

**City Council Regular Session  
March 9, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, March 9, 2015 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Pro Tem Anita Hummer  
Councilwoman Jean Baker  
Councilman Ray Donnelly  
Councilman Tony Stimatz  
Councilman Kem Spence  
Councilman Darius Horton

MEMBERS ABSENT: Mayor Joe Peel (*Attending Meeting at ECSU*)  
Councilman Michael Brooks  
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  
Battalion Chief Darren Saunders  
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 Pro Tem Anita Hummer at 7:00 p.m. Mayor Pro Tem Hummer welcomed everyone to the meeting and recognized Timothy Stallings to give the invocation, after which Mayor Pro Tem Hummer led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Pro Tem Hummer called for any adjustments to and approval of the agenda.

Councilman Stimatz asked to waive the rules for the roll call vote requirement for the appointments to the Urban Forestry Commission listed on the Regular Agenda. City Attorney Morgan advised that a super-majority vote would be required by four of the six voting members present.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to amend the agenda by removing the requirement for roll call vote in Item 9(a). Those voting in favor were: Baker, Hummer, Stimatz, Spence and Horton. Against: Donnelly. The motion carried.**

**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:**

Holley Koerber-Audette, 609 W. Main Street, Elizabeth City, NC thanked the Councilors for the opportunity to address them and for their continued public service. Ms. Koerber-Audette requested that Mayor Pro Tem Hummer take a roll call of each member of City Council and ask them what their current voter registration location is. She also requested that action be taken during the meeting. She stated that she would be following up with a written public records request to the City Manager asking for a complete list of each individual current member of City Council and the location of their current voter registration.

Joan Ellis, 1301 S. Williams Circle, Elizabeth City, NC stated that a great deal had been written recently about absentee or unreachable Councilmembers. She stated that she wondered, as did a great many of her friends and neighbors, why the City of Elizabeth City website did not contain a list of Councilmembers, how they can be reached, what committees each serves on and their attendance at those committees. She said that this is a part of the job that the citizens voted the Councilmembers in to do; and she reminded the Councilors that her taxes pay their salary. She stated that, in fairness to voters City-wide, citizens need to know “what you are doing and more importantly, what you aren’t doing.”

Timothy Stallings, 2703 W. Main Street, Elizabeth City, NC stated that he wanted to let everyone know that he is the pastor of Calvary Baptist Church located at 801 Riverside Avenue. He said that he was an African-American preacher in a Southern Baptist Church and had been blessed to be the pastor of members “that see no color.” He stated that there was a need for more churches in our community to actually “walk the walk not just talk the talk.” He offered his service at any time he was needed.

**4. Approval of Minutes:**

Mayor Pro Tem Hummer called for the Council’s pleasure regarding approval of the minutes.

- a. City Council Work Session of February 23, 2015:

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to approve the City Council Work Session minutes of February 23, 2015. Those voting in favor were: Baker, Donnelly, Hummer,**

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

b. City Council Regular Session of February 23, 2015:

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to approve the Regular Session minutes of February 23, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

c. City Council Special Meeting of March 3, 2015:

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to approve the minutes of the Special Meeting of March 3, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

## **5. Consent Agenda:**

Mayor Pro Tem Hummer 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. Consideration – Calls for Public Hearings to be held on March 23, 2015 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue for the following:
  1. To gather citizen input on the adoption of a resolution relating to the proposed CDBG infrastructure grant application for the raw water transmission line;
  2. To gather citizen input on the adoption of a resolution relating to the proposed CDBG infrastructure grant application for the Herrington Road Sewer Project;
  3. To gather public input regarding the adoption of a resolution naming the Boatworks Property “Coast Guard Park and further to direct the City Clerk to provide proper public notice at least ten days prior to the Public Hearing by advertisement in The Daily Advance and on the City’s website.
- b. Consideration – Authorization for Mayor Joseph W. Peel to execute the amended 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.

**End of Consent Agenda.**

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

**6. Regular Agenda:**

Mayor Pro Tem Hummer inquired of the City Attorney if the Council needed to vote again on the roll call vote waiver for the appointments on the Regular Agenda. Mr. Morgan advised that the action taken at the beginning of the meeting took care of the matter and no further action would be needed. Councilman Stimatz clarified that he did not intend to lump all the appointments together into one motion; he only intended to waive taking action by roll call on the individual appointments.

a. Consideration – Appointments to the Urban Forestry Commission (UFC) as follows:

1. Reappoint Adam White to serve a three-year term on the UFC expiring December 31, 2017.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to reappoint Adam White to serve a three-year term on the UFC expiring December 31, 2017. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

2. Reappoint Peggy Watts to serve a three-year term on the UFC expiring December 31, 2017.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to reappoint Peggy Watts to serve a three-year term on the UFC expiring December 31, 2017. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

3. Appoint Robb Davis to serve a 22-month term on the UFC expiring December 31, 2016.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to appoint Robb Davis to serve a 22-month term on the UFC expiring December 31, 2016. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

4. Appoint Kent Luton to serve a 22-month term on the UFC expiring December 31, 2016.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to appoint Kent Luton to serve a 22-month term on the UFC expiring December 31, 2016. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

- b. Consideration – Adoption of Resolution Declaring Real Property owned by the City as Surplus:

Mayor Pro Tem Hummer recognized City Manager Olson to review this item.

Mr. Olson stated that the City had received a request from Mr. Donald “Skip” Riley concerning a parcel of property the City owns, which is adjacent to property Mr. Riley owns at 909 Morgan Street. Mr. Olson advised that this particular tract is 15 feet wide by 223 feet deep and consists of 3,304 square feet. He said that it was originally thought that the tract was an alley, but it has been determined to be a parcel purchased by the City in 1959 for \$100. He stated that he had not found that the property was purchased for any particular purpose.

Mr. Olson said that staff is requesting that the Council declare the property surplus in order to follow the upset bid process if and/or when an offer to purchase is received.

Councilman Stimatz inquired if the property could have been purchased because of a potential for needing an easement on the property or for possibly installing a stormwater drain outlet. Mr. Olson responded that he did not think so and pointed out that the adjoining parcel had also been purchased by the City a number of years ago. He said that the area is extremely wet and is a major issue for the City to maintain. He stated that an outlet exists a little further south from the parcel where it goes into Charles Creek on the other side of Mr. Riley’s property.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to adopt the following resolution declaring the property identified as PIN: 892309073123 and Map 24-B-36 as surplus property and authorize the City Clerk to begin the upset bid process as required by North Carolina General Statutes once an offer has been received on the property. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously.**

**Resolution # 2015 – 03-01  
Declaring Real Property Surplus  
and Authorizing Sale by Upset Bid Process**

**WHEREAS**, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 892309073123 and Map 24-B-36 and having a physical address of 00000 Morgan Street; and

**WHEREAS**, the City of Elizabeth City has no current or future need of said property for public use and is desirous of selling said parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 892309073123 and Map 24-B-36, located at 00000 Morgan Street is hereby declared surplus to the needs of the City of Elizabeth City; and

**FURTHER**, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statutes §160A-269 once an Offer of Purchase for this parcel has been made to the City.

**ADOPTED**, this the 9<sup>th</sup> day of March 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

Mayor Pro Tem Hummer inquired of the City Attorney his legal direction regarding the request made by Ms. Koerber-Audette during Public Comments. Mr. Morgan stated that typically the Council does not respond during a meeting to citizen requests that come in the Public Participation Section of the meeting. He stated that it was certainly the Council's call regarding whether they would like to deviate from that policy and answer the question. He said that he did not have a legal opinion regarding whether or not the Council should or should not respond; and pointed out that it was more a matter of the Council's choice regarding whether to deviate from its policy.

Mayor Pro Tem Hummer requested Council's pleasure regarding this matter.

Councilman Spence stated that he certainly did not have anything to hide or anything to cover because the information is public knowledge. He stated that it was his opinion that if the Council started deviating from the policy on one thing, it would lead to deviating from the policy on something else. He suggested that Ms. Koerber-Audette could get with the City Manager to obtain the requested information. He reiterated that he did not want to deviate from what the Council is accustomed to doing.

Councilman Donnelly stated that he concurred with Councilman Spence. He said the information is public information and anyone in the community could have access to it.

Councilman Stimatz stated that he would offer that the Council's Ethics Disclosure Forms that are completed annually contain the information requested by Ms. Koerber-Audette.

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

Councilman Stimatz announced that the Community Relations Commission has finalized the date for the showing of the movie "Racial Taboo" to all elected officials. He said the showing will be held at 6 p.m. on March 26 at the Knobbs Creek Recreation Center. In addition, he reminded the Council that the County Commissioners will be holding a formal dedication ceremony for the Hugh Cale Commissioners Room on Monday, March 16 at 5 p.m. in Courtroom C of the County Courthouse.

Councilman Horton thanked everyone for coming out and voicing concerns to the Council. He also thanked everyone watching at home for all they do to make our City a great city. He said that he was looking forward to moving on to bigger and better things and thanked Pastor Stallings for his prayer and reminding the Council about unity. He stated that he thought the City of Elizabeth City was doing a great job in working on unity.

Councilwoman Baker stated that she attended the Hopeline Annual Legislative Meeting and commented that it was well attended. She stated that the speaker was recently retired Hopeline Director Pat Youngblood, who delivered a good message.

Councilman Spence said that he always likes to commend City staff every time he has a closing statement and he wanted to commend Angela Cole. He stated that he had called the office several times; and he thanked Ms. Cole for taking charge and getting things done without hesitation.

Councilman Donnelly stated that he had some constituents praising the Police and Fire Departments for their very responsive reaction to an issue at an apartment complex. He said that the citizens were very pleased with their response. He wished everyone a Happy St. Patrick's Day and cautioned everyone to "enjoy it responsibly."

Mayor Pro Tem Hummer stated that she also thought the City had a great team to work with and she thanked all the workers for going out so quickly in bad weather and taking care of the problems.

## **8. Adjournment:**

There being no further business to be discussed, Mayor Pro Tem Hummer adjourned the meeting at 7:28 p.m.

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Anita Hummer  
Mayor Pro Tem

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Vivian D. White, CMC/NCCMC  
City Clerk