

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. Those members in attendance were: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton. City Staff members in attendance were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Planning Director J. C. Brooks, Electric Director K. F. Clow, Parks and Recreation Director B. V. White, Public Utilities Director P. A. Fredette, Fire Chief L. M. Mackey, Finance Director S. E. Blanchard, Inspections Director S. E. Ward and Chief E. M. Buffaloe.

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:

Councilwoman L. A. Hummer asked to ***delete Item #9c from the regular agenda and add a closed session for consultation with the City Attorney as per NCGS 143-318.11 (a) (3).***

Councilman J. B. Walton asked to ***add to the agenda discussion of the Parks and Recreation and the Finance Committee.***

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to adopt the prepared agenda to include the above noted items. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

2} PRESENTATION/PROCLAMATION:

a} Presentation by ELCIPACA Fraternal Order of Leatherheads Society - ECFD Battalion Chief Dale Smith:

Mayor Peel recognized Battalion Chief Dale Smith for comments.

Chief Smith stated he just wanted Council to know that his group is out there. We are strictly a group of firefighters that got started up to support brotherhood

and sisterhood of firefighters. He went over their Mission Statement. He explained that the Fraternal Order of Leatherheads Society is an organization that was started in 1995 by a group of Central Florida Firemen. There are chapters all over the world. The term "leatherhead" is used for a firefighter who uses the leather helmet for protection from the hazards they face everyday on the streets. They are not a political organization as they are about preserving the tradition and heritage of the fire service and taking care of our brother and sister firefighters. They are involved in fundraisers; charity events and helping disadvantaged children receive gifts at Christmas. Their membership is growing everyday and would like to encourage you to start a FOOLS chapter in your fire department.

b} Proclamation – Fair Housing Month – April 2013:

Mayor Peel read and presented a proclamation to Mr. George Bright proclaiming April, 2013 as Fair Housing Month in Elizabeth City.

Mr. Bright made brief remarks in regards to Fair Housing in Elizabeth City. This is the 45th anniversary of the passage of the Civil Rights Act that included the fair housing laws that we honor and respect during April. For the last 15 years he has been coming in front of you saying thank you for the role that you play in the work by these different organizations. He is very appreciative of the proclamation and the support of the City.

3} PUBLIC COMMENTS:

Ms. Susan Neal Matousek, 403 Princess Ann Circle, Elizabeth City, addressed Council regarding issues of judicial prejudice and discrimination in our Court System. As a citizen of this community she expects public officials to take abuse seriously. She was here to advocate for the 1000 disable kids rights as citizens living with a disability. She asked that Council take her complaints seriously.

4} APPROVAL OF MINUTES:

Mayor Peel called for action regarding the March 25, 2013 Regular Meeting minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the March 25, 2013 Regular City Council meeting minutes as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

5} CONSENT AGENDA:

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

Councilman Walton stated he had asked the City Manager if there was any money involved with any item that he needed to spell the item out a little bit more. He feels that Item #D needs to be explained in more detail so the citizens will understand what it is for.

Mr. Olson replied that there is a 5% In-kind grant contribution that is called for if the City sponsors the grant. We provide that through grant administration as we did with the Tractor Supply Grant and the former Marina Restaurant which is now Rivers Edge.

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

Consent Agenda:

- a}** Authorized Mayor J. W. Peel to execute an agreement with Evangelos and Aspasia Alexopoulos.
- b}** Approved the purchase of a Terex Hi-Ranger Bucket Truck in the amount of \$184,469.92 and declaring surplus a 1986 GMC Top Kick Bucket Truck.
- c}** Authorized the submission of a grant Application to Dr. Pepper Snapple Public Park Recycling Grant Program for 43 recycling bins.
- d}** Authorized the submission of a grant application to the NC Rural Center on behalf of River City CDC for a Building Reuse and Restoration Grant for property located at 501 S. McMorrine Street in the amount of \$50,000.
- e}** Adopted the following Resolution opposing disposal of fracking waste in Eastern North Carolina:

**RESOLUTION #2013-10
OPPOSING THE DISPOSAL OF
FRANCKING WASTE IN
NORTHEASTERN NORTH CAROLINA**

WHEREAS, hydraulic fracturing, or “fracking,” is a method of extracting natural gas that involves injecting, at an extremely high pressure, a mixture of water, sand, and toxic chemicals to break up shale or other rock formations otherwise impermeable to the flow of natural gas; and

WHEREAS, North Carolina does not currently allow either horizontal drilling or hydraulic fracturing, and the current North Carolina study of in-state shale gas resources and of the potential impacts of reversing this ban and allowing drilling and fracking to extract these resources was undertaken with insufficient time and without adequate funding; and

WHEREAS, Senate Bill 76, which would lift the state’s ban on fracking, was co-sponsored by Senator Bill Cook, was passed by the Senate, and will be considered by the House of Representatives; and

WHEREAS, fracking operations in North Carolina would be concentrated in Western North Carolina, however, it has been reported that there are no viable options for disposal of fracking waste in the western part of the state and that Eastern North Carolina might be an option for deep-well disposal of fracking waste; and

WHEREAS, the wastewater produced from hydraulic fracturing includes carcinogenic, corrosive and/or toxic salts, metals, chemicals and radioactive materials; and

WHEREAS, the disposal of fracking byproducts into the aquifer could have a detrimental impact on the environment, including contamination of drinking water wells and surface waters; and

WHEREAS, Section 5 of the North Carolina Constitution states that “IT s hall be the policy of the State to conserve and protect its lands and waters fro the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions...to control and limit the pollution of our air and water...and in every other appropriate way to preserve as part of our common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty”; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City is greatly opposed to the disposal in Eastern North Carolina of fracking waste and byproducts from other areas of the state.

BE IT FURTHER RESOLVED, that the City Council of the City of Elizabeth City urges the North Carolina General Assembly to pursue viable options for the

property disposal of fracking waste in geographic areas that receive economic benefit from fracking operations.

ADOPTED, this 8th day of April 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda:

6} REGULAR AGENDA:

a} Award of Bids for the replacement of the Charles Creek Park Pavilion Shelter:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated that one of the capital projects that was included in the fiscal year 2012-2013 Budget was the replacement of the Charles Creek Pavilion. We budgeted \$175,000. City staff, along with consultation with the Parks and Rec Advisory Board, has decided to replace it with a 40' X 75' rectangle structure which we will purchase from Piedmont Parks in the amount of \$80,860.00. The erection which includes handicapped restrooms that will be located on the eastern end of the building would be done by A. R. Chesson in the amount of \$76,256.00. The demo of the existing structure would be done by Stevenson's Sand in the amount of \$3,600.00 plus there is an electrical fee for the work to be done by city staff which will be \$10,000.00 which brings the total figure to \$170,716.00. Staff recommends approval of this structure.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to make the following awards: 1} Piedmont Parks be awarded the bid to provide the shelter at \$80,960; 2} A. R. Chesson be awarded the bid to erect the shelter for \$76,256 and construction of the restrooms; 3}

Stevenson's Sand be awarded the bid to demolish the existing shelters for \$3,600; and 4} 10,000 will be provided for electrical work, with a total construction project cost of \$170,716. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

b} Report regarding gang documentary video received from concerned citizen:

Mayor Peel called upon Chief E. M. Buffaloe for comments.

Chief Buffaloe stated City Council was approached twice at recent sessions by a concerned citizen who presented a video in reference to gangs. The video was entitled "To Live and Die in America." He requested that the police department review the video and advise accordingly. He did review the video and it was determined that the Police Department is already accomplishing many of the key points that are discussed in the video. The video was graphic in nature and geared toward an audience of youth of ages of 13 and over. The mythology used in this video is geared to the same crime fighting techniques; however, because of the graphic contents it does not completely mesh with our departments current initiatives. The Elizabeth City Police Department does have a full time gang prevention officer. He has been with the City since 2009 and has been giving presentations throughout the community. We are in partnership with River City CDC Youthbuild mentoring program where some of our officers serve as mentors as well as our very productive Police Athletic League who looks at youth between the ages of 6-18. We also have what we call an "Adopt a Cop Program" in the elementary schools for youth between the ages of 5-10 years. Both the police department and Mr. Shahid want to accomplish the same goal which is to rid the streets of gangs and violence within the City of Elizabeth City. However, we will continue our concerted efforts in reducing crime city-wide and support any ideas and work in collaboration with Mr. Shahid as he strives to make a difference in his community.

Councilman Brooks asked how frequently does the gang prevention officer gives presentation to private citizens, civic organizations, churches, businesses and the school system. He is around all the time and he has never seen a presentation.

Chief Buffaloe said he has been here four months and they haven't done one since he has been here.

Mr. Brooks said he finds it amazing that everything that is happening at the City we have Youthbuild and River City CDC involved. He knows we have other organizations that have been effective. He doesn't understand why River CDC is

involved with everything. He is around all the time and this is his hometown but what he is saying is we have a lot of organizations and we need to tap into more often. We can't leave the livelihood of a few of our youth into the hands of a few. Whatever reason we can't continue with that. The problem with our youth extends to the family and it goes further than the police department. He admires what you are doing and the efforts you have put together but we can't just say we gave a presentation. Some of these churches have programs that reach out to the youth. His concern is the frequency that we talk to these other entities other than River City CDC. He hasn't seen the documentary and he would like to see it for himself. It will take a collective effort to make it work. We have other organizations out there besides River City CDC that are doing good work with our youth. We have organizations that are already mentoring youth. The reason why he speaks so extensively on this is because he has been doing this for a long time.

Councilman Stimatz asked, what was the role of the Community Relations Committee in this process. It should be part as that is what they are about. Does the school system or the sheriff's office have a program?

Chief Buffaloe stated he is not sure if they have put any resources on this at all. The SRO fall under the Sheriff's office. He is not sure about the other two.

Mr. Stimatz asked why it is just the City's responsibility. Why are we the carrier of the football and tackling and blocking, etc? They are not all children in the City and the problems are not all in the City. We are in the County. CRC belongs to both the City and the County. The school system hopefully is doing something. If we run the crime out of the City then we all know where it is going. We have been pretty successful too.

Chief Buffaloe said he is not saying that he isn't working with those groups. He is not aware of some of them but he was just tasked with reviewing the documentary.

Mr. Stimatz said it is ok but you opened the door and now we get to look at everything in the room.

Chief Buffaloe said he was just blindsided.

Mr. Stimatz said just come back in a few months and tell us how you have engaged these other entities.

Mayor Pro Tem Hill-Lawrence stated we just had the crime prevention person at our community watch. The information was really good that he shared. She thinks the other groups need to invite him to their meetings.

Councilman Spence said he thinks you should utilize the prison with the ST Officer there. One STO for a city this size and the gang problem we having any help would be appreciated. The more training the officers can get the better off we will be.

c} Hold Over positions on Council:

Mayor Peel called upon City Attorney Morgan for comments.

Mr. Morgan stated that during the last Council meeting he was directed to tweet the second paragraph of the suggested revisions to our rules and procedures that he had submitted earlier. He has done so and he believes the second paragraph addresses appropriately the situation which he was asked to address. Assuming this meets with Council's approval what he would proposed that we do is go ahead and include these revisions in our Rules and Procedures which he believes were last updated in February 13, 2012. He has reviewed the rules to see if he could find a neat spot where these should be inserted and he really doesn't see that. He would just suggest perhaps that we include these two paragraphs as the new Rule 32 and move the existing Rule 32 which is the one dealing with amending the rules to Rule 33 and the existing Rule 33 which references Roberts Rule of Order when our policies don't address particular situations to Rule 34. With your permission he will go ahead and ask that to be done and submit the suggested revisions to the Justice Department and seek their approval.

Councilman Stimatz said we shouldn't amend it yet or should we?

Mr. Morgan replied that he thinks we could go ahead and amend our rules subject to Justice Department approval and you know how that sometimes moves at a snail pace but he will try to get the letter out this week and he would hope that we would have a response within a few months.

Mr. Stimatz said then he would offer his time to Councilman Brooks who brought this issue up to make that motion.

A motion was made by Councilman M. E. Brooks, seconded by Councilman R. T. Donnelly to adopt the proposed revisions to the City's Rules and Procedures subject to the Justice Department's approval; and, authorize the City Attorney to submit the proposed revisions to the City's Rules and Procedures to the Justice Department for approval. Those voting in favor of the motion were: Brooks, Donnelly, Baker, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

d} Parks and Recreation:

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

Councilman Walton stated that he is part of the Parks and Recreation Committee and there were some emails that were circulated this past week. When you are not at a meeting and then you get minutes and everybody is not capable like Ms. Pierce-Tamplen, who gives us accurate minutes, but sometimes people hear what they want to hear or write what they want to write. There was conversation between City Manager and one of our counselors and the counselor made some very good sound common sense statements in the emails. He was saying whereby we may not be able to afford to build a baseball municipal stadium at this time. There are teams in Virginia and in Edenton and because of the revenue arrangements this year with the government we may not be in position to do that municipal stadium. During that meeting that we had, he made some similar statements such as "we might have to get the stake holders together or we might need to put out a bond referendum". He was trying to help solve the problem. Then he received the minutes and it looks like he is the one that is trying to push the issue. He thinks Mr. Stimatz is very correct it is not being pushed by this Council but someone on the County side. That is not how the minutes read. The part that he is very perturbed and confused about is that, "Mr. Walton stated he wants a baseball stadium and to get all stake holders together now." He is not going to take that type of credit. Anybody that is listening he is not pushing for a municipal stadium in Elizabeth City. He hopes that is clear to everybody. Don't miswrite or don't misquote what he says. He just wanted to make this point clear.

Councilman Donnelly stated he likes the suggestion that we get the stake holders together because he feels that we do need a stadium whether it be a football or baseball stadium. He does support that.

e} Finance Committee:

Mayor Peel called upon Councilman Walton for comments.

Councilman Walton stated last week he had a chance to go to the Finance Committee meeting. It was overwhelming how well it was carried out. He commends Ms. Hummer for the job that she did in chairing the meeting. We have three other people on this Council that is on that committee; Ms. Hill-Lawrence, Mr. Donnelly and Mayor Peel. They did a tremendous job on covering the items that was placed on our agenda. He would like to say one thing and he hopes it will be taken positively. An issue was brought up by the City Manager it must have been important to him. The issue was discussed and they had a

very good discussion on that issue. All of a sudden the City Manager withdrew the issue from the agenda. To him, that was not done right. If nothing else they should have at least brought it to the City Council what occurred. Then if the City Council wanted to discuss the issue we could. You have five other votes out there that never even heard what happened. Any time you dilute somebody's vote and five votes were diluted from even occurring because it was never brought in front of full Council. We probably should have brought that issue before Council because it showed up in the newspaper. He is saying that to say supposed the same thing happened in a budget session and they discuss it and say well we don't need to talk about that. That would be diluting his vote. That is why full Council should hear everything even if it is a recommendation that we don't involve ourselves with that issue. It should have been brought up and discussed by full Council.

Mr. Olson asked to address Mr. Walton's concerns. He said the item that Councilman Walton specifically discussed is the police substations that we have in a number of different neighborhoods. The reason why it was withdrawn was because it was his opinion that the Finance Committee wanted additional information that could not be gathered by the next City Council meeting. Chief Buffaloe was out of the office last week and he was the point person on this particular item. It was a lot easier for him to have that withdrawn for further discussion and further review as we do a number of items that go to the Finance Committee when we don't have the information that the Finance Committee requests at the time we take it to them. The Finance Committee meets about four hours before we send out the City Council agenda and we just did not have time to gather the information that was requested by the Finance Committee.

Councilman Brooks stated he also had the opportunity to attend the meeting. At this particular time he was here and the meeting went very smoothly like Councilman Walton stated. The issue that came up he wished everyone could have heard Ms. Hummer addressed it very well. After the information is given will it come before the full Council so that the citizens can hear what is said about the item? It was a good meeting and he wished the whole council could have heard how it was addressed.

Councilman Stimatz said he was expecting to discuss this issue at some point and it seems like it was taken off without us finding out. The other question he would like to ask is where are the Finance Committee meetings minutes on line? He knows we get them when they are written but he went to look for them on line yesterday and could not find them.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks that any formal committee established by the City Council of the City of Elizabeth City have their

adopted minutes placed on line in a place that is easily accessible by the public. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Councilman Walton stated he would like to continue the conversation now. The only point that he is trying to say is it should have been brought back here that the issue has not been completed. There were only three council members and the mayor and two other council members that could not vote in attendance. There are three more council members that haven't heard any of this discussion. Something should have been said about that issue tonight so that it would allow people to know that something else is coming later.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated he had no further comments.

Councilman Stimatz stated he had no further comments.

Councilman Walton stated he had no further comments.

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

Councilwoman Hummer stated there is quite a bit of concern in her Ward because the Community Watch Groups have fallen apart. Unfortunately, a lot of the people that were in the original community watch groups are elderly and didn't attend. She realized it is hard to bring attendance up but people felt safe because they knew other people that were able were attending. Now they don't feel so safe and for that reason, Mr. Olson she would like to have a meeting with you and Chief Buffalo and discuss this issue. She knows people have to come forward usually and volunteer to start a community watch group. She started the first community watch group in 1994 and at that time the police chief assigned a crime prevention officer to the groups. This might be something to look into. She feels the need to try to get those areas back up again. Community Watch is a lifetime partnership between the police department and citizens. Citizens can't do it by themselves and the police department needs eyes and ears too. It has proven to be very effective just as the mobile units were.

Councilwoman Baker stated she went to the Edgewood Park Ribbon Cutting last Wednesday and it was very well done. The park was full of kids. She also participated in a street cleanup on Main Street. The Historic Neighborhood Association adopted Main Street years ago and Saturday was one of the days that we picked up trash from East Main all the way to Hughes Boulevard. There were about 8 or 9 people that showed up and we did it in a short time. One

thing she noticed when picking up trash was the number of cigarette butts, especially around multi-family residences. She doesn't know if there is something that we could require in our ordinances that requires them to have some type of receptacle for cigarette butts or for trash. It was amazing at the number of bags of trash we picked up.

Councilman Spence stated that on Sunday, April 21st from 2:00 to 4:00 p.m. there will be a 50th anniversary of a courageous man, Mr. Leander Repress. He is the first black police officer in the Elizabeth City Police Department. That will be at the Albemarle Museum. The other thing is he has a question about the area between Walkers Landing and Papa Johns and he knows Councilman Brooks has mentioned it before but there is an area maybe five foot and then 75 feet that needs to have that ditch closed in to keep the citizens from walking right against the street. He is scared someone is going to get hit by a car. If they closed that ditch in it would be easy to make a walkway from Walkers Landing to that little shopping area. He remembers Councilman Brooks mentioning it but nothing has been done on it. They cleaned the ditch out but some pipe needs to be put in and then put dirt over the pipe. He would like for someone to look into that.

Councilman Donnelly stated today he had the good fortune to attend a Webinar presentation entitled: *Critical Mass is More Than Religious Experiences*. There were approximately thirty-four people that attended. It was basically addressing how best to revitalize your downtown and how to make your downtown vibrant again. It was an hour presentation which provided a great deal of information and he thinks it all ties into the Mayor's 2020 Vision. He was quite pleased with that and he appreciates Ms. Malenfant's efforts in pulling it all together and the City for making the chamber available for making such a presentation.

Mayor Peel stated he doesn't have any further comments.

8} CLOSED SESSION:

Mayor Peel called for a motion to retire into Closed Session.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman M. E. Brooks to retire into Closed Session as per Consultation with the City Attorney as per NCGS 143-318.11 (a) (3). Those voting in favor of the motion were: Hummer, Brooks, Baker, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

9} RETURN TO REGULAR SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to return to regular session. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

10} ADOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 8:36 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor