

**City Council Special Meeting
March 16, 2015**

The City Council of the City of Elizabeth City met for a Special Meeting on Monday, March 16, 2015 in Council Chambers, located on the second floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks (*arrived at 6:04 p.m.*)
Councilman Kem Spence
Councilman Darius Horton

MEMBERS ABSENT: Councilman Ray Donnelly (*on vacation out of state*)
(*Clerk notation: One Council Seat Currently Vacant*)

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
City Clerk Vivian White

The City Council Special Meeting was called to order by Mayor Joe Peel at 6:00 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Darius Horton to give the invocation, after which Mayor Peel led in the Pledge of Allegiance.

1. Agenda Approval:

Mayor Peel called for approval of the agenda.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to approve the agenda as presented. Those voting in favor were: Baker, Hummer, Stimatz, Spence and Horton. Against: None. The motion carried unanimously. (*Councilman Brooks had not yet arrived.*)

2. Consideration – Adoption of Resolution Calling for a Special Election to Fill the Vacated Fourth Ward Seat of Councilman Montravias King:

Mayor Peel recognized City Manager Olson to provide a review of this consideration.

Mr. Olson stated that former Councilman Montravias King resigned his Council seat on February 18, 2015 pursuant to NCGS §160A-59 when he registered to vote in Greene County. Mr. Olson said that when the voting registration change occurred, a notice was sent to the Pasquotank County Board of Elections removing Mr. King's name from the voter roll for Pasquotank County. He said that the City was notified of this event on

March 10, 2015 by the Board of Elections after he submitted an Open Records Request to them. Mr. Olson reported that pursuant to the City's Charter, the Council must meet within ten days of a Councilor's resignation to declare the seat vacant and call for a Special Election. He stated that the election must be held not less than 45 days or more than 60 days from the date of the vacancy. He reported that City staff counted calendar days and found that April 30, 2015 would be 45 days and May 15, 2015 would be 60 days from the vacancy date. Since it is required by State law that elections must be held on a Tuesday, it was determined that two possible dates for the election were available: May 5, 2015 and May 12, 2015.

Mr. Olson referred the Councilors to the draft resolution that had been provided and reported that the dates included therein had been reviewed and approved by the Supervisor of the Board of Elections. He reviewed the requisite dates for the Council.

Mr. Olson stated that the Board of Elections would be meeting on the following day, (Tuesday, March 17, 2015) at 9 a.m. and would verify the filing period for candidacy and the closing period for candidacy.

Motion was made by Councilman Darius Horton, seconded by Councilman Kem Spence, to adopt the following Resolution #2015-03-02 calling for a Special Election to fill the vacated Fourth Ward seat of Councilman Montravias King. Those voting in favor were: Baker, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.

**RESOLUTION # 2015 – 03-02
CALLING FOR A SPECIAL ELECTION
TO FILL A VACANT SEAT IN THE FOURTH WARD
OF THE CITY OF ELIZABETH CITY**

WHEREAS, 4th Ward Councilperson Montravias D. King has changed his voter registration from Pasquotank County to Greene County; and

WHEREAS, NCGS §160A-59 requires that a Councilperson must reside in the Ward he was elected to represent; and

WHEREAS, NCGS §160A-59 states that if a Councilmember ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant; and

WHEREAS, the City of Elizabeth City Charter requires that the City Council, within ten days of the event creating the vacancy, shall meet, and by Resolution, shall fix the date on which election to fill the vacancy shall be held; and

WHEREAS, NCGS 163-287 outlines the procedure for calling for a Special Election and directs the City Council to adopt a Resolution specifying the details of the election; and, to forthwith deliver the Resolution to the Pasquotank County Board of Elections to conduct the Special Election; and

WHEREAS, 4th Ward Councilperson Montravias King was elected in 2013 and has more than six months remaining on his term, thus allowing the special election to be held at a time other than a regular election as per GS 163-287(e); and

WHEREAS, NCGS 163-287 also requires that legal notice of the Special Election shall be published by the Pasquotank County Board of Elections no less than 45 days prior to the Special Election; and

WHEREAS, the City Council of the City of Elizabeth City deems that the Special Election shall as set out below, with the following timeline. The filing fee for this special election shall be \$10.00, the same as the regular filing fee for a Council Seat.

Date of First Publication of Notice of Election	March 21, 2015
Date Filing Period for Candidacy Begins	March 23, 2015 at 8 a.m. (*)
Date Filing Period Closes	March 27, 2015 at 5 p.m. (*)
Date Absentee Ballots Mailed	As soon as the ballot is printed
Date Voter Registration Books Close	April 17, 2015
Date One-Stop Voting Begins	April 30, 2015
Election Day	May 12, 2015
Run-Off Election Day, if required	June 9, 2015

(*) *Subject to Board of Elections approval.*

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the Pasquotank County Board of Elections is directed to hold a Special Election to elect a Councilperson to serve in the Fourth Ward of the City of Elizabeth City as provided herein.

ADOPTED, this the 16th day of March 2015.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

3. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:06 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk