process.

City Attorney Morgan stated he believes since this does affect the process of voting that it does have to go before the DOJ. It changes that status quo of who holds the seat.

Mr. Brooks said a hold over is not an elected seat. That is where you are distorting things. It is not as difficult as you are trying to make it.

Mr. Morgan said he is not trying to distort anything but the last thing that we want to do is to change something without getting DOJ approval. If the response is we have nothing to do with this and to go right ahead and do this then by all means we can move forward. He is being hit with this the first time tonight and he is in no position to give you a definite answer tonight.

Mr. Brooks said you can call the Department of Justice and speed up the process. We don't have time to do the paperwork and stuff because of the short timeframe. He remembers all the paperwork that was sent forward last time and they kept telling us we had it within our power. He hasn't read anywhere where someone said it has to go through the Department of Justice. This is the first time he has heard that and he has been one of the victims twice in a hold over and once in a special election.

Councilman Stimatz said he is looking at Section 5 of the Charter. It says, "The Mayor and Council Members serving on the date of ratification this act shall serve until the expiration of their term or until their successor are elected and qualified. Thereafter, they will be filled as provided." That would infer to him that until your successor is elected and qualified, you will continue to sit and that the language already in there already has for a hold over in which case if you are the sitting member in a contested election you are going to sit until a successor is elected and qualified. He would argue that you can use that language and you don't have to do anything to say that the person that is going to be sitting there until all is satisfied is the person who is currently voted in.

Mr. Morgan said the problem we had last time was that we had two qualified applicants at least under that narrow interpretation of the Charter and that is why we sought the guidance as to which of the two should be the one who served as the hold over.

Mr. Brooks said that is why he is trying to make it specific so we won't run into that again. There is no need having a problem if we can take care of it. It might come again in another way but it should never come back the same way it just

came and we deal with the situation again because we are beating in the wind. That is all he is trying to eliminate.

Ms. Baker asked how many times you have seen this happen. Has it only been in recent memories?

Mr. Brooks said that is the only time he remembers it ever happening. It happen twice and one time we left the seat open and that meant that the Ward was not being represented properly because our Charter states there are two representatives per Ward.

Ms. Baker said she doesn't see why we are going to change the Charter for something that happens every 100-200 elections.

***A motion was made by Councilman M. E. Brooks to draft something that would put in writing the specifics of how City Council would handle various hold over scenarios; then bring back to City Council for approval and if it is approved then it would be sent forward to amend the charter. Councilman J. B. Walton seconded the motion. Those voting in favor of the motion were: Brooks, Walton, Baker, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

f} Vision 2020:

Mayor Peel called upon Councilman Brooks for comments.

Councilman Brooks stated he would like to pull this item at this time.

**8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Councilman Donnelly stated he would like everyone to know he had a very nice time on Saturday night at the McGuire Theater. Freedom Train was put on by the Hurrah Players and they did a very good job. There were quite a few people from the Community that also attended and he is sure they enjoyed it as well.

Councilwoman Baker stated she would like to thanks those who expressed best wishes for her Father's speedy recovery from his recent illness.

Councilwoman Hummer stated she had no further comments at this time.

Mayor Pro Tem Hill-Lawrence stated she had no further comments at this time.

Councilman Walton stated you know the Daily Advance is always putting things in the paper to try to divide this Council. Last year on May 18, 2012 they said projects and budget scrutinized. This year February 15<sup>th</sup>, it has Ms. Hummer and he up there looking like they were boxing and that is not the case. We are both from Elizabeth City and he knows she as well as he cares a lot about Elizabeth City. We are only doing what we think is the correct thing to do to try to move Elizabeth City forward. It basically talks about the budget process and the Finance Committee. He has no problem with the Finance Committee. Ms. Hummer does a tremendous job. She is a smart lady because she has some very good credentials and she does tremendous work and is very clever in how she does it. It talked about him judging and asking for more in the budget process. He has done that three years in a row since 2011 until today, so if he is wrong he is consistently wrong in what he asks. He asked you to give full Council more time with this budget process. The last time we voted he could only get Mr. Brooks and himself to agree. The first time in 2011-2012 full city council got six 5:30 meetings. We came back with a bad budget and he asked for more time the next year. The next year you gave full Council two meetings from six to two and the Finance Committee three meetings. Now, this year you only want to give the full Council one meeting. You are really getting generous now. The Finance two meetings and a possible one to be announced. If full Council is asking too many questions he guesses it will be given to the Finance Committee. If things are going smooth we will give it to the Finance Committee. He doesn't know why you do it that way because he is still asking you to do it the correct way. The Daily Advance really wants to make it a struggle for us and he thinks they are wrong in the way they do this. This year he doesn't want the minutes of our last session to read as this one. He then read an excerpt from the minutes of the City Council meeting held on June 25, 2012 regarding the adoption of Fiscal Year 2012-2013 Annual Budget Ordinance. He read all seven pages to prove that we need to meet as a full Council not just the Finance Committee because we can make better decision or collective decisions. When they put the Finance Committee together it was to review the budget and not to preview the budget. Preview means you do it before the budget is put out there and we need to do it the right way and let's don't think about amending the budget to get anything done that we want.

Councilman Stimatz stated he had no further comments at this time.

Councilman Brooks stated he did a whole lot of homework on this and one of the roles of City Council is to set and interpreted rules governing its own members. If we don't get the hold over correctly we are not doing what our role as Council members are. We are not setting and interpreting rules governing our own members. We are a statutory city and that means we are govern by ordinance and charter. We need to get this right. We need to follow the rules and it is our job to make sure they are directed and the ordinances are taken care of. The

Museum of the Albemarle did a Black History Month and he was one of the ones that had seven or eight different classes that were 20 minutes each and he now has a high admiration for teachers. When he saw those children he was very impressed as there is hope for our future. Those kids are something else. They know a lot about Black History Month. He would like to give all the kids that participated a shout out.

Mayor Peel stated the Museum of the Albemarle in their leadership has done a tremendous good job in bringing all kinds of outstanding programs to our area. The Elizabeth City Founders Day Gala is March 9<sup>th</sup> and he hopes to see some of you there. Councilman Spence emailed him earlier advising that he would not be able to attend this evening and anyone interested in meeting with Mr. Morgan and Mr. Brooks and he immediately after this meeting are welcome to stay.

**9} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 8:40 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Joseph W. Peel  
Mayor